Canadian Condominium Institute | Institut canadien des condominiums

A TENANT'S GUIDE TO CONDO LIVING

WHAT IS A CONDOMININIUM?

"Condominium" is a method of property ownership. A residential condominium can be a high-rise building, a group of townhouses, single family homes, semi-detached homes or any combination of the above. Each condominium is operated by a "Condominium Corporation". A unit owner becomes a member of the Condominium Corporation at the time he or she purchases a unit.

HOW DO I KNOW IF THE HOME I WILL BE LIVING IN IS IN A CONDOMINIUM CORPORATION?

Ask the landlord you are renting from whether the property is in a condominium. If the unit you are renting is in a condominium, you must deal directly with the owner of the unit for matters relating to the unit itself, but you also may have to deal with the Board of Directors or Property Manager from time to time for issues relating to your use of the condominium and its common areas.

HOW CAN I KNOW MY RESPONSIBILITIES AS A RESIDENT OF A CONDOMINIUM?

Every condominium has a set of governing documents consisting of: (1) a declaration; (2) one or more by-laws; and (3) rules. As a resident of the condominium you are required by law to abide by the provisions found in those documents as well as the Condominium Act, 1998. Your landlord is supposed to give you a copy of those documents. You should read them carefully to understand what you can and cannot do as a resident of the condominium. Both you and the owner of your unit can be held responsible for any breach of those provisions by you. If a resident continues to breach those provisions, the Condominium Act, 1998, gives the Condominium Corporation the authority to take that person to court and even to seek an order from the court terminating a tenancy.

WHO IS ON THE BOARD OF DIRECTORS AND WHAT DO THEY DO?

The Condominium Corporation holds an Annual General Meeting attended by the owners, at which time a Board of Directors is elected. The Board of Directors is usually made up of individual unit owners, although the by-laws might allow other people, including tenants, to be elected. It is the responsibility of the Board of Directors to manage, control and administer the common elements and any assets of the corporation and to enforce the provisions in the Condominium Act, 1998, and the declaration, by-laws and rules of the Condominium Corporation.

IS THERE A PROPERTY MANAGER?

In the majority of cases, the Board of Directors of a Condominium Corporation contracts the services of a Property Management company to manage the day-to-day affairs of the condominium. The Property Manager can be authorized to carry out almost all of the responsibilities of the

Board of Directors (under the Board's direction). However, neither the Board nor the Property Manager is your landlord. Unless your landlord has entered into a separate contract to have the Property Manager represent the landlord, any problems you have with the unit must be resolved by you with your landlord directly. While the Property Manager does not make decisions or dictate outcomes regarding your property, he or she can be a valuable resource for information which may not be provided to you by the landlord or to deal with emergencies or other matters when your landlord is unavailable. Do not hesitate to call your Property Manager if you have any questions. Your Property Manager will be able to provide you with answers and information or direct you to someone who can.

WHAT ARE THE LANDLORD'S OBLIGATIONS WHEN RENTING A CONDOMINIUM UNIT?

In order to ensure that you are aware of what you can and cannot do both inside and outside your unit, the landlord is obligated to provide you with copies of the condominium's declaration, by-laws and rules. The Landlord is required to give you this information before you sign the lease. These documents contain the rules of the condominium, which usually include guidelines about such matters as parking, pets, garbage collection, use of recreation facilities and who to call in case of an emergency. If you are not provided with this important information, call your landlord and request it: your landlord is responsible for providing you with that information.

IS THE CONDOMINIUM ENTITLED TO INFORMATION ABOUT YOU?

The landlord is required by the Condominium Act, 1998 to provide the Condominium Corporation with a copy of your lease or a tenant information form prescribed by legislation. This form lets the Board of Directors and Property Manager know who is renting the unit, how to contact you and certain provisions of your lease arrangement (including rental amount and term). This information is not shared with anyone else and is used solely for the purposes of maintaining accurate and up to date corporate records and to ensure the Board or Property Manager knows who is in the condominium to maintain the security of the property and deal effectively with any emergency situations. You may also be asked to provide additional information such as "Emergency Contact Information" and "Vehicle Registration Information". Your lease or the condominium's governing documents may require you to provide this information. Privacy legislation effective January 1, 2004, ensures that neither the condominium corporation nor the Property Manager uses this information for anything other than condominium related purposes.

WHAT ARE "UNITS", "COMMON ELEMENTS" AND "EXCLUSIVE USE COMMON ELEMENTS"?

The "unit" is the part of the condominium property owned exclusively by your landlord. What makes up a "unit" is determined by the condominium documents. Although the variety of possibilities is virtually endless, typically the unit boundaries are the drywall on the outside walls or walls between units, the interior surfaces of doors and windows, the surface of concrete floor (in the basement or lower floor of multi-level units) and the surface or drywall on the upper ceiling. In some units (usually in condominiums that consist of townhouse or bungalow style homes) the boundaries can extend all the way outside of the actual building, to include external parts of the building or even the front, rear and/or side yard areas.

All areas that are not defined in the condominium documents as being part of the units are called "common elements". Common elements are parts of the condominium property that are owned collectively by all of the unit owners. Some typical examples of common elements are: roads, parking areas, landscaped areas, roofs, windows, doors, foundations, balconies, decks and porches. However, as discussed above, it is also possible some or all of these things can be components of the units if so defined in the condominium documents.

Some areas of the common elements may be designated in the condominium's declaration for the exclusive use of the residents of one unit. These are often referred to as "exclusive use common elements". Typical examples of such designated parts of the property include balconies, parking spaces, storage lockers, driveways, porches and patios; however, it is possible that none of these areas will be so designated. You are not permitted to use the exclusive use areas that are allocated to another unit. Your use of the exclusive use areas is subject to the condominium rules.

The Condominium Act, 1998 and governing documents of the condominium set out different rules for dealing with units and common elements.

For example, under the Condominium Act, 1998, you cannot make any changes or improvements to

a common element area, including exclusive use common elements areas, without the permission of the Landlord and the consent of the condominium's Board of Directors. For most changes you might want to make, your landlord may have to enter into a special agreement with the condominium corporation that will get registered on title to the unit. The landlord may require a similar agreement and the costs of entering into such agreements from you. These requirements apply even for seemingly minor or regular changes, such as installing a satellite dish on a roof, outside wall or balcony railing of the unit.

You should ask the Landlord or check the condominium documents to find out where the unit boundaries are and if there are any parts of the common elements that are designated for the exclusive use of any of the units.

WHO IS RESPONSIBLE TO REPAIR AND MAINTAIN THE UNIT AND COMMON ELEMENTS?

The Condominium Corporation is always responsible for repairing damage that occurs to the common elements that are not designated for the exclusive use of any unit. Typically, this will include all or most of the outside areas of a condominium townhouse or apartment. The Condominium Corporation may also be required to maintain those outside areas, even if they are technically part of the unit or designated as exclusive use areas. All of this is dependent on what is set out in the condominium's governing documents.

If there are exclusive use areas allocated to a unit, the owner of that unit is usually responsible for keeping these areas clean and tidy at all times as well as for removing snow and ice.

Usually, all repairs and maintenance required on the inside of a condominium townhouse or apartment are the responsibility of the unit owner (landlord), not the Condominium Corporation. Some examples of typical ensuite repairs are: leaky taps, plugged toilets, defective appliances, problems with the furnace or air conditioning, door locks, window screens and garage door openers. Call your landlord if you experience these types of problem. It is possible the Condominium Corporation is responsible for some repairs or maintenance inside a condominium unit but this is not usually the case.

As noted above, your landlord might contract with the Property Manager for the care of your rented unit. If that is the case, the landlord may direct you to call the Property Manager instead.

It is usual that a landlord will pass on some or all of his or her maintenance and repair responsibilities as unit owner to the tenant of the unit. This may be subject to certain provisions in the Tenant Protect Act, 1997. If these areas are not adequately maintained or repaired, the Condominium Corporation can do the work required and invoice the landlord for the full amount. Typically, the landlord will then likely seek to be reimbursed by the tenant.

WHAT INSURANCE DO I NEED?

The condominium is responsible to insure the common elements and certain parts of the unit defined in the condominium documents as the "Standard Unit". Standard Unit definitions are not uniform from one condominium to another.

The owner of the unit is responsible to insure all components of the unit over and above the defined standard unit.

The tenant is responsible to insure all the tenant's personal belongings and Contents of the unit. It is strongly recommended that a tenant insurance policy is purchased which will not only cover your personal contents but also liability insurance and third-party deductible. A tenant may be held responsible for damage caused to the home and/or to other homes or parts of the common elements in the condominium, as well as for personal injuries of other people, so it is crucial to have sufficient and appropriate insurance.

EMERGENCY SITUATIONS

FLOOD	Caused by an overflowing toilet, leaking hot water tank, defective washing machine / dishwasher / water softener / frozen pipes	• Know where the shut off valves are to turn off these appliances and water to the home. • Call the Property Manager and your landlord immediately if the water is causing damage to the unit, other units or common areas. • Have landlord check that they function properly so that they work if needed.
FIRE	Grease / electrical / wood	• Ensure the smoke detectors, heat detectors and carbon monoxide detectors, (if applicable) are functioning. • If the Condominium Corporation has inspections or tests of such equipment, cooperate fully at all times. • Have a fire extinguisher handy that is rated for all types of fires but do not risk your life or being injured if the fire is out of control or the room is filling with smoke. • Leave the building and call 911 • If the building is equipped with external fire alarms, pull the nearest one. • Ensure all occupants know the fire escape plan. • If you have a pet carry it or keep it under control.
GAS	Smell of gas odors, gas furnace not working	• If you smell gas odours, immediately vacate the unit and call 911 or the emergency gas number for your local gas supplier. • Contact the Property Manager and your landlord. • Call the landlord for furnace or other gas appliance repairs.
HYDRO	No power to home or part of home	• If you lose power to your home or part of it and it is not a general power failure for the area it may be a breaker or fuse. • Be familiar with the breaker panel/fuse box. • Do not attempt to make your own electrical repairs. • Call the landlord for unit repairs or the Property Manager if the blackout affects other units.

For students, parents can usually add their son/ daughter's residence as an "additional property location" to their own home policy at a very reasonable cost.

WHAT DO I DO IN EMERGENCIES?

In the unlikely event that an emergency situation occurs in your unit, you should ensure that you have been told what to do and who to contact. Please see above chart.

LIFE SAFETY BUILDING CODE REQUIREMENTS

You should make sure that the landlord has complied with all applicable municipal by-laws before permitting a bedroom or kitchen in a basement. This is not only to ensure that the property meets all applicable building codes and regulations, but that is it properly set up so you are able to escape in the event of a fire. If in doubt contact the local building or zoning department.

OTHER EMERGENCIES

Some condominiums will provide tenants with a "Welcome Package" or "Tenant Information Book" which outlines the numbers to call in the event of an emergency. Professional management companies

have an emergency number which owners and tenants can call in the event of a common element emergency. Be familiar with the local numbers to call FIRE, POLICE, AMBULANCE, GAS, and HYDRO. Know your complete address and the closest street intersection: this information will assist the emergency crew in finding you.

CAN I PUT UP WINDOW COVERINGS?

Most condominiums restrict the use of flags and other interior window treatments such as newspapers, or foil paper as window coverings. Check the rules.

WHAT ABOUT PARKING?

Before you sign the lease, confirm the number of parking spaces available for your use with the landlord and the property manager. Most condominiums do not have extra parking. You cannot use Visitor Parking spaces to park your own vehicles. Visitors who stay for an extended period of time also may not be permitted to use the Visitor Parking spaces. Some condominiums may have extra parking but a monthly fee is charged. Condominiums do enforce their parking rules. Some condominiums have a contract with the municipality or private security companies whereby Enforcement Officers regularly patrol the properties and ticket illegally parked vehicles.

CAN I HAVE A PET?

Check the condominium declaration and rules to find out whether you can keep a pet. Some condominiums have provisions in their documents that restrict the type, number, size of pet(s) permitted or even prohibit pets altogether. These provisions are enforceable and not affected by or subject to the Tenant Protection Act. There are usually restrictions against allowing pets to be left unleashed and unsupervised anywhere on the property. "Stooping and scooping" is required. Noisy dogs left to bark either inside or outside are not condoned. Also note that many condominiums have the legal right to deem pets a nuisance and have them ordered removed from the property, should problems arise. You should either read the condominium documents or contact the Property Manager to find out what, if any, pets are permitted.

WHAT ABOUT SMOKING?

In most apartment style condominiums smoking is not allowed in common areas such as lobbies, hallways, recreation rooms or underground parking garages. If second hand smoke becomes a nuisance to adjoining residents you may asked to take measures to curb it, such as buying an air filter, keeping your windows/doors closed or not smoking on your balcony/patio.

WHO PAYS COMMON EXPENSES AND WHAT IF THEY ARE NOT PAID?

The owner is required to pay a monthly common element assessment (condominium) fee every month to the Condominium Corporation. This fee pays a portion of the costs of the overall upkeep of the property that are the responsibility of the Condominium Corporation. If the owner of a unit that is rented defaults in his or her payments, the corporation has the right to require the tenant to re-direct part or all of the rent to the corporation until the arrears are paid. A tenant would receive a notice explaining this requirement if it becomes necessary. In this case, the owner cannot sue the tenant for unpaid rent or threaten to terminate the tenancy. Neither will the tenant's credit be affected if the Condominium Corporation seizes some or all of the rent. Usually the condominium does not involve the tenant in cases of arrears, but simply registers a lien which does not affect the tenant unless the unit is sold to recover the debt. However, you should be aware that the right of the condominium to seize rent for arrears of common expenses does exist and any demands for payment received by the tenant from the Condominium Corporation should not be ignored. A tenant faced with such a claim should likely contact his or her own lawyer for advice.

ARE THERE RULES ABOUT NOISE?

Most municipalities have a 24-hour noise by-law which applies to any and all noise deemed to be excessive at any time of day or night. Condominium Corporations will often have rules prohibiting excessive noise as well. Noises emitting from loud stereos, parties and pets are not appreciated by neighbours and can result in court proceedings. If court proceedings are undertaken by the Condominium Corporation, the costs can often be recovered from the unit owner and the occupants of the unit. The costs are usually in the thousands of dollars. It is crucial to ensure that the rules about noise (and the rules generally) are complied with as there are efficient enforcement mechanisms set out in the Condominium Act, 1998.

CAN I USE THE RECREATIONAL FACILITIES?

Some condominium corporations have recreation facilities such as pools, tennis courts, exercise

rooms, saunas and club houses. You can obtain more information from the landlord, Board of Directors or Property Manager on how you can enjoy the use of these facilities. There are likely provisions dealing with this in the condominium documents.

WHAT ABOUT WASTE COLLECTION/RECYLING?

Check with the landlord, Board of Directors or Property Manager on how to dispose of your garbage and recyclable materials. There are likely provisions dealing with this in the condominium documents. Since these provisions relate to health, comfort and condition of the property, the Condominium Corporation will usually enforce such provisions very strictly.

WHERE DO I GET KEYS, PARKING PERMITS OR RECREATION PASSES?

In the majority of cases, all keys, permits and passes would be issued to you by the landlord. You will likely need to pay a fee if you lose any one of them.

ARE THERE RESTRICTIONS ON THE USE OF COMMON ROADWAYS AND DRIVEWAYS?

For the safety of all residents, skateboard riding, ball throwing, street games (ball hockey, soccer) are typically not permitted on the common roadways, driveways and parking areas. Under the Condominium Act, 1998, all dangerous behaviour is prohibited on condominium property. You should be very careful to drive at safe speeds, even if no speed limit is marked.

CAN THE UNIT BE USED AS A "LODGING HOUSE"?

Your municipality may have lodging house by-laws prohibiting an owner from renting a unit to more than a certain number of unrelated persons. For example, in the City of Guelph the maximum is three unrelated persons. All complaints received by the Condominium Corporation or Property Manager will be investigated and if a violation seems to be occurring, it will be reported to the City by-law enforcement officer. Such use of the unit could also affect the condominium's insurance and therefore may be prohibited by the condominium declaration or rules. You should be wary of assurances from a landlord that he or she is allowed to rent to more occupants than there are originally constructed bedrooms (i.e., not counting bedrooms built in basements or by dividing up other rooms). If in doubt, contact the Manager or the Municipal By-law Enforcement office before signing a lease.

WHAT DO I DO ON MOVING DAY?

Most high rise condominiums have rules respecting moving furniture in and out. You may have to reserve an elevator in advance and pay a damage deposit. Some condominiums prohibit moving on Sundays and holidays and require you move in or out only during designated hours. Check the rules the landlord gives you or call the Property Manager for more information. These rules normally don't apply to town house style condominiums but it would be safer to check to make sure.

BE A GOOD NEIGHBOUR

The majority of condominium units are occupied by their owners. Some home owners may be nervous about having tenants living next door, so don't hesitate to introduce yourself and let them know you intend to be a good neighbour. A few kind words or good deeds (like shovelling snow for an elderly resident) will help to eliminate these concerns, although the best way to show you are a good neighbour is by complying with the condominium rules and avoiding creating any unnecessary nuisance (odours, noise, garbage, etc.). Whether you are in a high rise or town house condominium noise tends to travel easily between units, so be considerate and turn down the volume.

WHERE CAN I OBTAIN MORE INFORMATION ON CONDOMINIUMS?

You can obtain more information on condominiums by logging on to any one of the Canadian Condominium Institute Chapter's web site or the Institute's national web site listted on the back cover of this brochure.

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THE VOICE OF CONDOMINIUM

EMERGENCY NUMBERS

Police _____

Fire _____

Ambulance _____

CALL 911 WHERE APPLICABLE

Hydo _____

Gas _____

Water _____

Condominium Manager _____

Address: _____

Tel: _____

Fax: _____

Email: _____

Condo Superintendant _____

Tel: _____

Condominium Address _____

_____

Nearest Intersection _____

CCI Addresses

CCI-National
cci.national@taylorenterprises.com
www.cci.ca

CCI-Vancouver
BCCI@vancondo.com

CCI-North Alberta
info@cci-north.ab.ca
www.cci-north.ab.ca

CCI-South Alberta
info@cci-south.ab.ca
www.cci-south.ab.ca

CCI-North Saskatchewan
chetan@suncorp.ca

CCI-South Saskatchewan
cci@accesscomm.ca
www.cci.ca/ssc

CCI-Manitoba Chapter
CCIManitoba@hotmail.com
www.cci.ca/Manitoba

CCI-Toronto and Area Chapter
cci.toronto@taylorenterprises.com
www.ccitoronto.org

CCI-London & Area
ccisw@cci-sw.on.ca
www.cci-sw.on.ca

CCI-Ottawa
cciottawa@magma.ca
www.cci.ca/ottawa

CCI-Golden Horseshoe
email@ghccci.org
www.ghccci.org

CCI-Huronia
ccihuronia@rogers.com
www.cci.ca/Huronia

CCI-Windsor-Essex County
amthielk@clarkslaw.com
www.cci.ca/Windsor

CCI-Northwestern Ontario
Email: ccinorthontario@shaw.ca

CCI-Nova Scotia Chapter
info@cciatlantic.ca
www.cciatlantic.ca

CCI-Newfoundland & Labrador Chapter
Email: coliver@martek.ca

COMPLIMENTS OF THE GOLDEN HORSESHOE CHAPTER

Canadian Condominium Institute \ Institut canadien des condominiums

920 Brant Street, Suite #23, Burlington, Ontario L7R 4J1
Telephone 905-631-0124 • Toll Free 1-877-444-2496 • Facsimile 905-634-7367
www.ghccci.org • email@ghccci.org

The Canadian Condominium Institute is a national independent non-profit organization administered by volunteers drawn from all areas of the condominium community. It is the only national organization providing directors, unit owners, tenants and property managers with education, advice and support about condominiums. The Golden Horseshoe Chapter comprises Southern Ontario municipalities in the regions of Halton, Hamilton-Wentworth, Niagara, Haldimand-Norfolk, Waterloo, and the counties of Brant and Wellington.

The information contained within this brochure is general in nature and should not be construed as legal or other professional advice. If legal or other professional advice is required the reader should consult with an appropriate and competent professional.

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