

CONDOMINIUM FACT SHEET:

INTRODUCTION TO CONDOMINIUMS

What is the applicable legislation?

The current Act is [The Condominium Property Act, 1993](#).

The current Regulations are [The Condominium Property Regulations, 2001](#).

Both the Act and the Regulations contain all recent amendments and are available on the Queen's Printer website at www.qp.gov.sk.ca.

What is a condominium?

A condominium is a type of property ownership rather than a physical structure or style of building. This means that the full range of housing types can be included in a condominium, whether apartment, townhouses or semi- or fully detached houses. There are also condominiums used for commercial, agricultural and mixed use properties.

In a condominium development:

- each owner of a condominium unit (for example, the townhouse) has individual ownership of that unit; but
- all owners of the condominium units collectively own the common property.

Clause 2(1)(i) and Sections 6 and 7 of the Act

What is a condominium unit?

A condominium unit is a space described as a unit on the condominium plan. A condominium unit can have a variety of uses including commercial, agricultural, services, parking and residential. Each condominium unit has individual ownership of that unit and is titled in the Land Registry.

What is common property?

It is any land and buildings included in a condominium plan that is not included in any unit shown in the condominium plan. Examples of common property can include landscaping, hallways, paving and elevators. Common property benefits all owners.

Clause 2(1)(h) of the Act

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How is the common property of a condominium corporation held?

All owners of condominium units collectively own the common property. Each unit owner owns a share of the common property and this share of the common property is shown on the title to the unit. A share in common property cannot be disposed of separately from the unit.

The owner's share of the common property is proportional to the unit factor for the individual unit. The unit factor is important because it affects each owner's contribution to the condominium for common expenses and the reserve fund.

Section 6 of the Act and Subsection 12(2) of the Regulations

How many shares of common property are in a condominium corporation?

All unit factors in a complex must total 10,000.

Section 6 of the Act and Subsection 12(2) of the Regulations

Who is the condominium corporation?

A condominium corporation consists of all persons who own the units shown on the condominium plan. This means that the owners are the condominium corporation.

Clause 34(3)(a) of the Act

How is a condominium corporation set up?

A condominium corporation is set up in the Corporate Registry at [Information Services Corporation](#) when the first titles are issued to the units on the condominium plan.

What are the powers of a condominium corporation?

A corporation may:

- sue with respect to any damage or injury to the common property or losses to the corporation or any damage, injury or losses that affect unit owners jointly caused by any person, whether an owner or not;
- be sued with respect to any matter connected with the parcel for which the owners are jointly liable;
- by passing a special resolution, acquire or dispose an interest in real property;
- subject to the bylaws, borrow money for the purpose of carrying out the objects and performing the duties of the corporation; and
- subject to the bylaws, grant a security interest in real or personal property that is owned by the corporation or in any amount that is due or has been collected from an owner for the reserve fund or the common expense fund.

Section 34 of the Act

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What are the duties of a condominium corporation?

A corporation is responsible for:

- the enforcement of its bylaws;
- the control, management and administration of the units, and of the common property and common facilities;
- keeping the common property, common facilities and services units in a state of good and serviceable repair and to maintain them properly;
- complying with notices or orders by the local authority or any other public authority requiring repairs to the buildings or work to be done with respect to the parcel;
- complying with any reasonable request for the names and addresses of the persons who are members of the board; and
- filing any prescribed returns with the Director of Corporations.

Section 35 of the Act

How is owning a condominium unit different from owning a single home dwelling?

Although condominium ownership is often thought of as care free living, ownership of a unit does come with some unique responsibilities that differ from a single home dwelling. When you own a condominium corporation, you share collective responsibility with all other unit owners for the operation of the condominium corporation. This means you:

- have to live in close proximity to others in the condominium corporation;
- share ownership of the common property;
- have to become familiar with and abide by the obligations set out in *The Condominium Property Act, 1993* and Regulations;
- have obligations to the condominium corporation that you must meet, for example:
 - share responsibility to elect a board of directors for the condominium understanding that the board is then entrusted to make many decisions that affect all unit owners;
 - responsibility to contribute financially to the common expense and reserve funds for the maintenance, repair, insurance and operation of the common elements or elements that the bylaws require the corporation to maintain; and
 - have to comply with the bylaws; and
- have given power to the condominium corporation to make some decisions that affect all unit owners, for example:
 - setting contributions including increases for common expense and reserve fund contributions that you may not always agree with; and
 - passing bylaws that you must abide by which you may not always agree with.

How do I know what I own?

You can determine what you own by reviewing a search of your title and your plan. This is relevant as it will assist you in determining what you are responsible to maintain and repair.

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How do I locate my condominium title?

Titles are available for a fee at [Information Services Corporation](#). You can obtain assistance in how to search for a title by calling ISC toll free at 1-866-275-4721 or submitting an email to ask@isc.ca. If you need assistance in the interpretation of the title, you could seek legal advice.

How do I locate my condominium plan?

Plans are available for a fee at [Information Services Corporation](#). You can obtain assistance in how to search for a plan by calling ISC at 1-866-275-4721 or submitting an email to ask@isc.ca. If you need assistance in the interpretation of the plan, you could seek legal advice or advice from a land surveyor.

Who is responsible for maintenance of items that are not clearly within my unit such as decks, doors, windows, air conditioners etc.?

There is not a generic answer to this issue for all condominiums. The answer depends on a number of factors, including:

- what type of condominium unit you have - bare land or regular;
- the time frame in which your condominium was built;
- any descriptions or limitations noted on the condominium plan;
- the physical location of the items in question;
- whether the bylaws for your condominium corporation have been amended to take on the maintenance of any part of a unit; and
- the application of *The Condominium Property Act, 1993* given the content of the above.

You should obtain a copy of your condominium plan and bylaws from the Condominium Corporation or [Information Services Corporation](#). If you require assistance in the interpretation of a plan or your bylaws, you could seek legal advice or advice from a land surveyor.

Can the corporation or its agent enter my unit?

Yes. The corporation or its agent can enter the unit at any reasonable time after giving a 24 hours notice for carrying out the object and perform the duties of the corporation. The notice is not required if the board or any person authorized by the corporation ascertains that an emergency exists.

Section 36 of the Act

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