

Resolving condominium disputes

This publication is intended to provide general information only and is not a substitute for legal advice.

Resolving disputes with condominium boards

Condominium corporations are self-governing. Condominium boards are elected by and accountable to the owners, who are shareholders in the corporation.

Every condominium corporation is bound by the bylaws it has registered with Land Titles or the default bylaws in provincial legislation. As a first step in your dispute, you should consult your corporation's bylaws to determine if they address the matter.

There are also several options in the *Condominium Property Act* (the Act) for condominium owners who find themselves in a dispute with their board. For example, the Act allows owners to pass an ordinary resolution that sets restrictions or provides direction to the board. Owners could use this provision when they feel the board is not taking steps to govern the corporation appropriately or is not working in the best interest of the owners. Boards must follow any lawful restriction or direction given through an ordinary resolution.

In addition, the Act allows the owners to remove a board member, and replace them with another individual until the end of their term, by passing an ordinary resolution. If enough owners believe that the board is not governing the corporation in the best interest of the owners, they can take steps to remove the board or an individual director in accordance with the Act and bylaws. A corporation's bylaws, when they do not conflict with the Act, may

also allow for other instances where a board member can be removed.

The Act allows owners to call a special general meeting. This meeting could be used to provide direction to the board, to remove one or more board members, or to discuss any other business the owners want to raise. To call a special general meeting, owners must present a written request to the board from owners who hold at least 15% of the unit factors. If this request is made to the board the board does not convene the meeting within 30 days of receiving the request, the owners may convene the meeting themselves.

Ultimately, condominium corporations and their boards can be held accountable to the owners through the courts. If an owner believes that a condominium board is failing to fulfill its responsibilities under the legislation, or that the board is acting improperly, the Act also allows owners to seek a remedy through civil action at the Court of Queen's Bench. In addition to seeking damages, unit owners may apply to the court for an order requiring the board to follow the direction and responsibilities given by the owners, the legislation, or the bylaws.

Section 58 of the Act also allows for an owner to apply to have a Court appointed administrator to replace the board and/or management company. The appointment of an administrator, the powers they would have, and the cost to the corporation are at the discretion of the court.

Disputes with condominium managers

Condominium managers are hired by the condominium corporation and accountable to the board. If you have issues with your manager, you have the option of talking to your board and using the above options.

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