

Welcome to the Condominium Registry Resource Manual!

This manual contains information on a wide range of condominium topics that will be of interest to:

- Lawyers
- Developers
- Condominium Unit Owners & Boards
- Condominium Purchasers

Refer to the table of contents for a complete list of topics covered.

If you cannot find information on a particular topic or have any further questions on the information provided, please send an email to the Condominium Registry office at: condos@novascotia.ca.



Roles and Responsibilities of the Condominium Registry

The main role of the Condominium Registry Office is to administer the *Condominium Act* which governs the creation, use, and termination of condominium corporations. The *Condominium Act* allows for the creation of a special form of real property not covered under the *Land Registration Act* which governs conventional land-based properties.

The purpose of the *Condominium Act* is “to facilitate the division of land into parts that are to be owned individually, and parts that are to be owned in common, to provide for the use and management of such properties and to expedite dealings therewith, and this Act shall be construed in a manner to give the greatest effect to these objects.”

Our responsibilities include:

- Receiving and reviewing all documents required for the registration of condominium corporations and their properties including declarations, by-laws, survey plans, construction drawings, and reserve fund studies, as well as conducting site visits of the properties.
- Receiving and filing required annual filings of corporations including financial statements, change of directors, reserve fund studies, and their updates.
- Facilitating and acting as a conduit for resolving disputes within condominium corporations through the appropriate dispute resolution mechanism within the authority defined by the Act.
- Providing information and guidance to developers, lawyers, municipalities, property managers, boards of condominium corporations, unit owners, and the public concerning condominium matters defined within the Act.

It is not the role of the Registrar of Condominiums to provide legal advice or legal interpretations of the *Condominium Act* or Regulations.

Any disputes between condominium boards and unit owners must be resolved between the parties and when they are unable to arrive at a solution on their own, they would have to avail themselves of the dispute mechanisms that are built into the *Condominium Act* or seek legal advice on the matter.

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Act and Regulations

- [Condominium Act](#)
- [Condominium Regulations](#)

Condominium Legislation

Amendments to the *Condominium Act* (the Act) and the Regulations were effective on and after May 23, 2023.

Changes to the Act will improve the governance of condominiums, enhance consumer protection, and better align legislation with current practices in the condominium industry. Accordingly, any related Condominium Regulations were also amended to remain consistent with changes made to the Act.

The key changes are outlined below with an *explanatory note* that provides further details.

1. Condominium Corporation Management

- Corporations will not purchase property, except for no consideration (\$0), until a board of directors has been elected in accordance with the Act – **Section 14C.**

Since mortgages on common elements are the responsibility of all condo owners, this change will protect corporations from carrying mortgages acquired before the first elected board of directors is established.

- Reserve-fund studies will be conducted every five years instead of every ten years – **Section 31 (1F) of the Act and Clause 78 (a) of the Regulations.**

More frequent reserve fund studies are required, every five years instead of ten, which will help corporations plan for future capital repairs. As a result, the requirement for five-year updates will be repealed from the regulations.

- Estoppel certificates will certify that the reserve fund is managed in accordance with the reserve fund study – **Section 31A**.

This was added to ensure transparency of information provided to unit owners and/or purchasers so that they will know if the reserve fund complies with the most recent reserve fund study and have a full understanding of the financial state of the corporation.

- Corporations must file a copy of the financial statement and auditor’s report (as applicable), within 90 days after the annual general meeting - **Section 26 (10)**. *This will allow corporations a reasonable time after their AGM to send in their financial statements and any other filings, such as updates to directors and officers, which can be submitted simultaneously.*

2. Creation of the Initial Board of Directors - Section 14B (2)

- The general meeting to elect the first board of directors will be held one year after the date the developer sells the first unit, or forty-five days from the date the developer ceases to own 50% of units, whichever is earlier.

A challenge to condominium corporation management is the timing of the turnover meeting, where the first elected board of directors is established. This change will ensure that the election of the first board must occur no later than one year after the sale of the first condo unit, regardless of whether a developer owns 50% of the units.

3. Changes to and Clarification of Voting Percentages and Procedures

- Eliminate the existing potential conflict between voting percentages required to make substantial and unsubstantial changes to the common elements and increase the voting percentage required to make non-substantial changes from a majority vote to an affirmative vote of at least 66 2/3% - **Section 32 (1)**.

Clarified the voting threshold required for non-substantial changes which aligns with other jurisdictions in Canada and other matters outlined in the Act requiring the consent of owners.

- Allow ballots to be submitted by fax or e-mail if the declaration and by-laws permit it – **Section 37 (1A)**.

This change allows corporations to modernize voting methods and will expand options for unit owners to participate in voting when they are unable to be present in person.

- In several places in the Act, references to “a vote of” a certain percentage of owners were changed to ‘an affirmative vote’.

This was changed to clarify that it isn’t sufficient for a certain percentage of members to simply cast their votes on a proposal, but that they must vote in favor of the proposal in order for it to be successful.

4. Disclosure

- Developers will indicate in promotional materials that properties are condominiums – **Section 44A.**

It is not always clear that development is a condominium, particularly in bare land and subdivision-style communities where developers may use other languages, such as "cottage country" or "community living", to describe these styles of condominium developments. This change will ensure that potential buyers are aware that the development is a condominium property.

- Owners who rent units under the *Residential Tenancies Act* will provide the names and addresses of tenants to the corporation – **Section 44BA.**

This change will create transparency by requiring unit owners to disclose any tenants under property rental agreements to their boards and will also protect renter privacy where the board will only be provided with the renter’s names and addresses, as opposed to copies of their rental agreements.

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C Condominium Developers

Registering Your Project as a Condominium Corporation

This is an introductory guide to registering a condominium corporation in the Province of Nova Scotia. The guide sets out requirements to create this kind of property under the *Condominium Act*, which along with the Regulations made under the *Act*, are the governing legislation and are administered by the Registrar of Condominiums.

Important facets of condo development, including insurance, construction and ongoing declarant obligations to condo unit owners are beyond the scope of this guide. The guide offers an overview of what a developer – or as referred to in the *Act*, a declarant – can expect from the Registrar of Condominiums during the process and how the consulting professionals work with declarants and the Registrar to create condo properties.

The Registration Process

Registering a condo is a review process. Declarants provide draft documents for the proposed condo, the Registrar's Office will review the material, and revisions may be required. Condo developments in Nova Scotia are generally characterized as bare land, bounded by the land, or as structures. They may also have different classes of salable units, including residential, commercial, recreational, parking, or other unique unit classifications. These classifications will have a variety of required documentation, and the Registrar will advise the declarant of any amendments or additional requirements for acceptability for registration.

The process requires input from the declarant, lawyers, surveyors, and representatives of the municipality where the development is located. Depending on the proposal, it may also involve the work of architects and engineers. Typical registrations take three months, although this varies with the complexity of the project.

Communications

General inquiries and digital submissions for review should be made to the condominium registry email account: condos@novascotia.ca.

Where paper finals are required, courier and mailing address information is:

Registrar of Condominiums
Maritime Centre, 7th Floor North
1505 Barrington Street, Halifax, Nova Scotia.

Mailing Address: PO Box 1003, Halifax, NS, B3J 2X1

Preliminary Work

Declarants should speak with a lawyer about the specifics of their project before beginning registration. Phased developments, converting existing buildings into condominiums, time limits under the Act, and municipal land use and subdivision requirements may have legal relevance to your project, and are beyond the scope of this guide.

The Act requires that the declarant be the **owner of the freehold estate in all the property** to be included in the condominium corporation. Encroachments over adjoining property (including that owned by the municipality) do not constitute ownership of the freehold estate in the property. Among other issues, the Registrar reviews matters of real property interests, which may include licenses, easements, and encroachments. Before commencing the construction and registration processes, the declarant must ensure that what is intended to be the condo corporation does not encroach over adjoining property, and if it does, ensure that the adjacent property owner is prepared to sell that portion of the land to the declarant. Also, if there are people with an interest in the proposed condominium parcel in the form of an easement or another type of encumbrance, under the *Act*, declarants must obtain their consent.

Request for Condominium Corporation Number.

To begin registration, a declarant or their lawyer will request a condominium corporation number. This can be done using the form, **Request for Condominium Corporation Number**, found on our website. The form specifies some general information about the project, the number and type of units, and whether the project will proceed in phases. The Registrar's Office will review the form for completeness and assign the proposed condo corporation a number.

There is no cost to apply for the proposed condo number. Once assigned, correspondence and documentation for the project should reference the condo number.

Under the *Land Registration Act*, a proposed condo needs a new Parcel Identification Number (PID), which will become the Condominium Common PID. This must happen sometime between when the condo number is assigned and when the final registration package is submitted. The declarant's lawyer must apply for and obtain this PID number from the applicable Land Registration Office.

The registration process can be paused or terminated at any point before final acceptance. Fees are paid at the time of the final registration.

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Processes and Documentation Required for Registration

Declaration and By-Laws

Subsections 11(1) and (2) of the *Act* specify the required contents of a declaration, and Section 23 of the *Act* specifies the matters about which by-laws may be made. Section 76 of the regulations states the additional requirements for a declaration for a phased registration.

A digital draft copy of the declaration and the by-laws should be submitted to the Registrar's Office for review before the final submissions are made. Both documents will be reviewed by the Registrar/Deputy and any deficiencies will be brought to the declarant/solicitor's attention.

Municipal Approval

All condo developments need municipal approvals: one in the form of a statutory declaration issued by a municipal development officer confirming information detailed in Regulation 61, and another in the form of a certificate confirming that there are no outstanding taxes owing for the property. Municipal approval is dependent on a final plan of survey.

Survey Plans

Under the *Act*, all condominiums require a survey plan and a certificate to accompany the report on title, both signed by a surveyor licensed in the Province of Nova Scotia.

Sections 4 to 39 of the Regulations specify the way survey plans are to be prepared, and the Association of Nova Scotia Land Surveyors has a further set of standards that must be applied to the plan.

Digital drafts of plans, legal descriptions, draft copies of the by-laws, and declarations should be submitted to the Registrar before the final submissions. The survey technician at the Office of the Registrar will review for compliance and finalize the submission with the surveyor.

Architectural, Structural, Mechanical and Electrical Plans

Not all condominium projects require these types of plans. Regulation 40A specifies the way these plans are to be prepared. They must be signed by professional architects or engineers licensed in the Province of Nova Scotia and must be "as-built" plans. Care should be taken that any changes that have been made during the construction are reflected in the final submission.

For wood-framed structures of three stories or less, the detailed cross-section architectural plans signed by an architect will be sufficient to satisfy the structural plan requirements of the Act, and will not require Form 21, the certification of the Engineer that the structure has been built according to the plans.

Digital copies should be submitted to the Registrar as soon as possible. The draft will be reviewed by an architect working with the Province of Nova Scotia for compliance with the Regulations. Requirements for details of drawings and plans may change based on the specifics of the proposed condo development, including the height and construction method of the proposed structure. Revisions may also be required to align with the specifics of the declaration and by-laws.

Site Visit

As part of the review process, an on-site visit will be conducted by the Condominium Registration Officer and the survey technician. The site visit is not only meant to serve as a confirmation that the units and common elements are correctly portrayed in the architectural and survey plans but also to ensure alignment with the declaration and by-laws.

The visit will be arranged for developments with residential dwelling units once the occupancy permits have been issued. Site visits for other types of developments can begin after the Registrar receives substantially complete drawing sets. Where survey markers are necessary for the project, they will need to be set at the time of the site visit.

During the site visit, the representatives of the Condominium Registry will confirm the accuracy of the architectural and survey plans as they walk through the units and common elements and required corrections will be noted on the plans. Since all drawings must be as-built, corrections can be minimized if the architect performs quality control or verification procedures in advance of the site visit.

The Condominium Registration Officer may require a representative for the declarant to be present during the site visit.

Reserve Fund Study

Section 31 of the Act and Part K of the Regulations deal with reserve fund studies. Most condominium projects require a reserve fund study to accompany the reserve fund. This will need to be prepared by an Engineer licensed to practice in Nova Scotia in accordance with sections 77 through 81 of the Regulations. We suggest declarants prepare and submit a reserve fund study in advance of the final registration package.

Final Submissions

The Registrar or Deputy Registrar will sign and seal the required documents for the final submission. The Registrar's Office will then process the fees and forward packages of necessary documents to the Land Registry Office, the Registry of Joint Stock Companies, and the declarant's lawyer. When the Land Registry registers the documents, the property is a condominium corporation.

1) Plans

- a) Architectural/Structural Plans - 3 paper copies; architectural plans are certified by an architect, and structural plans are certified by an engineer. See the information in the section above for architectural plans for wood frame structures.
- b) Survey Plans - 3 black and white signed paper copies, certified by a surveyor.

2) Declaration

- a) Four copies all with original signatures.
- b) Schedule "A" – Legal description for units (must match what surveyor submitted).

3) By-laws

- a) Four copies of Form 15A Declarant's Certificate regarding Corporation By-laws with original signatures.
- b) Four copies, all with original signatures, containing the seal of the corporation.

4) Form 1 Lawyer's Certificate to accompany Report on Title. The Report on Title is a Statement of Registered and Recorded Interests that has been issued under the *Land Registration Act*.

5) Form 2 Surveyor's Certificate to accompany Report on Title.

6) Form 3 Notice to Registrar of Initial Board of Directors.

7) Form 9 Appointment of Agent for Condominium Corporation.

8) Form 21 Certificate of Architect.

9) Form 22 Certificate of Engineer (4 stories and above require structural plans).

10) Statutory Declaration from Municipality with attached survey plans.

11) Occupancy Permits for all units.

12) Tax Certificate.

13) Advertised Sale prices and or appraisals (as per Schedule B of the Regulations HST is inclusive).

14) Copy of Budget for Corporation (See Section 44B of the Act).

15) Reserve Fund Study

- a) For corporations with more than 10 units.
- b) For conversions, regardless of the number of units created.

- 16) Letter of Undertaking from declarant lawyer regarding 10% hold back (See Section 44B of the Act).
- 17) Two signed copies of the Land Registration Forms 28 - One copy for the Declaration and one copy for the By-Laws.
- 18) Fees payable to the various registries as outlined below and an itemization of fees paid for each registry should be included.

Fees

Cheques are made payable to the various Registries as outlined below. (Refer to Schedule 'B' Fees of the Condominium Regulations for specific amounts due).

- (1) Registrar of Condominiums
 - Review of Description
 - Examination of declaration
 - Acceptance of declaration and description
 - Examination of by-laws
 - Acceptance of bylaws
- (2) Registry of Joint Stock Companies
 - For filing of declaration and description
- (3) Registry of Deeds/Land Registration Office
 - For registration of declaration and description
 - For registration of by-laws

**It is requested that an itemization of fees paid for each Registry accompany the cheques.

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C Condominium Living

Condominium Buyers

Buying a Condominium

What is a Condominium?

A condominium or “condo” is a specific type of property ownership that involves shared ownership of common elements and community decision-making. If you are considering purchasing property in a condo corporation, it is important to understand that condo living involves shared ownership and therefore a responsibility to your community.

Unlike traditional homeownership, when you purchase a condo, you become part of a condo community and will be responsible for paying your share of the common expenses and complying with the condo corporation’s governing documents, among other things. You will also be able to participate in condo governance by voting for directors, as one example.

A “condo” is also a type of corporation. A condo corporation is responsible for making decisions about the condo property on behalf of the owners. A condo corporation may also have a condo property manager to help manage the property and the affairs of the corporation on the corporation’s behalf. The condo property is described in certain documents that must be accepted by the Condominium Registrar and officially registered at a land registration office to create the condo corporation. Those documents specify how the land is divided into units and common elements, as applicable. The owner of the land where the condo corporation is being established arranges for those documents to be submitted to the condo registry and that owner is known as a “declarant”, who is the developer of the land. The condo owners (e.g., unit buyers) are the members of the condo corporation. The Condo Act sets out rights and responsibilities related to the management of a condo, including the rights and responsibilities of condo owners and boards.

Condo corporations are created for many different uses including residential, commercial, industrial, or mixed-use purposes.

Different Kinds of Condominiums

In Nova Scotia, there are six different classes of condominium properties, as follows:

1. Standard Condominium (Residential)

- The most common type of condo corporation.
- Has individual units for residential use. May contain a building or buildings or more than one single detached dwelling.
- May include common elements, which often include areas such as a foyer, exterior walls, and amenities (e.g., pools, gardens).

2. Standard Condominium (Commercial)

- Has individual units for commercial use.
- May include common elements, which often include areas such as a foyer, exterior walls, and amenities (e.g., pools, gardens).

3. Phased Condominium

- A condo corporation that is intended to be built and registered in phases.
- New units and common elements are constructed and added to the condo corporation.
- Upon completion, a phased condo corporation becomes a standard condo corporation.

4. Bare Land Condominium

- The units may be vacant lots at the time of purchase, and the layout of the lands may resemble a subdivision. Common elements are often things such as roadways, sewer systems, and amenities such as parks or recreation facilities.
- The developer can sell the lots as vacant or build (e.g., homes) on the lots and sell the lots with buildings on them.

5. Recreational Condominium

- A condo property that contains a building or buildings that will be divided into units to be used for recreational purposes, such as a clubhouse, boathouse, etc.

6. Mixed-Use Condominium

- A property that contains more than one of the classes of properties as described above (Residential, Commercial, Phased, Bare Land, or Recreational).

What should I know before I buy?

Before you buy a condominium unit, you should get copies of the declaration, bylaws, common elements rules, the reserve fund status certificate, the estoppel certificate, and the audited financial statements and review them. Besides the questions common to the purchase of any property, you should know the answers to the following:

- Does the declaration prohibit any particular occupation or use of the units? Common examples are the prohibition of pets and of conducting a business from the unit.
- Is the project registered as a condominium corporation? If not, when is the registration anticipated?
- How many of the units are sold? Owner occupied? Rented?
- If the unit is presently occupied by a tenant, how much notice to quit is required by the *Residential Tenancies Act*?
- Has a reserve fund study been conducted? Is the corporation's budget and financial status, in keeping with the recommendations of the study?
- What is the reserve fund balance?
- Are any major renovations or repairs anticipated?
- How much are the common elements fees? What expenses do they cover?
- Is the corporation self-managed or managed by a professional management company?

What is an agreement of purchase and sale?

This is an agreement between the purchaser and the seller of the property that states the specific terms of the purchase. In most cases, a standard agreement form for condominiums is provided by the Nova Scotia Real Estate Commission.

Before you sign any agreement of purchase and sale, take it to your lawyer to review its terms and the provisions of the documents to make sure that you are properly informed, and your rights are protected.

What should the agreement contain?

If the agreement concerns a proposed unit or if the declarant (developer) is the vendor, it should include:

- A copy of the survey plans showing the perimeters of the land and building(s)
- The shape, boundaries, and location of the unit, and the common elements
- A copy of the declaration, bylaws, and common elements rules
- And other requirements as shown in Section 75(1) of the *Condominium Act* Regulations.

If the unit is incomplete, your agreement should include confirmation of the completion date. If the unit is not yet registered, specify that your offer is based on the documents (draft declaration and description) forming part of your agreement of purchase and sale and is conditional upon the registration of the unit under the *Condominium Act* before the closing date.

If the unit is in a phased registration development, you should receive information in addition to the above noted, including:

- A description of the plan of the development
- A statement that the declarant is not required to create any other phases.
- A statement setting out the estimated registration dates of subsequent phases.
- A statement that sets out, for each anticipated phase, the approximate location of the buildings/structures, the approximate number of units, the proportions of ownership, voting, and contributions to common elements expense fees that exist for each unit after the phase is registered, and a schedule of when any common facilities will be available.

If you are interested in a resale unit, make sure that your offer is conditional upon you receiving an estoppel certificate (see the definitions).

What if I change my mind after signing an agreement?

Consult your lawyer. If the unit is a new one and the agreement is between you and the declarant, you are entitled to receive information about the survey, design plans of the condominium, the declaration, bylaws, and common elements rules and regulations of the corporation. You have ten days, during which you may change your mind if anything contained in these documents materially affects your enjoyment of the property and you and the vendor are unable or unwilling to rectify the matter or waive the objection. You must rescind your offer in writing, and it must be in the hands of the vendor within the ten-day "cooling off" period. This will make your agreement null and void.

Further Reading Material

Canada Mortgage and Housing Corporation (CMHC) has published a Condominium Buyer's Guide that outlines everything you need to know when buying a condominium in Canada.

Access their guide via the following link: [CMHC Condominium Buyer's Guide](#)

Also refer to the following information in the Condominium Owner's section below, on the page titled: [Condominium Owners: Your Rights and Responsibilities](#).

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Condominium Owners

Your Rights and Responsibilities

The *Condominium Act* (the Act) sets out your rights and responsibilities as a condominium owner. The Act and regulations also explain how condominiums are run, how ownership works, and the costs involved in ownership.

By law, condominium owners have certain rights and responsibilities as set out in the Act and regulations, as well as the declaration and by-laws for the condominium corporation they are members of.

A condominium unit is the part of a condominium property that's individually owned and occupied. Its precise boundaries are set out in the declaration and description. Before you buy a condominium, you and your legal advisor should read the declaration and description carefully.

Your Rights

As the condominium unit owner, you have the right to:

- Be the exclusive owner of the unit.
- Vote in matters concerning the condominium corporation.
- Access common areas (subject to the declaration, by-laws, and rules and regulations)

Your Responsibilities

As the condominium unit owner, you need to:

- Maintain the unit.
- Pay common elements expenses.
- Participate in governing the condominium corporation.

How Condominiums Are Run

Condominiums are managed by a board of directors. Members of the condominium corporation are the owners of the units. Some of the condominium corporation's duties include:

- managing and maintaining the common elements
- Establishing a fund for the payment of common expenses
- Getting a reserve fund study done
- Ensuring the appropriate fees are contributed to the established reserve fund to replace major capital items, like the roof or elevators.
- Preparing the annual budget.
- Assessing and collecting owners' contributions to common elements
- Paying common expenses

- Adequately ensuring its liability to repair the units and common elements.
- Holding annual meetings of owners
- Appointing an auditor (where there are 10 or more units) and filing an auditor's report and financial statements with the Registrar of Condominiums
- Making sure that the owners comply with the Condominium Act, the declaration, and the by-laws.
- Keeping adequate records

Board of Directors

A board of directors manages each condominium corporation. The board of directors is made up of unit owners who are elected by the owners. There needs to be at least 3 directors, but a greater number may be required by the declaration (or, in older corporations, the by-laws). The declaration (or by-laws) may also set out required qualifications, method of election, and term of office. In general, the board is responsible for the upkeep and maintenance of the buildings and other business matters, usually by supervising the actions of a property manager.

Ownership

The division of ownership is set out in the condominium corporation's declaration. An owner owns a unit and a specified percentage of interest in common elements, as set out in the declaration.

The contents of the declaration and description of any 2 condominium corporations are not the same. Areas designated as common elements in 1 condominium corporation might belong to an individual unit in another.

In some condominiums, the common elements begin at the exterior wall of the individual units. In others, the exterior wall of the individual unit is considered part of the unit. Such small distinctions can mean a lot when it comes to a question of payment for items such as window-washing services or repairs to the exterior brick of a condominium townhouse.

Operating a Condominium Corporation

The board of directors of a corporation shall be elected at a general meeting of the members which must be held within the earlier of:

- a) One year after the date on which the declarant sells the first unit OR
- b) 45 days from the date in which the declarant ceases to own more than 50% of the units.

Upon the earlier of those events, the declarant (developer) stops managing the affairs of the property. The unit owners (through the elected board of directors) take over responsibility for the condominium corporation and run it according to the declaration and by-laws.

When the unit owners take over, the developer needs to provide the condominium corporation with:

- Condominium corporation seal and a minute book containing copies of the declaration and by-laws.
- Copies of any agreements entered into by or for the condominium corporation.
- Any warranties or guarantees for equipment.
- All survey, architectural, and structural plans for the project
- Financial statements, the reserve fund study, and the reserve fund account for the condominium
- A list of all units sold, unsold, or rented in the property.

The board of directors is responsible for:

- Make sure the requirements of the declaration and by-laws are satisfied.
- Overseeing the management of the corporation
- Making sure the corporation's bills are paid.

The board needs to hold an annual meeting of the owners to re-elect the board of directors for the corporation. It may meet more often to address regular business needs and emergencies.

Reserve Fund Study

A reserve fund study is an assessment of the components of a building's common elements. The study determines a funding plan to meet the costs of repair and maintenance of the components over time. A reserve fund study must be conducted every five years in accordance with section 31 (1F) of the Act and 78 (a) of the Regulations. Part K of the regulations deals with reserve fund studies, including:

- what does a study need to contain?
- Who is qualified to conduct it?
- components of a reserve fund study
- Time period to be covered.
- definitions of terms used.
- other information to be provided as part of the study.

Small condominiums of less than 10 units are not required by the act to have a reserve fund study completed by a person qualified to conduct these studies under the act. However, some smaller condominium corporations voluntarily have a study done as part of their planning process. The act requires that such condominium corporations keep a reserve fund balance of 100% of their annual budget or a greater amount as stipulated (set out) in the condominium corporation's by-laws.

If a building is being converted to a condominium for another use, the declarant (developer) needs to prepare and submit a reserve fund study, regardless of the number of units.

Condominium Insurance

Insurance on the entire condominium development is the responsibility of the condominium corporation. The condominium corporation should place "all risks" property insurance coverage on the units and the common property.

It is standard practice that the condominium corporation maintains errors and omissions insurance for the members of the board of directors. Ask to see it. Check the policy for exclusions. You should also find out if the insurance covers the replacement cost of the units and the common property.

Your portion of the cost of the insurance purchased by the condominium corporation is usually included in your monthly condominium fees. Check this with the condominium corporation.

You will need to buy your insurance for the contents of your unit and any improvements made to it. The declaration for your condominium corporation will contain a description of a standard unit, which will let you identify these improvements. You should also have insurance to cover personal and occupiers' liability. Ask your insurance agent for more information.

Before Buying

Before you buy a condominium unit, you should get copies of the declaration, by-laws, common elements rules, the Reserve Fund Status Certificate, the Estoppel Certificate, and the audited financial statements and review them. Besides the questions common to the purchase of any property, you should know the answers to the following:

- Does the declaration prohibit any particular occupation or use of the units? Common examples include not allowing pets and not allowing business to be conducted from the unit.
- Is the project registered as a condominium corporation? If not, when is registration anticipated?
- How many of the units are sold? Owner occupied? Rented?
- If the unit is presently occupied by a tenant, how much notice to quit is required by the Residential Tenancies Act?
- Has a reserve fund study been conducted? Is the condominium corporation's budget and financial status in keeping with the recommendations of the study?
- What is the reserve fund balance?
- Are any major renovations or repairs anticipated?
- How much are the common elements fees? What expenses do they cover?
- Is the condominium corporation self-managed or managed by a professional management company?

Agreement of Purchase and Sale

If the agreement concerns a proposed unit or if the declarant (developer) is the vendor, the agreement of purchase and sale should include:

- Copy of the survey plans showing the perimeters of the land and buildings
- The shape, boundaries, and location of the unit, and the common elements
- Copy of the declaration, by-laws, and common elements rules
- Other requirements as shown in Section 75(1) of the Condominium Act Regulations

If the unit is incomplete, your agreement should include confirmation of the completion date.

If the unit is not yet registered, specify that your offer is based on the documents (draft declaration and description) forming part of your agreement of purchase and sale and is conditional on registering the unit under the Condominium Act before the closing date.

If the unit is in a phased-registration development, you should receive additional information, including:

- Description of the overall plan of the development
- Statement that the declarant (developer) is not required to create any other phases.
- Statement setting out the estimated registration dates of subsequent phases.
- Statement that sets out (for each anticipated phase) the approximate location of the buildings or structures, the approximate number of units, the proportions of ownership, voting, and contributions to common elements expense fees that exist for each unit after the phase is registered, and a schedule of when any common facilities will be available.

If you're interested in a resale unit, make sure that your offer is conditional on you receiving an Estoppel Certificate.

Changing your mind after signing an agreement of purchase and sale

Consult your lawyer. If the unit is new and the agreement is between you and the declarant (developer), you are entitled to receive information about the survey, design plans of the condominium, declaration, by-laws, and common elements rules and regulations of the corporation.

You have 10 days to change your mind if anything in these documents affects your enjoyment of the property, and you and the vendor are unable or unwilling to rectify (solve) the matter or waive the objection. You need to rescind (withdraw) your offer in writing, and it needs to be in the hands of the vendor within the 10-day "cooling off" period. This makes your agreement null and void.

By-laws

By-laws are rules that state how the condominium will be run, how the property will be maintained, and how the common elements will be used. By-laws are made (and can be changed) by owners who own 60% of the common elements.

Common Elements

Common elements include the property remaining after the boundaries of the units have been defined. They are owned in common with all other unit owners and are for their mutual use and enjoyment (for example, hallways, elevators, mechanical equipment, lawn, and swimming pool).

Limited Common Elements

Also known as "exclusive use common elements," limited common elements are portions of the common property that are designated for the sole use of 1 or more unit owners (for example, balconies, patios, parking (in some cases), and storage lockers).

Common Elements Fees

Common elements fees are the monies (fees) paid each month to the condominium corporation by the unit owners. The condominium corporation's budget indicates how much money is required to meet daily operating costs, plus contributions to the required reserve fund. Unit assessments are made based on the percentage allocated in the declaration, usually contained in a schedule attached to the declaration.

Common Elements Rules

Common elements rules are simply rules for the use of the common elements (for example, the number of guests you can have in the pool, at what time, and on what days).

Declaration

The declaration is like a constitution of the condominium corporation. It's a legal document that's used to create a condominium. It defines the units and common elements and specifies the interest each owner has in the common elements. The declaration also provides the process for making decisions about the repair and maintenance of the property, the assessment and collection of common expense fees, and provisions for the board of directors.

Description

The description details the layout and location of the whole development. It includes a survey of the land and buildings and detailed architectural drawings of the construction of the buildings and each unit.

Estoppel Certificate

An Estoppel Certificate is a binding statement prepared by the condominium corporation at the request of a unit owner or purchaser. It indicates the standing of common elements fees and reserve fund assessments against the unit, whether they are up to date, paid in advance, or arrears.

The Act specifies which items need to be included in the certificate. For example, the certificate contains items like the names and addresses of the property manager and the officers of the condominium corporation, the financial standing of the corporation, the reserve fund balance, whether any major capital expenditures or increases in fees are planned, and if any lawsuits are pending against the condominium corporation. A copy of the most recent declaration and by-laws should be provided with this certificate.

Property Manager

The property manager is an employee of the condominium corporation and is responsible for the day-to-day management of the property. This may include the collection and disbursement (payout) of common expense monies (fees). The specific duties of the property manager should be contained in a written contract. Some condominium corporations may not have retained (hired) a property manager and are often self-managed by the board of directors.

Reserve Fund

The reserve fund is probably the single most important factor in the long-term financial stability of a condominium corporation. An adequate reserve fund protects the future of the condominium by making sure that sufficient money is set aside for major repairs and replacements as they become necessary (for example, roofs, roads, landscaping, building exteriors, parking facilities, and hallway carpets).

Restrictive Covenant

A restrictive covenant is a legal requirement placed on a piece of land to describe any special requirements for the property. It may limit the kind of development on the land, or ban certain uses (for example, clotheslines). For phased condominiums, a restrictive covenant would limit the kind of business or building that could be built on land intended for a phase of a condominium.

Special Assessment

A special assessment may be levied (charged) by a condominium corporation in response to an unforeseen major expense that cannot be covered by the reserve fund when unit owners representing 66 2/3 % of the common elements vote in favor of the assessment.

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Disputes

Condominium Dispute Resolution **A Guide to the processes available under the *Condominium Act***

Disputes can arise within a condominium corporation and sometimes a third party is needed to help resolve the dispute. The Condominium Dispute Officer (CDO) process is used to resolve relatively minor disputes between a unit owner and a corporation as set out in Section 33 of the *Condominium Act*.

1. The Condominium Dispute Officer (CDO) process is used to resolve relatively minor disputes between a unit owner and a corporation as set out in Section 33 of the *Condominium Act*.
2. The Condominium Arbitration process is used to resolve more significant disputes between various parties of a corporation as set out in Section 33A of the *Condominium Act*, which includes:
 - a. The corporation and an owner of a unit that is part of the property managed by the corporation.
 - b. The corporation and any person who has agreed with the corporation to manage the property.
 - c. The corporation and any other corporation created according to this Act.
 - d. The corporation and the occupier of a unit that is part of the property managed by the corporation.
 - e. An owner of a unit and the occupier of any other unit that is part of the same property that includes the unit of the owner; or
 - f. Two or more owners of units that are part of the property managed by the corporation.

More detailed information on each dispute resolution process is provided below:

Condominium Dispute Officer (CDO) Process

What issues can a condominium dispute officer deal with?

1. Disputes between a condominium corporation and an owner about breaches of the corporation's by-laws regarding the use of the common elements and units and enforcement of the rules about the use of common elements. **Refer to sections 23 (1) (b) & (c) and 24 (3) of the *Condominium Act*.**

2. Failure of a corporation to

- Keep adequate records as defined in subsection 18(1A),
- Allow inspection and copying of those records by a member of the corporation [on reasonable notice and at a reasonable cost to copy], and.
- Provide financial statements to members before the annual general meetings of the corporation.

Refer to sections 17, 18, 24A, 24B, and 26 (9) of the *Condominium Act*.

Who can make an application under the condominium dispute officer process?

1. If you are an owner of a condominium unit, you may apply for an order against your condominium corporation if the corporation has failed.
 - To keep or give you copies of condominium corporation records as required by the *Condominium Act*, or
 - To enforce one or more of the condominium corporation's common element rules
2. If you are the authorized representative of a condominium corporation, you may apply on behalf of the condominium corporation for an order against an owner of a unit in the corporation if the owner is breaching a condominium bylaw made about – the use of units, to prevent unreasonable interference with the use and enjoyment of the common elements and other units, or – the use of the condominium common elements.
3. Other kinds of condominium disputes may be resolved through the arbitration process according to Section 33A of the *Condominium Act*.

Before you apply:

1. Find out the address of the other party (the respondent). If the respondent is a condominium corporation, then you need the name and address of the corporation's recognized agent. (This information can be found online at the Registry of Joint Stocks website.)
2. Make three copies of any documentation that supports your application for the order. These may include, for example,
 - letters sent to the respondent.
 - relevant excerpts from the condominium declaration, bylaws or common element rules
 - photographs
3. Complete the application using **Form 26: Application to Condominium Dispute Officer to Hear Dispute Between Condominium Corporation and Unit Owner.**

You may download it from the website at <https://beta.novascotia.ca/apply-have-condominium-dispute-heard-condominium-dispute-officer-form-26>.

The form can be found at the bottom of the web page, and you can also obtain a copy from your local Service Nova Scotia Access Centre.

4. The following sections of the Form 26 **are completed by Access Nova Scotia Staff:**

File No. _____	
Important dates for applicant:	
Date of application: <i>(date application is submitted)</i>	
Deadline for delivering application and supporting documents to respondent: <i>(10 days after date of application)</i>	
Deadline for returning affidavit of service to condominium dispute officer:	10 days after application delivered to respondent
Hearing date: <i>(if necessary)</i>	
Hearing location:	
<i>(to be filled in by Office of Service Nova Scotia)</i>	
Information on the powers of the condominium dispute officer are set out in this application. For further information on the process, please contact Office of Service Nova Scotia at:	
<i>(contact information for Department)</i>	

Submitting the Application

1. You must bring all of the following documents to your local Service Nova Scotia Access Centre.
 - A completed application form (the office will assign the file number and the date of the hearing)
 - Three copies of your supporting documentation
 - Payment of \$124.60 (cash, credit card, or debit)
2. Access Nova Scotia staff will process your application and give you a copy to deliver to the respondent.
3. They will also give you a copy to return later to the Access Nova Scotia office once you have delivered the document and can complete an affidavit of service.

Delivering the Application

1. You must deliver a copy of the application and all supporting documentation to the respondent by the deadline on the application. You must send these by registered mail or have them delivered personally to the respondent. If the respondent is a condominium corporation, you must deliver them to the corporation's recognized agent.
2. You must return a copy of the application and supporting documentation with the affidavit of service completed. The affidavit must state when and how the application and supporting documentation were delivered to the respondent, within 10 days after serving the respondent. If needed, the person who delivered the document can have their affidavit of service properly witnessed at the Access Nova Scotia office. If you delivered the document by registered mail, you should attach a copy of the signature confirmation from Canada Post stating that it was delivered and received.
3. If you are having difficulty delivering the documents, then you should contact the condominium dispute officer at the phone number or e-mail address provided by Service Nova Scotia on the application to ask for an extension of time or directions on how else you can deliver the document. Otherwise, your application could be considered to be withdrawn.
4. The respondent must send a written response to both you and the condominium dispute officer within 10 days of receiving the application, or an order can be made without the respondent's input. The respondent may attach additional documents to this response.

The Hearing

1. A condominium dispute officer, who is a Service Nova Scotia employee assigned to consider your application, will hold the hearing.
2. The condominium dispute officer may choose to hold a hearing in person or by teleconference, or to decide the dispute based on the written submissions of you and the respondent.

The Decision

1. The condominium dispute officer will issue a written decision and order, which you can have made an order of the Supreme Court unless it is appealed.
2. The order may:
 - Direct the condominium corporation to perform its duties under the Condominium Act, including providing records or enforcing common element rules.
 - Set the fees that can be charged for providing records.
 - Direct the owner to comply with the bylaw.
 - Order one of the parties to pay a penalty of up to \$500.
 - Order which party or parties should pay all or part of the application fee.
3. The condominium dispute officer's decision will be issued within a reasonable amount of time (typically between 14 and 30 days) and will be mailed to you unless you have made other arrangements with the condominium dispute officer.

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Condominium Arbitration Process

What is arbitration?

Arbitration is a hearing process to resolve major disputes/issues between two or more parties conducted by an appointed arbitrator according to Section 33A of the Condominium Act.

Is arbitration voluntary or mandatory?

Arbitration is mandatory and can be initiated by one party to the dispute. All parties will be bound by the decision of the arbitrator regardless of whether they attend or make presentations at the hearing.

Who conducts the arbitration?

Individuals who have been appointed to the Registrar of Condominium's list of arbitrators. These individuals have experience/training in both condominiums and arbitration.

Who can the parties be?

- Two or more unit owners in the same condominium corporation
- A unit owner and the occupier of a unit in the same condominium corporation
- A condominium corporation and the occupier of a unit in the property managed by the corporation.
- Two or more condominium corporations
- A condominium corporation and a unit owner in the property managed by the condominium corporation.
- A condominium corporation and a manager of the condominium corporation

What issues can be arbitrated?

Any issue to which the Condominium Act applies other than the termination of the governance of the corporation by the Act and those matters which come under the CDO dispute resolution process set out in Section 33 of the Act.

Can the parties have representation at the hearing?

Yes. Anyone can present on a party's behalf, including a lawyer or a property manager.

How do you present evidence?

Evidence can be written, or oral, by calling witnesses or presenting pictures or documents. It should be noted that copies of any evidence other than oral must be provided to all parties and the arbitrator at the time of the hearing.

When and how will the decision be made available?

The decision will be in writing with a copy provided to all parties involved and will contain reasons. The decision must be made available within 30 days of the hearing date, although the parties and the arbitrator may agree to change the time frame in which the decision is to be rendered.

Can the arbitrator's decision be appealed and if so, to whom?

It can be appealed, but only if there is a claim of bias on the part of the arbitrator or if the matter that was arbitrated was outside the jurisdiction of the arbitrator. The appeal would be made to the Supreme Court of Nova Scotia.

How do I initiate an arbitration procedure?

Use **Form 23: Notice of Intention to Submit Dispute to Arbitration** if you have a major dispute that relates to the Condominium Act, its regulations, or your condominium corporation declaration.

It can be downloaded from the website and the form is at the bottom of the web page.

1. If you need to resolve the dispute through arbitration, complete the application form.
2. Include payment with your application.
3. Send your completed application and payment by registered mail to the condominium registry at 7 North, Maritime Centre, 1505 Barrington St., P.O. Box 1003, Halifax, NS, B3J 2X1.
4. The Registrar of Condominiums reviews your application and confirms when a copy of your application should be served upon the respondent.
5. Serve a copy of your completed application upon the respondent in person, by registered mail, or by substitute service.
6. Notify the Registrar of Condominiums that the copy was served. You need the receipt for registered mail or a statement to confirm how you delivered the copy.
7. The Registrar of Condominiums sends you and the respondent a letter requesting you mutually pick an arbitrator from the Registrar of Condominiums' list of arbitrators (the list is included with the letter). If both parties can't agree or if no notification is received within 14 days as to which arbitrator is mutually acceptable, the Registrar of Condominiums appoints the arbitrator.
8. Once an arbitrator is assigned, the Registrar of Condominiums sends you and the respondent a letter confirming the appointment of the arbitrator. It's the responsibility of the parties to contact the arbitrator regarding the hearing.

9. After arbitration, the decision is sent from the arbitrator to both parties (you and the respondent) and the Registrar of Condominiums.

How much does an arbitration process cost?

For an application for arbitration to the Registry of Condominiums.....\$124.60

Plus

Per half day/hearing.....\$500.00

Plus

Per hour/writing the decision.....\$150.00

Plus

Any costs for hearing rooms, etc., and applicable taxes

Who pays the costs of the arbitration procedure?

The arbitrator can assign costs to either or both parties as the arbitrator determines warranted.

For Further information

Please contact the Registry of Condominiums office at condos@novascotia.ca should you have further questions concerning the condominium dispute resolution process or the arbitration process.

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Navigating Condominium Disputes: Tips for a Peaceful Co-Existence

Condominium living offers many benefits, including convenience, shared amenities, and a sense of community. Most often it involves sharing space with others which may lead to disputes among residents. Issues may arise daily between those living near others and those charged with the responsibility of looking after the condominium corporation, including the enforcement of the corporation's by-laws and rules.

These disputes can be minor, such as noise complaints, or significant, such as disagreements over maintenance or repairs. Most of these issues become disputes due to a false expectation that one can do what one likes in their own home without any consideration of how their living style will affect the comfort of others. Add a lack of understanding, respect, and a lack of communication and the result will be disputes!

While some disputes can be resolved quickly, others may require a third party or legal intervention.

Understanding Condo By-Laws and Regulations

One of the most important things to understand when living in a condominium is the by-laws and regulations that govern the community. These rules are designed to promote safety, fairness, and harmony among residents. Every condo association has its unique set of by-laws and regulations, so it is crucial to review them thoroughly.

Some of the most common regulations include noise restrictions, pet policies, and parking rules. It is essential to follow these regulations to avoid disputes with other residents. If you are unsure about a particular rule, it is always best to clarify it with the condo board or management.

Violating condo by-laws and regulations can result in penalties and fines. In extreme cases, it can lead to eviction. Therefore, it is crucial to understand and abide by the rules to maintain a peaceful co-existence in the community.

Common Condo Living Disputes and Their Causes

Disputes in condo living can arise from various factors, including differences in lifestyle, habits, and expectations. Some of the most common condo living disputes include:

Noise complaints

Maintenance and repair disagreements

Pet-related issues

Conflicts over shared amenities

Parking disputes

Noise complaints are one of the most common condo living disputes. Loud music, barking dogs, and noisy appliances can be a nuisance to other residents, especially during odd hours. Pet-related issues, such as barking, biting, and excessive shedding, can also lead to disputes. Parking disputes often arise from residents' failure to follow parking regulations, leading to blocked driveways and limited parking spaces.

Maintenance and repair disagreements can also lead to disputes in condo living. Residents may disagree on who is responsible for specific repairs or maintenance issues. Conflicts over shared amenities such as swimming pools, gyms, and meeting rooms can also arise from residents' competing interests.

Tips for Avoiding Condo Living Disputes

The best way to navigate condo living disputes is to avoid them altogether. Here are some tips for preventing conflicts:

- Read and follow the condo by-laws and regulations.
- Respect your neighbors' privacy and space.
- Communicate with your neighbors in a friendly and respectful manner.
- Be mindful of noise levels, especially during quiet hours.
- Keep your pet under control and clean up after them.
- Park in designated areas and follow parking regulations.
- Report maintenance and repair issues promptly
- Pay your condo fees on time and in full.

By following these tips, you can minimize the chances of disputes arising and enjoy a peaceful co-existence in the community.

Ways to Resolve Condo Living Disputes Amicably

Despite your best efforts, disputes may still arise. In such cases, it is essential to address them quickly and amicably to prevent them from escalating. Here are some ways to resolve condo living disputes peacefully:

Talk to your neighbor: If you have a problem with your neighbor, it is best to approach them directly and calmly. Sometimes, the issue may be due to a misunderstanding that can be easily resolved through communication.

Involve the condo board or management: If talking to your neighbor does not resolve the issue, you can involve the condo board or management. They can help mediate the dispute and enforce the condo by-laws and regulations. It is also important that you summarize the issue in writing to them, to alleviate any misunderstandings and to ensure that there is a written record of the matter.

Utilize the dispute resolution processes: There are two separate dispute resolution processes under sections 33 and 33A of the *Condominium Act*. The process you use depends on the nature of the dispute and the parties involved. Refer to the 'Dispute Resolution Guide' for further details about these processes.

Seek legal help: In complex disputes, legal intervention may be necessary. You can seek legal help from a lawyer who specializes in condo living disputes.

The Importance of Communication in Condo Living

Effective communication is vital in preventing and resolving disputes in condo living. Residents must communicate with each other and the condo board or management in a friendly and respectful manner. Clear and open communication can help prevent misunderstandings and conflicts.

Working with Condo Boards and Management

Working with condo boards and management is crucial in maintaining a peaceful co-existence in the community. They are responsible for enforcing the condo by-laws and regulations, ensuring that the common areas are maintained, and resolving disputes among residents.

It is essential to communicate with the condo board or management promptly when you have an issue. They can help mediate disputes and provide guidance on how to handle complex issues.

Maintaining a Peaceful Co-Existence in Condos

Living in a condominium community requires compromise and respect for other residents. By following the condo by-laws and regulations, communicating effectively, and resolving disputes amicably, you can maintain a peaceful co-existence in the community.

Conclusion

Living in a condominium community can be a rewarding experience, but it can also lead to disputes among residents. Understanding the condo by-laws and regulations, following them, and communicating effectively can help prevent and resolve disputes. If this hasn't proved to be effective, then you may have to involve a third party by utilizing one of the two options available under the *Condominium Act* for dispute resolution. In complex disputes, legal intervention may be necessary. Working with the condo board or management is crucial in maintaining a peaceful co-existence in the community. By following these tips, you can enjoy all the benefits of condo living without the stress of disputes.

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Governance

Board of Directors

Owners elect a **board of directors** to oversee the business affairs of the condominium corporation. As an owner, you are a member of the condominium corporation, so board activities affect your condominium experience every day. Therefore, it's important that you vote for the directors or become a director yourself. Elections typically occur during the annual general meeting (AGM).

Roles and responsibilities of the Board of Directors

The primary role of a condominium board is to represent the collective and individual interests of owners and residents to achieve organizational objectives, including overseeing the management of condominium affairs.

Your board of directors meets regularly to conduct condominium business. Meetings typically occur once a month, though they can happen more or less frequently. The board of directors must ensure the corporation is run in compliance with the *Condominium Act* (the Act), and as part of their responsibilities, directors must:

- track your condominium's financial performance.
- ensure all required maintenance and repairs are carried out.
- hire specialists, like engineers, to update the reserve fund study every five years.
- propose changes to condominium by-laws. For these proposed changes to take effect, a significant number of unit owners (60%), must vote in favor of the changes.
- enact rules to promote the safety, security, and welfare of all owners.
- Provide regular communication with the other owners.

The board cannot conduct any business except at a meeting of directors. Further, there must be a quorum at the meeting and a quorum for a directors meeting is a majority of the number of directors.

Roles and responsibilities of a Condo Property Manager (if applicable)

Often, a property manager is hired by the board as an agent of the board, to assist with fulfilling its responsibilities through the day-to-day management of the building.

The property management company will be responsible for the daily operations of the condominium corporation, which include:

- Hiring and/or firing of service contractors
- Holding regular board meetings, overseeing administration of owner's meetings, and issuing appropriate and timely notices
- Determining which repairs and replacements shall be made to major assets of the corporation.
- Managing the reserve fund
- Preparing financial reports and filing the corporation's tax returns
- Responding to complaints

Annual General Meeting

Annual meetings are an essential component of the democratic functions and self-governance of corporations. They also represent an important opportunity for condo managers, owners, and professionals to raise issues and monitor the fiscal health, performance, and governance of their corporations.

The Act sets a governance framework for condominiums in Nova Scotia. Although the Act is the overall governing statute, every condominium in Nova Scotia is also governed by its declaration, by-laws, and common element rules. The by-laws will usually provide details and timelines for meetings of members of the corporation.

All Condominiums run on an annual calendar, an annual budget, an annual report to the owner's yearly contract renewals, etc. The fiscal year is usually related to the original date of registration. The best practice for any Board of Directors is to develop an annual plan that sets out the expectations contained in the budget and pinpoints when the work will be done.

Election of people to the board of directors

At every AGM, one or two director terms may expire. That means other residents can run for a seat on the board. The process for electing directors depends on your condominium's by-laws and rules.

If you want to run for a position on the board, you should notify the board ahead of the AGM. Your name will then be included in the AGM package sent to residents before the meeting. However, you can still stand for election on the day of the meeting.

Subject to the by-laws, the directors elect the president and secretary from among themselves.

Director terms

The board must have at least 3 directors. An odd number of directors helps prevent stalemates during board votes. The number of directors is specified in the condo declaration. The term for a board member can be up to three years. Terms are typically set so that they don't all expire at the same time. This helps ensure that there is always an experienced director on the board.

Updating Directors and/or Officers

Condominium corporations need to notify the Registrar of Condominiums any time there is a change in officers and directors. They also need to notify the Registrar if any of the contact information for the officers/directors has changed.

A corporation or owner can verify who the current list of directors & officers is by searching the Registry of Joint Stock Companies website: <https://rjsc.novascotia.ca/>.

A form will have to be completed and submitted to the Registrar to make any changes to the officers or directors. Refer to the following page on the Condominium Registry website, about how to update the list of condo corporation officers and directors for your corporation:

[Update list of condominium corporation officers and directors - Government of Nova Scotia](#)

Director Removal by Owners

Directors are responsible under section 15D of the Act to exercise their power or carry out their duties for the condo corporation with a standard of care. This means directors have a duty under the Condo Act to:

- Act honestly and in good faith.
- Exercise the care, diligence, and skill that a reasonably prudent person would exercise in comparable circumstances; and
- Act in the best interest of the corporation when discharging the duties of the director or officer's office.

A condo corporation may encounter a situation in which the owners feel that they are not being served by having a certain director on their board, either due to a director not doing their job, or a director acting in a manner inappropriate for someone in that position. In these situations, the Act does allow for the removal of a director by the owners before their term is scheduled to end.

Section 15B of the Act states that a director may be removed by a vote of the owners at a meeting called for that purpose. The director will be removed if, at this meeting, the owners by a majority vote in favor of removal.

Section 15 of the Act allows the owners to elect any person qualified to be a member of the board, where a vacancy occurs, and serve the remaining term of the director who has been removed, according to the condo corporation's by-laws dealing with the election of directors.

By-Laws and Legislation

Always check your condo corporation's bylaws as they may contain specific rules respecting board matters such as:

- Nominations
- Eligibility requirements for board members
- Term of service
- Duties and responsibilities of board members
- Procedures for electing board members and appointing officers
- Procedures for removing board members.

Also, refer to the relevant provisions under Part IV, of the *Condominium Act*, respecting 'The Corporation' for further details regarding the board of directors and management of the corporation.

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Governing Documents

Declaration, By-Laws & Rules

In addition to the *Condominium Act* (the Act), condominium corporations are governed by the declaration, by-laws, and rules. It is important to be familiar with these documents which are often referred to as the “governing documents”. When you buy a condo whether you decide to live in it or lease it out, you become part of a larger community of owners who all have a collective interest in the condo corporation and its operations. These documents are instrumental in establishing how the condo corporation must conduct its business and manage its affairs.

The governing documents contain important information regarding the powers and responsibilities of the condo corporation, the owner’s rights, and obligations, as well as what is permitted in the condo corporation, and any restrictions that must be observed. According to sections 18, 30, and 44A of the Act, the provisions in the governing documents must be enforced by the condo corporation’s board of directors and followed by every individual (e.g., owners, occupants, etc.), on the property of the condo corporation.

The Hierarchy

Taken together with the Act, the declaration, by-laws, and rules are the main sources of condo governance, and they exist in a hierarchy in the following order:

1. The Provincial Legislation (*Condominium Act* & Condominium Regulations).
2. The Declaration.
3. The By-laws; and
4. The Rules

The Act & Regulations is at the top of the hierarchy, and it applies to and regulates all condo corporations in the province of Nova Scotia. The Act lays out the requirements for each of the governing documents, how they are created and amended, and the requirement that they be consistent with the Act. Not only do the governing documents need to be consistent and in compliance with the Act, but also with any document higher in the hierarchy. For example, a condo rule cannot contradict the condo corporation’s by-laws, declaration, or the Act.

Each governing document type has a different purpose and the requirements to amend each document also differ.

- **The Declaration**

The declaration is the document that creates the condo corporation once it is accepted by the Condominium Registrar and then registered at the applicable land registration office. It contains certain mandatory provisions legislated by the Provincial legislation

such as a specification of the boundaries of the units, a specification of common expenses, and provisions respecting the occupation and use of the units & and common elements.

The declaration also specifies what areas of the common elements, if any, are assigned to the 'exclusive use' of a particular unit such as balconies, parking spaces, or storage lockers. These exclusive-use areas remain part of the common elements and their use is governed by the condominium's declaration, by-laws, or rules. The declaration may also contain provisions regulating the use and occupation of units and common elements and usually allocates the responsibility for the maintenance and repair of the common elements and units between the owners and the condominium corporation.

The declaration is often considered the constitution of the condo corporation and contains many important provisions.

Amending the Declaration: Occasionally, owners may wish to propose amendments to their condominium corporation's declaration. Making amendments to the declaration requires a high threshold, of at least 80%, owner consent. An amendment to the declaration is acceptable by the Registrar without this consent, only if the amendment is correcting a grammatical, clerical, typographical, or printing error or an error in mathematics.

Refer to the following page in this manual for further details:
[General Amendments Submitted by Condominium Corporations](#)

- **[The By-laws](#)**

By-laws are passed by the Board of Directors and must then be approved by owners representing 60% of all the units within the condominium corporation. The approved by-law must be accepted by the Condominium Registrar and then registered at the applicable land registration office before it becomes effective.

The by-laws set out various key aspects of how the condo corporation will govern itself such as the number of directors on the board, board meeting procedures, and how the affairs of the condo corporation are generally conducted.

The by-laws cannot be contrary to the Provincial legislation, or the Declaration and they are the administrative guide for the condo corporation.

Amending the By-Laws: By-laws are passed, amended, or repealed by the condominium board but require approval by at least 60% of the owners.

Refer to the following page in this manual for further details:
[General Amendments Submitted by Condominium Corporations](#)

- **The Rules**

All condominium corporations have rules, which define the standards of behavior for the community. These rules govern the day-to-day use of the units and the common elements. Rules are developed and approved by the Board and then distributed to all owners. The board provides owners with notice of the proposed rule in the prescribed form (Form 28 under the Regulations), which notice must include a form to allow the owner to object to the rule. Owners have 10 days or 15 days from the date that a notice is sent by regular mail, to object to the rule. If the Board does not receive an objection within the deadline, the rule is in force until it is ratified by a majority of the owners present at the next general meeting.

Condo rules are designed to promote the safety of owners and prevent unreasonable interference with the use and enjoyment of the units as well as common elements. The condo rules will dictate what individuals on the condo corporation property can and cannot do.

Rules must be reasonable and consistent with the Provincial legislation, Declaration, and By-laws.

Most condominium corporation rules contain provisions that: prohibit excessive noise and nuisances, prohibit alterations to common areas, and prohibit storage of boats, trailers, or similar equipment. They can also deal with many other issues such as the use of recreational areas, pets, and the use of barbecues.

Nova Scotia's Human Rights Act and Condominium Governing Documents

Condominium corporations in Nova Scotia must comply with Nova Scotia's *Human Rights Act*. This would also apply to any provisions in the condominium corporation's declaration, by-laws, and rules.

What is the Act and What Does it Do?

The *Human Rights Act* is a provincial law that gives everyone equal rights and opportunities without discrimination in specific social areas such as employment, housing, services, facilities, and contracts or agreements. The goal of this Act is to prevent discrimination and harassment because of race, sex, disability, and age, to name a few of the 17 protected grounds.

No provision contained in the governing documents for a condominium corporation shall discriminate because of any characteristic referred to in clauses (h) to (v) of subsection (1) of Section 5 of the *Human Rights Act*, which states as follows:

Prohibition of discrimination

5 (1) No person shall in respect of

- a) the provision of or access to services or facilities.
- b) accommodation.
- c) the purchase or sale of property.
- d) employment.
- e) volunteer public service.
- f) a publication, broadcast, or advertisement.
- g) membership in a professional association, business or trade association, employer's organization or employee's organization,

discriminate against an individual or class of individuals on account of

- h) age.
- i) Race.
- j) Colour.
- k) Religion.
- l) Creed.
- m) Sex.
- n) sexual orientation.
- n, a) gender identity.
- n, b) gender expression;
- o) physical disability or mental disability.
- p) an irrational fear of contracting an illness or disease.
- q) ethnic, national, or aboriginal origin.
- r) family status.
- s) marital status.
- t) source of income.
- u) political belief, affiliation, or activity.
- v) that individual's association with another individual or class of individuals having characteristics referred to in clause (h) to (u).

For more information on human rights, please visit the Nova Scotia Human Rights Commission's website: <https://humanrights.novascotia.ca/know-your-rights>

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Amendments to Declaration & By-laws

General Amendments Submitted by Condo Corporations

Under the Condominium Act (the Act), a condominium corporation can make changes to the original declaration and by-laws. Based on Section 14 (3B) of the act, a corporation can also make changes to the configuration of the property by adding or selling land, grant easements, and adding or consolidating units within the corporation.

The Declaration and By-laws cannot be amended by the board alone as they can only be amended by a significant number of the owners who must approve the change.

The condominium registry office will review amendments to ensure compliance with the Act and regulations, and that there is no conflict within the governing documents, (declaration and by-laws).

DECLARATION AMENDMENTS

An amended condominium declaration refers to an original condominium declaration that has been modified. The Act allows condominium corporations to amend their declaration with the consent of owners who own at least 80% of the common elements.

A declaration amendment can contain:

- small changes or
- substantial changes

SMALL CHANGES TO THE DECLARATION

An amendment that makes a small change to a declaration can

1. add a clause or current section
2. repeal a clause or section or
3. add and replace current wording in a section or clause.

FEE FOR SMALL CHANGES

A small change to a declaration does not require a full review. Therefore there is no fee charged for the examination of the declaration amendment that contains small changes.

SUBSTANTIAL CHANGES TO THE DECLARATION

Substantial changes to the declaration include:

- Complete re-write of the declaration to incorporate changes in the current act and regulations or
- Submission of a survey plan to be reviewed by the survey technician.

Substantial changes will require a review of the current by-laws for the corporation to ensure there is no conflict. If there is a conflict, a new set of by-laws may need to be submitted.

Note: A complete rewrite of the declaration only repeals the body of the declaration. It does not include the where-as statements in the original declaration and the schedules unless the description in Schedule "A is being changed and/or Schedule "C" which outlines the percentages of ownership of common elements, expenses, and voting percentages is being changed.

FEES FOR SUBSTANTIAL CHANGES

An examination fee for the declaration is charged for substantial changes.

POLICY ON CORPORATIONS NOT USING A LAWYER

The office will accept declaration amendments from a condominium corporation directly that makes a small amendment only.

The cost of hiring a lawyer can be very expensive for the condominiums. In order to save money, some corporations do not hire a lawyer when making small changes to declarations. It should be made clear that the office does not provide legal advice and the corporation should always seek legal advice when making changes to their declaration to ensure that they do not contravene any applicable legislation, such as the *Human Rights Act*.

SMOKE-FREE CONDOMINIUM POLICY DECISION

Many condominium corporations are submitting declaration amendments to make their condominium smoke-free which can include the smoking and growing of cannabis. Refer to the following page for further details: Smoke-Free Condominium.

RESTRICTING LEASING OF UNIT

Some condominium corporations are also opting to submit declaration amendments themselves to restrict the leasing of units for 30 days or less to prohibit unit owners from short term rentals such as Air BNB's. Declarations may impose restrictions on the leasing of units; however, they may not strictly prohibit a unit owner from renting out their unit because that would violate an individual's basic rights with respect to real property ownership.

ADDING OR SELLING LAND

Under Section on Section 14 (3B) of the Act, a corporation can add or sell part of the common elements if there is consent of the owners who own at least 80% of the common elements. A declaration amendment must be done as well as the submission of a survey plan that updates the overall boundary of the corporation.

Refer to the following page in this manual for further requirements: [Checklist for Amendments](#).

ADDING AN EASEMENT

A condominium corporation cannot just submit an easement document to the Land Registration Office. It needs to go through the Condominium Registration Office first to be accepted by the Registrar.

Adding an easement is a trigger for the corporation to also submit a declaration amendment. The overall survey plan would need to be updated to show the location of the easement going over the common elements or units. An easement document forms part of the package that is recorded at the LRO.

DECLARATION AMENDMENT WHEN THE DECLARANT OWNS ALL THE UNITS

As for ballots, it still is a condominium even though the declarant owns all the units, so you will still need to see the ballots from the unit's owners. You can have one ballot showing all units on it if it is the same owner(s).

Note the President of the condominium signs the documents not the declarant. Most likely they are one in the same person, but the key is, that the title block under the signature would be the president of the condominium. It is like one person owning two different companies.

ADDING UNITS TO A CORPORATION

Adding a unit to an existing corporation is considered a Declaration Amendment if it changes Schedule C of the Declaration and changes the configuration of the survey plan.

See Halifax County Condominium Corporation No. 28. Amendment dated Aug 3, 2007

CLERICAL ERRORS

Section 12(4) of the Act states the Registrar may accept for registration an amendment to a description that is registered without the consent of unit owners to correct a grammatical error, clerical or typographical or printing error, or an error in mathematics.

A Statutory Declaration is submitted by the lawyer indicating the error made a was clerical error.

No ballots are required, as consent of unit owners is not required.

SAMPLE – FORMAT OF A DECLARATION AMENDMENT

Amendment to Declaration

Made Pursuant to the Condominium Act

Statutes of Nova Scotia, 1989, Chapter 85, as amended for

Halifax County Condominium Corporation No. XXX

Whereas Halifax County Condominium Corporation No. XXX wishes to amend its Declaration;

And Whereas owners owning at least eighty percent (80%) of the common elements voted in favor of this Amendment.

NOW, THEREFORE: Halifax County Condominium Corporation No. XXX hereby declares as follows:

(Insert a description of the amendment)

i.e., To add new Article xx immediately following Article xx as follows:

This amendment to the Declaration of Halifax County Condominium Corporation No. XXX shall take effect upon acceptance for registration.

BALLOTS FOR DECLARATION AMENDMENTS

As part of the review process for the declaration amendment, the office requests to see all copies of the ballots showing that the unit owner has voted. The office will accept a fax or a photo of the ballot filled out as proof.

Review of the Ballots

The Condominium Registration Officer will:

1. Review all the ballots for the following:
 - a. Unit number that matches Schedule C of the declaration
 - b. The name of the unit owner matches the Property Online (POL) Printout of the unit owner.
 - c. The signature of the unit owner (two-unit owners can sign but not necessary) matches POL.
 - d. Date signed.
 - e. Brief description of what is being voted on.
 - f. Checkmark or clear indication of a yes or no vote.

2. Create a spreadsheet showing:
 - a. the unit numbers.
 - b. yes or no vote for unit.
 - c. percentage of the common elements owned by the unit owner based on Schedule C of the declaration.

The spreadsheet should total the percentage of common elements owned by the unit owners who voted “yes”. If it is less than 80% the declaration amendment cannot be accepted for registration.

BY-LAW AMENDMENTS

The Act allows condominium corporations to amend their by-laws if 60% of the owners vote in favor of making changes to the By-laws.

If a section or clause that is being changed in the By-laws is also in the declaration, a declaration amendment is also required.

Note: if the clause is being removed completely from the By-laws, there is no requirement to amend the declaration.

SMALL CHANGES TO THE BY-LAWS

An amendment that makes a small change to a By-law can

1. add a clause or current section
2. repeal a clause or section or
3. and add and replace current wording in a section or clause.

FEE FOR SMALL CHANGES

A small change to a by-law does not require a full review Therefore there is no fee charged for the examination of the by-law amendment.

SUBSTANTIAL CHANGES TO THE BY-LAWS

Substantial changes to the by-laws include a complete rewrite of the by-laws to incorporate changes in the current act and regulations.

Substantial changes will require a review of the current Declaration for the corporation to ensure there is no conflict. If there is a conflict, then the Declaration will need to be updated or the clause be removed from the new by-law.

SCHEDULE A COMMON ELEMENT RULES

Under Section 24 of the Act, the by-laws may provide for the making of Common Element Rules. The Act outlines how the common element rules can be updated, and sometimes common element rules are submitted with by-law amendments.

The submitter should ensure that there are no conflicts in the common elements with the condominium corporation's declaration and by-laws.

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Confirmation of Vote

See below for two versions of how the confirmation of vote can be worded, based on how the vote was conducted for the declaration amendment.

Version one (voted in a meeting)

CONFIRMATION OF VOTE FOR DECLARATION AMENDMENT

To the Registrar of Condominiums:

_____ County Condominium Corporation No. _____ hereby certifies that the attached amendment to the declaration of the Corporation was made by the members of the Corporation at a meeting held on the ____ day of _____ 20__ for that purpose.

Members owning 80% of the common elements voted in favor thereof.

The Corporation further certifies that the amendment to the declaration was in all respects made in accordance with the Condominium Act, the declaration, and the by-laws of the Corporation.

Witness the seal of the Corporation duly affixed by the authorized officers of the Corporation this ____ day of _____, 20_____.

_____ County Condominium Corporation No. _____

By _____

By _____

Version two (voted by mail in ballots)

CONFIRMATION OF VOTE FOR DECLARATION AMENDMENT

To the Registrar of Condominiums:

_____ County Condominium Corporation No. _____ hereby certifies that the attached amendment to the declaration of the Corporation was made by a vote conducted by mail in ballots received and reviewed on the ____ day of _____ 20__ for that purpose.

Members owning 80% of the common elements voted in favor thereof.

The Corporation further certifies that the amendment to the declaration was in all respects made in accordance with the Condominium Act, the declaration, and the by-laws of the Corporation.

Witness the seal of the Corporation duly affixed by the authorized officers of the Corporation this ____ day of _____, 20____.

_____ County Condominium Corporation No. _____

By _____

By _____

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Statutory Declaration Confirming Unit Ownership

Statutory Declaration Confirming Unit Ownership

I hereby confirm that a search has been conducted at the Registry of Deeds by the undersigned and the attached list has been developed as a result of that search and accurately represents the ownership of each of the units in _____ County Condominium Corporation No. _____, as indicated.

Sworn to this _____ day of _____, _____ at _____, in the Province of Nova Scotia, before me

Signature

Print Name

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Checklists for Amendments

A) Condominium Corporation Registration Requirements (Additional Phases)

PLANS

- Architectural - 3 sets**
- Signed by architect.
- “As-built” floor plans and cross-sections
- Electrical/Mechanical
- Signed by an engineer if required.
- Structural (for > 4 floors)
- Other (e.g., sewage treatment, geothermal, etc.)

- Surveys 3 sets**
- Form 4 Surveyor’s Certificate for Use on All Plans
- Form 5 Surveyor’s Certificate for Use When Unit is Defined by Reference to Building
- Form 6 Certificate of Owners

DECLARATION

- Declaration Amendment - 4 copies**
- original signatures
- Schedule “A” - Description

- (Schedule “B”) - consent of encumbrancers

- Schedule “C” totaling 100%

OTHER FORMS/REQUIREMENTS

- There are no Lis Pendens in the title.
 - Form 1 -Report on Title
 - Form 2 - Surveyor's Certificate
 - Form 20 Certificate of Architect
 - Form 21 Certificate of Engineer (required for > 4 floors)
 - Statutory Declaration Municipality
 - Occupancy Permits for all units.
 - Tax Certificate
 - Advertised Sale prices and or appraisals(includes HST)
 - Reserve Fund Study (for conversions or corporations with 10 or more units)
 - 1 LRA Form 28 (for declaration)
 - Conversions require Sign-off from the Director of Residential Tenancy.

FEES

NOTES:

- Registry of Condominiums (Based on Schedule 'B' of the Condominium Regulations)
- Registry of Deeds (Based on the Number of units being registered)

See Schedule 'B' of the Regulations for details:

[Condominium Regulations - Condominium Act \(Nova Scotia\)](#)

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B) Condominium Corporation Registration Requirements (Bare Land Phase)

PLANS

- Surveys - 3 sets**
- Form 4 - Surveyor's Certificate for Use on All Plans
- Form 5 - Surveyor's Certificate for Use When Unit is Defined by Reference to Building
- Form 6 - Certificate of Owners

DECLARATION

- Declaration Amendment - 4 copies**
- original signatures
- Schedule "A" - Description
- (Schedule "B") - consent of encumbrancers
- Schedule "C" totaling 100%

OTHER FORMS/REQUIREMENTS

- There are no Lis Pendens on the title.**
- Form 1 -Report on Title**
- Form 2 - Surveyor's Certificate**
- Statutory Declaration Municipality**
- Tax Certificate**
- Advertised Sale prices and or appraisals(includes HST)**
- Reserve Fund Study (for conversions or corporations with 10 or more units)**
- 1 LRA Form 28 (for Declaration)**

Phased Development (Phase 1)

- undertaking to add RestrictiveCovenant on remainder lands.

FEES

NOTES:

- Registry of Condominiums (Based on Schedule 'B' of the Condominium Regulations).
- Registry of Deeds (Based on the Number of units being registered)

See Schedule 'B' of the Regulations for details:

[Condominium Regulations - Condominium Act \(Nova Scotia\)](#)

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C) Condominium Corporation Registration Requirements (Changing Number of Existing Units)

This checklist is used when the amendment is:

- Adding New Units & Reducing Common Elements; or
- Consolidating Units (per section 14 (3) (e) of the Condo Act; or
- Dividing a Unit into two or more units (per section 14 (3) (f) of the Condo Act

PLANS

- Architecturals - 3 sets**
- Signed by architect.
- “As-built” floor plans and cross sections 4 sets
- Electrical/Mechanical 4 sets
- Signed by an engineer if required.
- Structural 4 sets (for > 4 floors)
- Other (e.g., sewage treatment, geothermal, etc.)

- Surveys 3 sets**
- Form 4 Surveyor’s Certificate for Use on all Plans
- Form 5 Surveyor’s Certificate for Use When Unit is Defined by Reference to Building
- Form 6 Certificate of Owners

DECLARATION AMENDMENT

- Declaration Amendment 4 copies**
- original signatures
- Schedule “A” -
Description
- Schedule “C” totaling 100%

- Four “Confirmation of Vote for Declaration Amendment” forms, all with original signatures.
Note: Unit owners representing 80% of the common elements must vote in favor of the proposed amendment.
- One copy of all the completed ballots used to conduct the vote is required.

OTHER FORMS/REQUIREMENTS

- There are no Lis Pendens on the title.**
- Form 1 -Report on Title**
- Form 2 - Surveyor’s Certificate**
- Form 20 Certificate of Architect**
- Form 21 Certificate of Engineer (required for > 4 floors)**
- Statutory Declaration Municipality**
- Occupancy Permits for all units.**
- Tax Certificate**
- Advertised Sale prices and or appraisals (includes HST)**
- Reserve Fund Study (for conversions or corporations with 10 or units)**
- 1 LRA Form 28 (for Declaration)**
- Conversions require Sign-off from the Director of Residential Tenancy**

FEES

- Registry of Condominiums (Based on Schedule ‘B’ of the Condominium Regulations).
- Registry of Deeds (Based on the Number of units being registered)

See Schedule ‘B’ of the Regulations for details:

[Condominium Regulations - Condominium Act \(Nova Scotia\)](#)

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General Amendments

Registry of Condominiums Declaration and By-Law Amendment Requirements and Fees Revised April 1, 2015 (fee structure)

Documents required for the Declaration Amendment are as follows:

1. **Four** (4) declaration amendments are to be submitted.
2. **Four** (4) “Confirmation of Vote for Declaration Amendment” forms, all with original signatures, are required (Note: unit owners representing 80% of the common elements must vote in favor of the proposed amendment.)
3. **One** (1) copy of an up-to-date Property Online Printout from the Registry of Deeds, confirming the unit ownership, must be provided.
4. **One** (1) “Statutory Declaration Confirming Unit Ownership” form, with original signatures, must be provided.
5. **One** (1) copy of all the completed ballots used to conduct the vote is required.
6. **One** (1) Land Registration Act Form 28 (obtained from the Registry of Deeds), with original signatures, is required. When completing Form 28, please check the category “Other” and specify the Declaration Amendment.

Additional Requirements for Declaration Amendment that is adding land to the Corporation or changing the common elements.

1. **Four** (4) copies of Form 8 - Dedication of Additional Land to Common Elements
2. **Three** (3) copies of the amended survey plan showing land being added/removed to the corporation
3. **One** (1) copy of the approved subdivision plan from the appropriate development officer for review with amended survey plans for corporation land.

Registration fees, payable as follows, are required:

Registry of Condominiums	Acceptance for registration of declaration amendment including examination of ballots	\$249.20
	Plus, where the Registrar determines a full, comprehensive examination of declaration & description is required	\$124.60
Land Registration Office		\$ 43.60
Registry of Joint Stock		0.0

Document requirements for the By-law Amendment are as follows:

1. **Four** (4) bylaw amendments are required.
2. **Four** (4) copies of Form 15, all with original signatures, must be provided (Note: unit owners representing 60% of the common elements must vote in favor of the proposed amendment)
3. **One** (1) Land Registration Act Form 28 (obtained from the Registry of Deeds), with original signatures, is required. When completing Form 28, please check the category “Other” and specify the By-Law Amendment.

Registration fees, payable as follows, are required:

Registry of Condominium	Acceptance for registration of by-law amendment	\$62.30
	Plus, where the Registrar determines a full, comprehensive examination declaration & description is required.	\$93.40
Land Registration Office		\$ 43.60
Registry of Joint Stock		0.0

Note: Section 72 of the Regulations states the Registrar shall not accept for registration any document that requires approval of the corporation members unless that approval has been given not more than 90 days before the date the documents are submitted for registration.

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Regular Condominium Corporation's Filings

Condo corporations must regularly file documents with the Condominium Registrar and all corporations must submit:

- Annual financial statements (See checklist below)
- Board of Director and Officer updates ([Update Form on Condo Registry website](#))
- Registered Agent updates ([Form 9](#))
- Reserve Fund Studies: submitted every 5 years for corporations with ten or more units.

If you have any questions about how to file your paperwork, contact the Condominium Registry at: condos@novascotia.ca

ANNUAL FINANCIAL STATEMENTS FILED WITH THE REGISTRAR OF CONDOMINIUMS

Condominium Corporations are required to file their annual financial statements to the Registrar of Condominiums in accordance with sections 24, 25 & 26 of the *Condominium Act* and section 72B of the Condominium Regulations.

The checklist outlined below provides details about the requirements that must be met.

Required for ALL condominium corporations:

- two signatures of board members (also print name below or next to signature).
- budget allocations and actual expenditures for the reporting period.
(i.e., assets & liabilities and income & expenses)
- details of the reserve fund investments including;
 - the financial institution(s) holding the funds,
 - the total amount of the fund,
 - the instruments in which the funds are invested, and
 - the terms of the investments, including interest rates & maturity dates.

**Additional requirements for corporations with 10 or more condo units
(including the parking units):**

AUDITED FINANCIAL STATEMENT

Auditor is an active Chartered Professional Accountant (CPA) who is licensed in Nova Scotia.

Auditor statement is present that includes all of the following.

- The current amount in the reserve fund for the reporting period, and
- What percentage this is of the amount required by the reserve fund study.

NOTE: Financial Statements can be sent via email to: condos@novascotia.ca

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Smoke-Free Condominiums

Condominium developers are permitted to designate their corporations 100% smoke-free, including the units if they choose to do so.

Such a designation would need to be appropriately covered in the Declaration and By-laws at the time of registration of the condominium corporation. The Declaration and By-laws can limit smoking to certain areas or prohibit smoking completely. It is important to stipulate clearly which areas will be designated as non-smoking in these governing documents.

To make an existing condominium corporation 100% smoke-free requires an amendment to the existing Declaration and section 11(2) of the *Condominium Act* requires that provisions respecting the occupation and use of units be included in the declaration. An amendment to the Declaration requires an affirmative vote of owners of 80% of the common elements, in accordance with the Act.

The By-laws allow for the making of provisions that may further flesh out provisions outlined in the Declaration and in these cases, a Declaration and By-law amendment would be required. However, if the By-laws do not contain any specific information regarding smoking provisions or restrictions, then only an amendment to the Declaration is required. If an amendment to the By-laws is necessary, it requires an affirmative vote of owners of 60% of the common elements, in accordance with the Act.

Refer to the following page in this manual for details about the amendment process:

[Amendments to Declaration & By-laws](#)

It is important for any condominium corporation considering such a change to understand that even with a smoke-free designation, there is nothing to prohibit people who smoke from buying into a smoke-free building. If a corporation is successful in having its building designated as 100% smoke-free, the Board of the day must be prepared to enforce the declaration and by-laws and deal with any offenders.

Provincial Smoke-Free Legislation

In most jurisdictions across Canada, including Nova Scotia, smoking is banned in all indoor public places and workplaces, including restaurants and bars. While there are no provincial laws that regulate smoking in private residences, the provincial [Smoke-Free Places Act](#) bans smoking in the common elements of multi-unit dwellings including condominiums. These elements include corridors, lobbies, stairwells, elevators, escalators, eating areas, fitness rooms, and restrooms of multi-unit condominiums.

Smoke-Free Housing Nova Scotia

[Smoke-Free Housing Nova Scotia](#) seeks to promote multi-unit housing with smoke-free indoor air and their goal is to make smoke-free multi-unit housing the norm in Nova Scotia. It was created to encourage and assist many groups of people, including condominium developers and corporations, to create more smoke-free options for Nova Scotians living in multi-unit condominiums. Among other resources, their website contains the following how-to Guides specifically developed for condominium corporations.

1. [How-to Guide for Condominium Corporations with a Smoke-Free Provision](#)
2. [How-to Guide for Condominium Corporations without a Smoke-Free Provision](#)

Legislation Enforcement

The Condominium Corporation is responsible for enforcing the smoking ban in common areas of multi-unit condominium developments under the *Smoke-Free Places Act*.

Provincial Condominium Legislation

In Nova Scotia, the *Condominium Act* governs condominium corporations. However, condominium corporations have a duty to enforce the Declaration and Bylaws, including enacting by-law enforcement proceedings up to and including seeking relief in court if necessary.

Condominium Boards and owners should always attempt to resolve these types of issues informally between themselves before involving a third party. If those attempts are not successful, then either party can utilize the Condominium Dispute Resolution Process or Arbitration process, as outlined under S 33 and 33A of the Condominium Act.

Refer to the [Dispute Resolution Guide](#) in this manual for further details.

**You have reached the end of this document.*

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