



UPDATING YOUR CONDOMINIUM CORPORATION'S BY-LAWS

BY-LAWS – WHAT ARE THE BENEFITS?

- By-laws should be specific to the type of project, otherwise they may not be effective
- By-laws must be current with the relevant legislation (Condominium Property Act, R.S.A. 2000) and case law
- They define an interest rate maximum to be collected by the Corporation
- There should be clear definition of Owner and Corporation Responsibilities/Expenses
- The ability to recover full legal and other costs in By-law enforcement is dependent on the language found in the By-laws
- Ability to levy appropriate fines and penalties must be set forth in the By-laws
- Allow the Annual General Meeting to be held the same day if there is a lack of quorum
- Owners should indemnify the Corporation in certain circumstances

THE STEP-BY-STEP PROCESS

Step 1: List of changes

- The Board may wish to prepare a list of items to discuss but it is not essential
- Meet with lawyer to discuss the required changes and lawyer recommendations

Step 2: Draft amendment for new By-laws

- The lawyer will prepare draft By-laws for the Board/Condo Consultant to review
- It is normally 8 – 10 weeks for the lawyer to prepare the new proposed By-laws

Step 3: Review and revisions

- Board/By-law Committee reviews document with Condo Consultant
- Advise lawyer of any further changes
- Changes are made and forwarded to Board/Condo Consultant for further review

Step 4: Owner approval

- It is recommended to search titles to all Units to confirm Owners for the effective date
- It would then be the Board's responsibility to obtain the required signature of Owners to pass the Special Resolution (75% of the Owners representing 75% of the Unit Factors) as of an effective date

Step 5: Registration

- Directors will sign Notice of Change of By-laws to certify Special Resolution has been properly passed, and return to lawyer
- By-laws and Notice are forwarded to Land Titles for registration
- Confirmation will be provided to the Board/Condo Consultant to forward to Owners

Only By-laws which are registered at the Land Titles Office can be legally enforced.