

From: Lois Flynn

Sent: April 14, 2020 9:16 AM

To: Curtis Siracky

Cc: Allison Scott Lee, Chanta, IJD Crookshanks

Subject: Ministerial Order to Address Legislative Requirements for Condominium Sector

Good morning Curtis,

On Thursday, April 9, 2020, under the authority of the *Public Health Act*, the Honourable Nate Glubish, Minister of Service Alberta, issued a [Ministerial Order](#) to temporarily modify provisions in several acts and regulations related to timelines, location and distance, as well as utility payments and access to information requests. We recognize that responding to the pandemic is challenging the capacity for many organizations to comply with aspects of existing legislation and regulations. These modifications will help businesses, public bodies and non-profits remain compliant as they focus their efforts on responding to COVID-19, and will remain in place for the duration of Alberta's State of Public Health Emergency. Many of these modifications will impact condominiums.

Under the *Condominium Property Act*, the following temporary modifications have been made:

- Section 10.1 now states that the interim board holds office until a board is elected pursuant to section 29 and, for greater certainty, will continue to hold office in the event a meeting under section 29 is delayed.
- Section 24.1 (4.1) now states that a person, other than a person who regularly resides in a unit, is not entitled to enter a unit under (3) unless expressly or impliedly invited by a person who regularly resides in the unit, if
 - (a) any person who regularly resides in the unit is self-isolating, in quarantine, or displaying symptoms consistent with the pandemic COVID-19 or has tested positive for COVID-19; or
 - (b) the person seeking entry is self-isolating, in quarantine, or displaying symptoms consistent with the pandemic COVID-19 or has tested positive for COVID-19.
- The requirements for the developer to convene a general meeting under section 29(1) is suspended.
- The ability of an owner to convene a meeting under section 29(2) is suspended.
- The requirement for an annual general meeting to be held under section 30 is suspended.
- The requirement to convene a special general meeting on the request of an owner under section 30.1(4) is suspended.

The Condominium Property Regulation has been modified as well:

- Section 20.1(d) now includes events leading to a declaration of public health emergency under the Public Health Act as events that may delay occupancy beyond

the final occupancy date for a unit, without liability for damages and without giving rise to a right of rescission by a purchaser.

- The 5 year time period to carry out a reserve fund study, prepare a reserve fund report, approve the reserve fund plan, and provide owners with copies of the reserve fund plan since approval of the most recent reserve fund plan under section 30 is suspended.

Also, the *Consumer Protection Act*, has been to modified to state that:

- (3.1) Between the period of March 17 and June 18, it is an unfair practice for any person to charge a supplier of power or heat sub-metering or any individual, including landlords or condominium corporations, to refuse to defer payments subject to the sub-metering arrangement upon the request of an individual subject to the sub-metering arrangement, and may not disconnect service under a sub-metering arrangement between March 18 and June 18.
- This change is in support of the utility bill payment extension resulting from the government directed optional utility bill payment deferral plan.

If you have questions about these changes, please contact J.D. Crookshanks, Statute Administrator for the *Condominium Property Act* and *Real Estate Act*.

Lois

Lois Flynn
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Government of Alberta