

ALBERTA

TACKLES COVID-19'S EFFECT ON CONDOS

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Q: *What important legislative updates should condo owners be aware of regarding the COVID-19 lockdown's effect on the condominium industry?*

A: There are quite a few. Here are some of the highlights of an April 9, 2020, Ministerial Order from the Honorable Nate Glubish, Minister of Service Alberta, that addresses the pandemic and how it affected the industry.

A statement from the ministry says the Alberta government recognizes 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."

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

Section 10.0 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



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.

Other highlights, include:

- 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. Here are some of the new provisions:

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. It simply means that they can delay closing on new unit sales.

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 modified to state that power or heat will not be cut off for condo residents from the period of March 17 to June 18.

Until Next Time...

Maria Bartolotti was born and raised in Calgary, Alberta, a City she loves to call home. She is actively involved in many aspects of condo living since starting as a Condominium Property Manager in 2001. In 2005, she started her own Condominium Management firm, New Concept Management Inc., and has not looked back.

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