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# Status Certificates

Managers and Condo Corp Liability - It's a Nightmare!

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Ltd.

[#leadingtheway](#)

# Purpose

1. Provides information – what info?
2. Provides information to certain parties- who?
3. Binds the Condominium Corporation- how?



# What Info?

- Prescribed form in the regulations
- Ontario Condominium Act Section 76
- Fee in regulations \$100 inclusive
- Other jurisdictions have similar legislation-  
varies as to what info and fee



# Who can request?

- Ontario, anyone can request a certificate if pay the fee.
- Other jurisdictions only certain individuals can request.



# Binding against Corporation- Liability!!!

- In Ontario, binding against a purchaser or mortgagee that relies on the certificate
- British Columbia- any person who relied reasonably on it

Mistakes/missing info has implications



# Who should prepare and sign the certificate?

## What does the lawyer say?

- Manager vs. Board
- Self managed corps

## What does the manager say?

- Officer of Management Co.
- E & O insurance



# Who is responsible for its accuracy?

What does the lawyer say?

- Board has some responsibility for info
- Management Agreement pointers

What does the manager say?

List of questions management should ask



# What should be added?

What does the lawyer say?

- Stick with form
- Inspections and Disclaimers
- Non-compliance re alterations?
- Important rules or provisions in Declaration?





# What should be added?

What does the manager say?

- Always have to update information
- When is too much information a problem?

eg. Asbestos



# Case Law

- Orr case

The lawyers thoughts

The managers comments- dealing with the aftermath



# Case law continued

- 1716243 Ontario Inc v. Muskoka Standard Condo corp. No. 54
  
- There are limits to liability



# Bill 106

- Will the regulations change the form?
- Financial implications of judgments and legal actions, as may be prescribed
- Stage 2 Solutions Report - Change in fee to \$125, copy of disclosure statement, policy on pets, information on insurance coverage re: litigation, summary of reserve fund study



# The nightmare ends

