Province of Alberta

CONDOMINIUM PROPERTY ACT

CONDOMINIUM PROPERTY REGULATION

Alberta Regulation 168/2000

With amendments up to and including Alberta Regulation 23/2026

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Office Consolidation

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(Consolidated up to 23/2026)

ALBERTA REGULATION 168/2000

Condominium Property Act

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Interpretation

1(1) In this Regulation,

(a) "Act" means the *Condominium Property Act*;

(a.01) "building envelope" means the collection of components that separate conditioned space from unconditioned space, the exterior air or the ground, or that separate conditioned spaces intended to be conditioned to temperatures differing by more than 10ºC at design conditions and includes

(i) the roofing and sub-roof, including

(A) air, water and vapour control systems,

(B) insulation, circulation and venting for attic space and soffits, and

(C) membranes,

(ii) cladding components,

(iii) balcony membranes and sealants, and

(iv) parkade membranes and sealants that are accessible for non-invasive visual inspection;

(a.02) repealed AR 23/2026 s2;

(a.03) "converted property study" means a building assessment report prepared under section 21.1 of the Act in respect of a conversion;

(a.1) "delivery and distribution systems" has the same meaning as in section 1(1)(m) of the *New Home Buyer Protection Act*;

(a.11) "group of owners" means 2 or more persons who own one or more units in common, where the name of each person in the group appears on the certificate of title of each of the units and no other person's name appears on the certificate of title;

(a.2) "plan of redivision" means a condominium plan registered pursuant to section 20 of the Act;

(a.3) "purchaser" includes, for the purposes of this Regulation and section 44 of the Act, a person who has entered into

(i) a purchase agreement respecting a unit, or

(ii) an agreement to purchase a leasehold interest in a unit;

(b) "Registrar" means the Registrar of Land Titles.

(c) repealed AR 151/2006 s2.

(1.1) For the purposes of section 16.1(1)(b)(ii) of the Act, "as built drawing" means a document that

(a) shows all substantial changes made in the specifications and working drawings during the construction process in respect of

(i) the delivery and distribution systems to which the *Safety Codes Act* applies, including electrical, gas, plumbing, heating, ventilation and air conditioning systems, and

(ii) any other pipes, wires, cables, chutes or ducts or other systems that provide for the passage or provision of services,

and

(b) identifies the actual location of the systems referred to in clause (a).

(2) For the purposes of section 14(1)(b) of the Act, the following are the requirements to be met in order for a person to be a cost consultant:

(a) in the case of an individual, that individual must be, based on reasonable and objective criteria, knowledgeable with respect to

(i) the costs of construction of units and common property that are the subject of section 14 of the Act, and

(ii) the determination as to when the construction of those units and that common property, as the case may be, is substantially completed;

(b) in the case of a corporate entity, that corporate entity must, in carrying out the functions of a cost consultant, employ or otherwise retain the services of an individual to

carry out those functions who meets the requirements provided for under clause (a);

(c) in carrying out the functions of a cost consultant in respect of a unit or common property, a person must act at arm's length from the developer of the unit or common property.

(3) If expressions used in this Regulation are not defined in this Regulation but are defined in the Act, those expressions have the same meanings in this Regulation as assigned to them in the Act.

(4) If expressions used in this Regulation are not defined in this Regulation or in the Act but are defined in the *Land Titles Act*, those expressions have the same meanings in this Regulation as assigned to them in the *Land Titles Act*.

AR 168/2000 s1;108/2004;151/2006;181/2017,256/2018;154/2019;138/2021;23/2026

Part 1
Registration of Condominium Plans and Other Condominium Documents

Registration of plans

2 The Registrar

(a) must keep a register of condominium plans, and

(b) is to record in the register particulars of all condominium plans registered pursuant to the Act.

Form of plan

3 A plan presented for registration as a condominium plan

(a) is to be prepared in a manner acceptable to the Registrar and on a medium or a material or in a digital format approved by the Registrar, and

(b) is to consist of

(i) a first sheet on which are set out the matters prescribed by sections 8(1)(a), (b), (c), (d), (f), (g), (h), (j), (l), (1.1) and (m) and (2) and 10(1) of the Act, and

(ii) further sheets, if necessary, containing the particulars required by section 8(1)(e), (i) and (k) of the Act.

AR 168/2000 s3;108/2004;181/2017

Diagrams

4 The diagrams required by section 8(1)(b) and (e) of the Act

(a) where practical, are to be drawn with the north point directed to the top of the sheet, and

(b) are to be to a scale that will clearly show all details and notations.

AR 168/2000 s4;108/2004

Designation of units

5(1) Subject to subsections (2) and (3), units are to be numbered consecutively commencing with unit one and terminating with a unit numbered to correspond to the total number of units comprised in the plan presented for registration as a condominium plan.

(2) In the case of a building or land that is to be developed in phases, the units in the phases, subject to section 38, are to be numbered consecutively commencing with unit one in the first phase and terminating with the last unit in the last phase.

(3) In the case of 2 or more adjacent parcels that are amalgamating,

(a) each condominium plan that is subject to the amalgamation is to be assigned a separate letter with one condominium plan being assigned the letter "A" and each of the other condominium plans being assigned respectively the next consecutive letters, and

(b) each unit contained in each condominium plan that is subject to the amalgamation is to retain the number assigned to that unit under that condominium plan but with the letter referred to in clause (a) that is assigned to that condominium plan following the number of the unit.

(4) Units that are delineated, illustrated and labelled as parking spaces under section 8(1)(l.1) of the Act must be identified on the condominium plan in a form and manner acceptable to the Registrar.

AR 168/2000 s5;154/2019

Unit factors

6 There is to be assigned to each unit a unit factor so that the total of the unit factors for all the units in the parcel is equal to 10 000.

Information to be contained in Schedule

7 For the purposes of section 8(1)(g), (h) and (j) of the Act, the Schedule to the plan is to be in the form set by the Registrar and is to set out the following:

(a) the unit number;

(b) the unit factor;

(c) the basis for determining the unit factor;

(d) the approximate floor area for each unit, in the case of a building;

(e) the approximate ground area for each unit, in the case of land divided into bare land units.

AR 168/2000 s7;108/2004;154/2019

Numbering of plan sheets

8 Each sheet of a plan presented for registration as a condominium plan is to be endorsed in the upper right-hand corner with the words, "sheet ___ of ___ sheets", with the appropriate numbers filled in.

Endorsements re redivision or consolidation

9 Before registering a condominium plan in respect of the redivision of a unit or units or the consolidation of units, the Registrar is to

(a) endorse on the original registered condominium plan a notification of the redivision or consolidation, and

(b) indicate on the drawings in the original registered condominium plan illustrating the unit or units being redivided or consolidated that the unit or units are being redivided or consolidated.

Additional sheets to condominium plan

10(1) The Registrar may add additional sheets to a condominium plan on which may be made any endorsement, registration, memorandum, notification or other entry that is to be or may be made on the plan.

(2) Each sheet added to a plan by the Registrar pursuant to subsection (1) is to be numbered in a manner that is acceptable to the Registrar.

Certificates of title to units

11 A certificate of title to a unit is to be in the form set by the Registrar.

AR 168/2000 s11;154/2019

Change in by-laws

12(1) A notice of a change in the by-laws of a corporation made pursuant to section 32 of the Act is to be in Form 3.

(1.1) Repealed AR 23/2026 s3.

(2) On receipt of a notice referred to in subsection (1), the Registrar is to endorse on the condominium plan a notification containing any particulars that the Registrar directs.

AR 168/2000 s12;108/2004;154/2019;23/2026

13 Repealed AR 23/2026 s4.

Instrument executed by corporation

14 On receipt of an instrument executed by a corporation pursuant to section 49, 51, 52 or 62 of the Act, the Registrar is to endorse on the condominium plan a memorandum

(a) stating the nature of the instrument, and

(b) containing any particulars that the Registrar directs.

AR 168/2000 s14;108/2004;23/2026

Appointment of an administrator

15(1) Where a person is appointed as

(a) an administrator, receiver or receiver and manager under section 14(14) of the Act, or

(b) an administrator under section 58 of the Act,

that person must file with the Registrar a certified copy of the order of the Court under which the appointment was made.

(2) A corporation must file with the Registrar a certified copy of an order of the Court made pursuant to section 59 of the Act.

(3) On receipt of a copy of an order referred to in subsection (1) or (2), the Registrar is to endorse on the condominium plan a notification containing any particulars that the Registrar directs.

AR 168/2000 s15;108/2004

16 Repealed AR 23/2026 s6.

Certificate given by corporation

17 A certificate given by a corporation pursuant to section 49(4), 52(5) or 62(3) or (7)(b) of the Act is to be in Form 4.

AR 168/2000 s17;108/2004;154/2019;23/2026

Transfer and notice of termination

18(1) On receipt of a court order under section 61 of the Act or a copy of the unanimous resolution or a certificate under section 62(3) or (7)(b) of the Act that directs the transfer of a building or parcel or any portion of a building or parcel, the Registrar shall take the necessary steps to give effect to the transfer and make the appropriate indication on the condominium plan.

(2) A notice of termination of the condominium status of a building or parcel made under section 63(1) of the Act is to be in Form 5.

(3) On receipt of a notice of termination, the Registrar is to

(a) enter on the relevant condominium plan a notification of the cancellation of the plan, and

(b) indicate in an appropriate manner on any relevant plan that the condominium plan has been cancelled.

AR 168/2000 s18;108/2004;23/2026

Change of address

19 The notice of change of an address required by section 73 of the Act is to be in Form 7.

AR 168/2000 s19;108/2004

Directors of corporation

20 The notices required to be filed under sections 10.1(1) and (2) and 28(5) and (6) of the Act

(a) is to be in Form 8, and

(b) must include the name and current address for service of each current member of the board of directors of the corporation.

AR 168/2000 s20;108/2004;181/2017;154/2019

Part 1.1
Duties of a Developer

Additional information provided to purchaser

20.01(1) For the purposes of section 12(1)(m) of the Act, the developer shall deliver the following additional information and documents to the purchaser:

(a) the name and address for service of the developer;

(b) if the unit being sold is located on a parcel that is leased land, the term, rent and renewal rights of and the parties to the lease;

(c) the name and address for service of the prescribed trustee, if any, who will hold deposits under section 14 of the Act;

(d) if the unit being sold, other than a bare land unit, is in a development that is not substantially complete, the floor plan of the unit including the specifications of the materials to be used to finish the unit;

(e) if the unit being sold is in a building or on land that is being developed in phases in accordance with section 19 of the Act, a copy of the phased development disclosure statement required under section 35;

(f) if the unit being sold is a conversion unit,

(i) the date of original construction of the building,

(ii) a description of all previous uses of the building,

(iii) the Alberta Building Code applicable at the time of construction of the building,

(iv) the dates on which the physical modification referred to in section section 45.11(1.1), if any, was commenced and completed,

(v) a copy of the reserve fund report for the corporation,

(vi) a copy of the building assessment report or converted property study, as applicable, and

(vii) a description of any major retrofits to a building in the conversion prior to conversion;

(f.1) where a unit is located on a parcel that has a condominium plan and at least one other plan of survey filed or registered on the parcel, a statement detailing the nature of

the plan of survey filed or registered on the parcel, other than the condominium plan;

(f.2) a technical analysis required under section 21.2 of the Act that has been prepared but has not been delivered to the board;

(g) a list of any fees, rents or other charges that the corporation is required to pay to the developer or a third party for the use of any units, proposed units or other real or personal property;

(h) where no condominium plan has yet been registered,

(i) if the developer has an interest in the land on which the condominium plan is to be registered, a copy of

(A) the valid certificate of title showing the developer as the owner of the land on which the condominium plan is to be registered, or

(B) the valid registration on title showing the developer has an interest in the land on which the condominium plan is to be registered,

or

(ii) if the developer has no registered interest in the land on which the condominium plan is to be registered, a statement to that effect;

(i) where there are bare land units on the parcel, a description of any roads, utilities, services or delivery and distribution systems that are to be paid for by the corporation or are required to be repaired, maintained or replaced by the corporation, including, without limitation, water, sewage disposal, electricity and natural gas;

(j) where there are bare land units on the parcel, a statement as to whether the developer will seek redivision of any units in accordance with section 20 of the Act;

(k) the amount of any occupancy fees the developer will charge under section 20.02 prior to contributions being levied at regular intervals by the corporation under section 39 of the Act;

(l) a description of any other fees the developer will charge the purchaser.

(2) For the purposes of section 12(1)(l) and (m) of the Act, the developer shall, in respect of a proposed unit contained in a plan of

redivision or a unit in the second or subsequent phase of a phased development, provide a purchaser with estimates of the changes to the corporation's expenses that are expected to arise following the redivision or substantial completion of the phased development.

(3) For the purposes of section 12(1)(l) of the Act, if an annual budget has been prepared for the fiscal year by the corporation in accordance with section 30(4) of the Act, the developer shall deliver the annual budget to each purchaser.

(4) For the purposes of section 12(1)(l) of the Act, if no budget has been prepared under section 30(4) of the Act, the developer shall deliver a proposed budget to each purchaser.

(5) The information or documents delivered under section 12(1) of the Act must be accompanied with a table of contents clearly identifying the documents being delivered.

(6) Delivery of information or documents referred to in this section or section 12(1) of the Act as part of or accompanied with the purchase agreement constitutes delivery of the information or documents for the purposes of section 12(1) of the Act.

(7) Nothing in this section or section 12 of the Act precludes the provision of information referred to in this section and section 12(1) of the Act by electronic means if both the purchaser and developer consent to the use of these means.

AR 181/2017 s5;138/2021;23/2026

Fees prior to levy of contributions

20.02(1) A developer may charge a purchaser occupancy fees for the time period after the purchaser takes occupancy of the unit but not after the first monthly contribution becomes payable by the purchaser under section 39 of the Act.

(2) The amount of occupancy fees referred to in subsection (1) shall not exceed the amount disclosed to the purchaser under section 20.01(1)(k).

(3) This section does not apply in respect of payment of rent and security deposits as described in section 16 of the Act if the amount of the rent or security deposits was agreed to between the developer and the purchaser.

AR 181/2017 s5

Content, delivery of proposed budget

20.03(1) A proposed budget referred to in section 20.01(4) must contain the following information for the 12-month period specified in the proposed budget:

(a) the projected total revenue of the corporation;

(b) the projected total expenses of the corporation;

(c) the specific projected expenses, each of which must be listed under one of the following categories:

(i) maintenance and repairs;

(ii) insurance;

(iii) utilities;

(iv) condominium management services;

(v) other contracted services;

(vi) the reserve fund study;

(vi.1) in the case of a conversion, the converted property study or building assessment report, as applicable;

(vii) other expenses;

(d) the projected payments into the reserve fund or a fund described in section 23(7);

(e) the name and credentials, if any, of the person who prepared the proposed budget, and the date on which the proposed budget was prepared.

(2) The person who prepares the proposed budget may include an estimate for inflation in respect of projected expenses.

(3) A proposed budget must provide for a reasonable amount of the projected total revenue of the corporation to be deposited in the reserve fund or a fund described in section 23(7).

(4) A proposed budget may be delivered to a purchaser only until a budget for the corporation's fiscal year is prepared by the corporation under section 30(4) of the Act.

AR 181/2017 s5;138/2021

Consequences of underestimated expenses

20.04(1) If the actual total expenses incurred by the corporation in the 12-month period beginning with the first month in which contributions are first levied on owners at regular intervals are more than 15% above the projected total expenses of the corporation as set out in the proposed budget, the corporation shall provide the developer with

(a) a notice setting out

(i) the actual and projected total expenses, and

(ii) the amount of the actual total expenses that is greater than 15% above the projected total expenses,

and

(b) a copy of the financial statements and any other documents from which the actual and projected total expenses were determined.

(2) For the purposes of this section, the projected total expenses are the lowest projected expenses disclosed by the developer to any purchaser.

(3) The corporation shall provide the notice under subsection (1) within 90 days after the preparation of the financial statements for the 12-month period beginning with the first month in which contributions are first levied on owners at regular intervals.

(4) Subject to subsection (5), within 60 days after receiving a notice under subsection (1), the developer shall pay the corporation the amount specified in subsection (1)(a)(ii).

(5) This section does not apply in respect of underestimated expenses that result from

(a) an increase in an expense incurred by the corporation as a result of terminating an agreement under section 17 or 17.1 of the Act and entering into a new agreement for the same or similar services,

(b) an expense that was not reasonably foreseeable at the time the proposed budget was prepared,

(c) an increase in an insurance premium or insurance deductible paid in respect of any policies paid for by the corporation,

(d) an increase in utility charges from the market rates at the time of the proposed budget,

(e) charges for legal services provided to the corporation after the meeting convened under section 29 of the Act,

(f) an increase in the cost of a reserve fund study, or

(g) an increase in inflation, as compared to an estimate of inflation included under section 20.03(2).

AR 181/2017 s5

Material change

20.05(1) For the purposes of section 13.1 of the Act, "material change" means a change or series of changes to a fact or proposal

as stated in the information or a document provided under section 12 of the Act that, on a reasonable basis, would have an adverse effect on the value or use of the unit or proposed unit, the common property or the real property of the corporation.

(2) If a material change arises, a purchaser may file an originating application with the Court

(a) within 60 days of receiving notice from the developer under section 13.1(1) of the Act, or

(b) if no notice is provided under section 13.1(1) of the Act, within 60 days from the date the purchaser became aware or reasonably ought to have become aware of the material change.

(3) In any event, an originating application must be filed within 12 months after the certificate of title to the unit is registered in the name of the purchaser.

(4) The Court may, without limitation, order any relief that it considers appropriate in respect of the originating application, including

(a) damages,

(b) rescission of the purchase agreement, if the certificate of title has not yet been issued in the name of the purchaser, or

(c) any other direction or order that the Court considers appropriate in the circumstances.

(5) The following do not constitute a material change for the purposes of section 13.1 of the Act:

(a) a difference, as determined from the corporation's financial statements, between the projected expenses in the proposed budget and the actual expenses for the 12-month period beginning with the first month in which contributions are first levied at regular intervals;

(b) a difference between the amount of the estimated contributions and the actual contributions;

(c) a change in a final occupancy date under Part 1.2, provided the developer has complied with that Part.

AR 181/2017 s5

Regulation prevails

20.06 If there is a conflict or inconsistency between this Regulation and the purchase agreement, this Regulation prevails to the extent of the conflict or inconsistency.

AR 181/2017 s5

Part 1.2
Occupancy Date

Definitions

20.07 For the purposes of this Part and section 12(1)(k) of the Act,

(a) "final occupancy date" means either

(i) the single fixed date by which a developer will make a particular unit available for occupancy

(A) as set out in the occupancy date statement,

(B) as becomes binding on the purchaser under section 20.09(3),

(C) as provided in a written notice of revised final occupancy date under section 20.1(2)(b), or

(D) as agreed to by a purchaser and developer under 20.11(1),

or

(ii) the latest date in a range of dates within which the developer will make a particular unit available for occupancy

(A) as set out in the occupancy date statement, or

(B) as provided in a written notice of revised final occupancy date under section 20.1(2)(b);

(b) "occupancy date statement" means a statement, referred to in section 12(1)(k) of the Act, that contains the information set out in section 20.08(1).

AR 181/2017 s5

Occupancy date statement

20.08(1) A developer shall prepare an occupancy date statement in respect of a unit, containing either

(a) a single fixed date on which the developer will make the unit available for occupancy by the purchaser, or

(b) a range of dates within which the developer will make the unit available for occupancy by the purchaser.

(2) At the time the purchase agreement is executed, the developer shall ensure that the purchaser initials the occupancy date statement that was delivered in accordance with section 12(1)(k) of the Act.

(3) Where a developer has provided an occupancy date statement as described in subsection (1)(b) and has subsequently selected a specific date on which the unit will be available for occupancy, the developer shall provide at least 30 days' written notice to the purchaser of the specific date.

AR 181/2017 s5

Consequences of delay in occupancy

20.09(1) If the developer does not make a unit available for occupancy within 30 days after the final occupancy date in the occupancy date statement, the purchaser may, subject to subsection (3), rescind the purchase agreement by providing the developer with a written notice rescinding the purchase agreement.

(2) If a unit is not ready for occupancy within 30 days after the final occupancy date in the occupancy date statement, the developer shall provide the purchaser with a written notice of a revised final occupancy date unless the purchaser has already rescinded the purchase agreement.

(3) A revised final occupancy date referred to in subsection (2) is binding on the purchaser

(a) if the purchaser has provided written acceptance of the revised final occupancy date, or

(b) if the purchaser does not rescind the purchase agreement within 10 days after receipt of the notice of the developer's revised occupancy date.

(4) A developer or prescribed trustee, as the case may be, shall refund all money paid by the purchaser within 15 days of receipt of the purchaser's written notice rescinding the purchase agreement.

AR 181/2017 s5

Delay for legitimate cause

20.1(1) Despite sections 20.08 and 20.09, a developer 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 under section 20.09, if one of the following events causes the unit not to be ready for occupancy by the final occupancy date:

(a) fire;

(b) explosion;

(c) flood;

(d) events leading to a declaration of an emergency under the *Emergency Management Act* or the *Emergencies Act* (Canada);

(e) events leading to an order under section 24.1(1) of the *Financial Administration Act* in respect of a public emergency or disaster;

(f) impact by aircraft, spacecraft, watercraft or land vehicles;

(g) riot, vandalism or malicious acts;

(h) a delay in the issuance of a development permit pursuant to the *Municipal Government Act* that is due to

(i) the failure of the development authority or other authority to issue the decision respecting the permit within the timelines required by law,

(ii) an outstanding appeal, or

(iii) an agreement to an extension of the time to make the decision respecting the permit;

(i) the issuance of an order under section 20(2), 37(2) or (3) or 49 of the *Historical Resources Act* or a notice preceding the making of a bylaw by the council of a municipality under section 26(2) of the *Historical Resources Act*.

(2) If a developer delays occupancy beyond the final occupancy date under subsection (1), the developer shall

(a) provide the purchaser with written notice of the delay and the cause of the delay, as soon as the developer becomes aware, and

(b) within a reasonable period of time following the beginning of the delay, provide the purchaser with written notice of a revised final occupancy date that reflects a reasonable length of time to remedy the results of the event that caused the delay in occupancy.

AR 181/2017 s5;154/2019

Agreements, damage claims not precluded

20.11(1) Nothing in this Part precludes a purchaser and developer from agreeing to a final occupancy date different from that set out

in an occupancy date statement or written notice of revised final occupancy date.

(2) A remedy under this Part does not preclude a purchaser from pursuing a claim in damages for the damages caused by the delay in occupancy.

AR 181/2017 s5

Part 1.3
Documents Provided to Elected Board

Documents provided to elected board

20.2(1) For the purposes of section 16.1 of the Act, the developer or the interim board, as the case may be, shall provide the following additional documents to a board elected under section 29 of the Act:

(a) copies of all plans, documents and amended documents that are required to be prepared under the *Safety Codes Act* in respect of buildings on the parcel;

(b) a copy of all outstanding orders made pursuant to the *Safety Codes Act*, *Municipal Government Act* or the *New Home Buyer Protection Act* in respect of the parcel or any buildings on the parcel;

(c) a copy of the condominium plan and any plan of redivision;

(d) copies of all manuals, schematic drawings, operating instructions, service guides, manufacturers' documentation, records of service and repairs and other similar information or documentation in the possession or control of the developer or interim board respecting the construction, installation, operation, maintenance, repair and servicing of any common property or real or personal property of the corporation;

(d.1) in the case of a conversion, the converted property study or building assessment report, as applicable;

(d.2) a technical analysis required under section 21.2 of the Act if one has been prepared;

(e) a document setting out a list of the members of the interim board;

(f) a document setting out

(i) the following information respecting each owner:

(A) the name of each owner and their corresponding unit numbers, as they appear on the condominium plan;

(B) areas of exclusive possession, as referred to in section 50 of the Act, assigned to each owner;

(ii) the following information respecting each unit:

(A) municipal address of the unit;

(B) the owner's address as it appears on the certificate of title;

(C) any additional address for service for the unit's owner as provided by the owner to the corporation;

(D) unit factors for each unit;

(g) a document setting out a list of the names and addresses of all mortgagees who have given written notice to the corporation under section 26(3) of the Act;

(h) a document setting out a list of the names of each tenant that the developer or interim board has been informed of, the unit number being occupied by the tenant, and the amount of any deposit paid by the owner of a rented unit to the corporation under section 53 of the Act;

(i) a copy of any rules made by the board;

(j) a copy of any unsatisfied judgment of a court or another decision-maker in proceedings to which the corporation is a party;

(k) a copy of any legal or other professional advice or opinions paid for by the corporation;

(l) copies of any proposed budget or annual budget of the corporation, any financial statements prepared for the corporation's current fiscal year and any financial statements in the possession or control of the developer or interim board respecting previous fiscal years;

(m) copies of all records respecting the account maintained by the financial institution holding the reserve fund, operating funds or any other funds of the corporation;

(n) copies of all tax records of the corporation;

(o) a copy of each lease, licence or other instrument granting an owner the right to exclusive possession of an area under section 50 of the Act;

(p) a copy of any restrictive covenant registered against the parcel;

(q) a copy of all current insurance policies obtained by or on behalf of the corporation, and the certificate respecting each insurance policy;

(r) a copy of all caveats registered against units that are owned by the corporation or intended to be transferred to the corporation;

(s) a copy of any standard insurable unit description, as defined in section 60.1(c).

(2) Section 20.2(1)(s) applies only in respect of a board elected under section 29 of the Act on or after January 1, 2020.

AR 181/2017 s6;154/2019;138/2021;23/2026

Part 1.4
Payments Held in Trust

Trustee

20.3 For the purposes of section 14 of the Act, a person or partnership that meets the following requirements is prescribed as a trustee:

(a) the person, the professional corporation with which the person is associated or the partnership

(i) is an active member of the Law Society of Alberta,

(ii) is a holder of a permit issued under Part 8 of the *Legal Profession Act*, or

(iii) is comprised of partners who are active members of the Law Society of Alberta,

as the case may be;

(b) no suspension is in effect under section 63 of the *Legal Profession Act* in respect of

(i) the person,

(ii) the voting shareholder of the professional corporation, or

(iii) the partners of the partnership, with the result that no partner is permitted to operate a trust account,

as the case may be;

(c) the person or partnership is approved to operate a trust account, under the rules established by the Law Society of Alberta under the *Legal Profession Act*;

(d) the person or each partner of the partnership, as the case may be, is in good standing in respect of Assurance Fund requirements under section 89(4) of the *Legal Profession Act*.

AR 181/2017 s6

Notification by prescribed trustee

20.31(1) Within 10 days of receiving money to be held in trust under section 14 of the Act, a prescribed trustee shall notify the purchaser, at the purchaser's address for service, that the purchaser's deposit is held on deposit in the prescribed trustee's trust account.

(2) Nothing in this Regulation precludes a purchaser, with the developer's agreement, from retaining a prescribed trustee to hold a purchaser's deposit.

(3) A prescribed trustee retained under subsection (2) shall, within 10 days after depositing a purchaser's deposit into the prescribed trustee's trust account, notify the developer of the deposit.

AR 181/2017 s6

Release of trust money

20.32(1) A prescribed trustee shall not release money that is held in trust under section 14 of the Act except in accordance with this section.

(2) A prescribed trustee may release money held in trust to a developer where

(a) the money is applied to the purchase price as part of the process of transferring title to the unit for which the deposit money was paid,

(b) the money is secured by a purchaser's protection program, as defined in Part 7, that has been approved by the Minister under section 14(10) of the Act, or

(c) the developer is entitled under section 14(12) of the Act to a reduction in the money held in trust equal to security provided under an enactment referred to in section 14(12) of the Act.

(3) Despite subsection (2),

(a) a prescribed trustee shall not pay money held in trust under section 14 of the Act to a developer until after the expiry of the time period set out in section 13(1) of the Act, and

(b) where the certificate of title to the unit is issued in the name of the purchaser and the unit or the common property is not substantially complete, the prescribed trustee may release money held in trust to a developer only after a cost consultant provides a written opinion that the unit or the common property, as the case may be, is substantially complete.

(4) A prescribed trustee may release money held in trust to a purchaser where the purchase agreement is terminated after

(a) the purchaser exercises a right of rescission under the Act or this Regulation,

(b) a condition imposed by the purchaser or developer has not been removed or satisfied within the time allowed by the purchase agreement, or

(c) the developer exercises a right of termination under the purchase agreement.

(5) A prescribed trustee may release money held in trust

(a) where the parties have mutually agreed to the release,

(b) in accordance with a decision issued by a court ordering the payment of the money,

(c) where the money is required or permitted to be paid into Court, or

(d) subject to subsection (6), to one of the parties, where the other party has breached the purchase agreement in a way that results in a contractual right to treat the agreement as ended.

(6) A prescribed trustee may release money under subsection (5)(d) only if the following conditions are met:

(a) the party alleging the breach serves a notice of the alleged breach on the other party and the prescribed trustee;

(b) the party served with the notice of the alleged breach does not serve a response on the alleging party and the

prescribed trustee within 30 days of service of the notice of the alleged breach.

(7) A prescribed trustee may transfer the money held in trust to another prescribed trustee.

(8) A prescribed trustee who makes a transfer under subsection (7) shall notify the purchaser and developer of the transfer.

(9) Where money is paid to a prescribed trustee in error, the prescribed trustee may refund the money and, after making the refund, is not subject to any other provisions under this section.

AR 181/2017 s6

Payment of trust money into Court

20.33(1) A prescribed trustee may pay money held in trust into Court in accordance with this Part and the *Alberta Rules of Court* (AR 124/2010).

(2) Money being paid into Court must be accompanied with an affidavit made by the prescribed trustee setting out

(a) the circumstances under which the money is paid into Court,

(b) the name of every person interested in or entitled to all or part of the money, together with their addresses, if known, and

(c) the prescribed trustee's address for service of documents.

(3) The prescribed trustee shall give notice of the payment into Court to the developer and the purchaser.

(4) If a person who is not the developer or the purchaser asserts a claim to money held in trust, the prescribed trustee may pay money into Court after obtaining the Court's permission to do so.

(5) If the prescribed trustee pays money into Court under subsection (4), the prescribed trustee shall give further notice of the payment into Court as directed by the Court.

AR 181/2017 s6

Trust account records

20.34(1) For the purposes of section 14(7.1) of the Act, a prescribed trustee shall keep a complete and accurate financial record of the following information respecting the account for each purchaser:

(a) the name of the purchaser;

(b) the amount of each deposit made into trust;

(c) the date of each deposit;

(d) the total amount of money currently held in trust;

(e) the amount of interest earned on money held in trust;

(f) a description of each disbursement made from money received or held in trust.

(2) For the purposes of the Act, a trustee shall keep the records required under subsection (1)

(a) for the entire time that the purchaser's deposit money is in the trust account, and

(b) where all of the money is paid out of the account, for at least 5 years from the date on which money is last paid out of the trust account.

(3) Nothing in this Regulation precludes

(a) a prescribed trustee from requiring information be provided by a purchaser or a developer for the purposes of determining compliance with an enactment of Alberta or Canada,

(b) a prescribed trustee from refusing to accept money for deposit, or

(c) a custodian under the *Legal Profession Act* from assuming responsibilities of a prescribed trustee in accordance with an order under that Act.

AR 181/2017 s6

Part 1.5
Termination of Agreements

Agreements that cannot be terminated

20.4 For the purposes of section 17.1 of the Act, the following agreements cannot be terminated by the corporation:

(a) easements;

(b) restrictive covenants;

(c) exclusive possession agreements entered pursuant to a bylaw;

(d) mutual use agreements among corporations;

(e) agreements for the provision of electricity or natural gas for a term of less than 5 years;

(f) agreements respecting an alternative or renewable energy system;

(g) agreements for the provision of telecommunication services or facilities.

AR 181/2017 s6

Part 1.6
Documents Provided by Corporation

Information provided after annual general meeting

20.5(1) Within 60 days after an annual general meeting, a corporation shall provide each owner and each mortgagee who has given written notice under section 26(3) of the Act with the approved minutes, or draft minutes if no minutes have been approved, of the annual general meeting.

(2) The approved minutes or draft minutes provided under subsection (1) must include records of the votes held at the annual general meeting, recording the following information:

(a) if an ordinary resolution was proposed, the results of the vote;

(b) if a special resolution was proposed,

(i) the number of persons entitled to exercise the power of voting who voted in favour of the resolution and the number of unit factors represented by these persons, and

(ii) the number of persons entitled to exercise the power of voting who did not vote in favour of the resolution and the number of unit factors represented by these persons;

(c) for an election of board members determined by a vote, the number of votes in favour of each candidate.

AR 154/2009 s12

Annual budget disclosure

20.51(1) In addition to complying with financial disclosure requirements under section 30(4) of the Act, a corporation shall, at least 30 days before the start of the fiscal year to which the annual budget applies, provide a copy of the annual budget to

owners and to mortgagees who have given written notice under section 26(3) of the Act.

(2) If the corporation makes revisions to the budget provided under subsection (1), the corporation shall provide a copy of the revised budget to the owners and mortgagees as soon as possible.

AR 154/2009 s12

Information, documents disclosed for purposes of s44 of Act

20.52(1) Subject to subsection (2), the following information and documents are prescribed for the purposes of section 44 of the Act:

(a) an information statement that includes all of the following:

(i) the particulars of

(A) any action commenced against the corporation in respect of which the corporation has been served, including the amount claimed against the corporation,

(B) any unsatisfied judgment or order for which the corporation is liable, and

(C) any written demand made on the corporation for an amount in excess of $5000 that, if not met, may result in an action being brought against the corporation;

(ii) a statement setting out the amount of the capital replacement reserve fund;

(iii) a statement setting out the amount of the contributions and the basis on which that amount was determined;

(iv) a statement setting out any structural deficiencies that the corporation has knowledge of at the time of the request in any of the buildings that are included on the condominium plan;

(v) loan disclosure statements for current loans, including documents showing the starting balance, current balance, interest rate, monthly payment, purpose of the loan, amortization period and default information, if applicable;

(vi) a statement detailing the nature of any plan of survey filed or registered on the parcel, other than the condominium plan;

(vii) a statement setting out the unit factors and the criteria used to determine unit factor allocation;

(b) the particulars or a copy of any subsisting or prior management agreement;

(c) the particulars or a copy of any subsisting recreational agreement;

(d) the particulars respecting any post tensioned cables that are located anywhere on or within the property that is included in the condominium plan;

(e) a copy of the budget of the corporation;

(f) a copy of the annual financial statements of the corporation;

(g) a copy of the bylaws of the corporation;

(h) in respect of a particular fiscal year, a copy of

(i) all approved minutes of all general meetings of the corporation, if available,

(ii) draft minutes of general meetings, if approved minutes are not available, for meetings that occurred at least 30 days before the date of the request, and

(iii) approved minutes of board meetings;

(i) repealed AR 23/2026 s11;

(j) a copy of any lease agreement or other exclusive possession agreement with respect to the possession of a portion of the common property or real property of the corporation, including a parking stall or storage unit;

(k) a consolidation of all the rules made by the corporation under section 32.1 of the Act;

(l) the text of written ordinary and special resolutions voted on by the corporation and the results of the voting on those resolutions, other than the results of a vote conducted by a show of hands;

(m) copies of reports prepared for the corporation by professionals, including professional engineers but excluding reports subject to legal privilege;

(n) copies of insurance certificates held by the corporation;

(o) copies of insurance policies held by the corporation;

(p) the current standard insurable unit description for the residential units or classes of residential units;

(q) copies of reserve fund plans, reserve fund reports and annual reports.

(2) Subsection (1) applies

(a) to information or documents to which section 20.55(2) applies, only for the applicable retention period determined under section 20.55(1), or

(b) to information or documents created before January 1, 2020, only if the corporation possesses or has access to the information or documents.

(3) An owner is not precluded from making copies of any information or documents provided under section 44 of the Act and providing copies of this information or these documents to other persons.

AR 154/2019 s12;23/2026

Fees

20.53(1) A corporation or any person providing documents on behalf of a corporation may charge fees not exceeding the following amounts, subject to subsections (2) and (3), for the provision, in the ordinary course, of the following classes of information or documents:

(a) a certificate provided under section 43.2 of the Act, $200;

(b) an information statement that includes all the information listed in section 20.52(1)(a), $100;

(c) a document other than one referred to in clause (a) or (b),

(i) $0.25 per page, where the document is provided in hard copy format and exceeds 40 pages in length, or

(ii) $10, where the document is provided in a format other than hard copy format or does not exceed 40 pages in length.

(2) If a corporation produces information or a document listed in section 20.52(1), or a certificate to be provided under section 43.2 of the Act, within 3 days of the request, excluding a holiday, the corporation may, subject to the bylaws, charge the following fees in addition to the applicable fee under subsection (1):

(a) up to $100 for a certificate provided under section 43.2 of the Act;

(b) up to $50 for particulars or an information statement listed in section 20.52(1)(a);

(c) up to $20 for any other information or document.

(3) Subject to subsection (4), a party that is at arm's length from both the corporation and the condominium manager may charge a reasonable fee to provide information or documents listed in section 20.52(1) to parties requesting the information or documents.

(4) A party that is at arm's length from both the corporation and the condominium manager may charge a fee under subsection (3) only if all of the following conditions are met:

(a) the fee is calculated on the basis of either a charge for each document or a charge representing a percentage of the cost of the documents, but not both;

(b) the method by which the fee is to be calculated has been set out in a contract with the party charging the fee;

(c) the fee is applicable to all requests from any party for any documents or information listed in section 20.52(1);

(d) a mechanism is available for any party to obtain the information or documents, other than through the party at arm's length from the corporation and condominium manager.

(5) A party charging a fee under subsection (3) shall not provide any portion of the fee to the corporation, condominium manager or an employee of the corporation or condominium manager.

AR 154/2019 s12;23/2026

Information, documents provided at no charge

20.54 A corporation shall not charge for providing information or documents to a person making a request under section 44 of the Act if

(a) the information or document provided had not been requested by the person making the request, or

(b) under the Act, the regulations under the Act or the bylaws, the person making the request is entitled to receive the requested information or document without making a request, but has not yet received that information or document at the time of the request.

AR 154/2019 s12

Retention periods for information and documents

20.55(1) A corporation shall retain the information and documents described or set out in the first column of Schedule 3 for the corresponding time period set out in the 2nd column of Schedule 3, or the time period set out in the bylaws, whichever period is longer.

(2) A corporation may retain information or a document referred to in subsection (1) in an electronic format if the information or document

(a) is complete,

(b) is legible in its entirety, and

(c) is capable of being reproduced by the corporation in an electronic format or in a hard copy format.

(3) If a version of a document in an electronic format complies with subsection (2), the version in an electronic format is considered the original document.

AR 154/2019 s12

Part 2
Capital Replacement Reserve Fund

Definitions

21(1) In this Part,

(a) "common property" includes common property referred to in section 14(1)(a) of the Act;

(b) "depreciating property" means the property to which section 38(1) of the Act applies;

(c) repealed AR 154/2019 s13;

(d) "reserve fund" means, in respect of a corporation, the capital replacement reserve fund required to be

established and maintained by the corporation under section 38 of the Act;

(e) "reserve fund plan" means a plan prepared and approved in accordance with section 23(4) or 30(c);

(f) "reserve fund report" means a report prepared in accordance with section 23(3) or 30(b);

(g) "reserve fund study" means a study carried out in accordance with section 23(1) and (2) or 30(a).

(2) For the purposes of section 23, a reference to a reserve fund study provider includes a corporate entity if the corporate entity, in carrying out the functions of a reserve fund study provider, employs or otherwise retains the services of an individual who is a reserve fund study provider to carry out those functions.

(3) For greater certainty, nothing in this Part precludes a reserve fund study provider from

(a) engaging a person who is not a reserve fund study provider to assist in the carrying out of a reserve fund study or in the preparation of a reserve fund report, or

(b) relying on information and documents prepared or provided by persons who are not reserve fund study providers in the carrying out of a reserve fund study or in the preparation of a reserve fund report.

AR 168/2000 s21;108/2004;154/2019

Reserve fund study provider qualifications

21.1(1) In this Part, subject to subsection (2), in respect of the depreciating property, an individual is not permitted to act as a reserve fund study provider unless the individual

(a) is

(i) a professional engineer,

(ii) a professional technologist,

(iii) a certified technologist as defined in the *ASET Regulation* (AR 282/2009) who holds a certificate of registration as a certified engineering technologist or applied science technologist,

(iv) a registered engineering technologist as defined in the *ASET Regulation* (AR 282/2009),

(v) a registered architect,

(vi) a person who is a member of the Appraisal Institute of Canada and holds the designation of Accredited Appraiser Canadian Institute,

(vii) a person who is a member of the Canadian National Association of Real Estate Appraisers and holds the designation of Designated Reserve Planner or Designated Appraiser Commercial,

(viii) a person who is a member of the Canadian Institute of Quantity Surveyors and holds a designation as a Professional Quantity Surveyor,

(ix) a certified reserve planner who is accredited by the Real Estate Institute of Canada,

(x) a person who holds a certificate from the Reserve Fund Planning Program at the University of British Columbia, or

(xi) an individual who has successfully completed training recognized by the Director or possesses qualifications that are recognized by the Director,

and

(b) is knowledgeable with respect to

(i) the depreciating property or that type of depreciating property,

(ii) the operation and maintenance of the depreciating property or that type of depreciating property, and

(iii) the costs of replacement of or repairs to, as the case may be, the depreciating property or that type of depreciating property.

(2) In this Part, despite subsection (1), the following individuals are not permitted to act as a reserve fund study provider:

(a) a director, officer or employee of the corporation;

(b) a condominium manager under a management agreement with the corporation;

(c) a partner, employer or employee of a person referred to in clause (a) or (b);

(d) the spouse or common law partner or a child of a director or officer of the corporation, or a child of the spouse or

common law partner of a director or officer of the corporation;

(e) an owner of a unit on the parcel;

(f) an occupant of a unit on the parcel.

(3) Despite subsections (1) and (2) and sections 21.2 and 23, where a contract for a reserve fund study was entered into before January 1, 2020, the qualifications of an individual to carry out a reserve fund study are governed by section 21 as it read on December 31, 2019.

AR 154/2019 s14;23/2026

Developer, interim board reserve fund plan

21.2 A developer or interim board that arranges for a reserve fund study before a board is elected under section 29 of the Act shall ensure that the reserve fund study is carried out by a reserve fund study provider who is at arm's length from the developer or every member of the interim board, as the case may be.

AR 154/2019 s14

Corporation as reserve fund study provider

22 Notwithstanding section 21.1(2), if a condominium plan consists of not more than 12 units, the corporation may, in respect of that condominium plan, carry out the functions of a reserve fund study provider if authorized to do so by a special resolution.

AR 168/2000 s22;154/2019;23/2026

Reserve fund study, report and plan

23(1) The corporation must retain a reserve fund study provider to carry out a study of the depreciating property for the purposes of determining the following:

(a) an inventory of all of the depreciating property that, under the circumstances under which that property will be or is normally used, may need to be repaired or replaced within the next 30 years or a time period longer than 30 years;

(b) the present condition or state of repair of the depreciating property and an estimate as to when each component of the depreciating property will need to be repaired or replaced;

(c) the estimated costs of repairs to or replacement of the depreciating property using as a basis for that estimate costs that are not less than the costs existing at the time that the reserve fund report is prepared;

(d) the life expectancy of each component of the depreciating property once that property has been repaired or replaced.

(2) In carrying out the reserve fund study under subsection (1), the reserve fund study provider must also do the following:

(a) determine the current amount of funds, if any, included in the corporation's reserve fund;

(a.1) conduct an on-site visual inspection of all visible components of the depreciating property;

(a.2) interview the members of the board;

(a.3) interview, to the extent the reserve fund study provider considers necessary, the condominium manager or managers for the corporation, if any, any employees of the corporation or condominium manager, or any other person;

(a.4) review relevant documents, including the condominium plan, the converted property study or building assessment report, if applicable, construction documents and maintenance records;

(b) recommend the amount of funds, if any, that should be included in or added to the corporation's reserve fund in order to provide the necessary funds to establish and maintain or to maintain, as the case may be, a reserve fund for the purposes of section 38 of the Act;

(c) describe the basis for determining

(i) the amount of the funds under clause (a), and

(ii) the amount in respect of which the recommendation was made under clause (b).

(3) After the reserve fund study under this section is completed, the reserve fund study provider must prepare and submit to the board a reserve fund report in writing in respect of the study setting out the following:

(a) the qualifications of that person to carry out the reserve fund study and prepare the report;

(b) a signed statement that the person is a reserve fund study provider and no grounds of disqualification under section 21.1 or 21.2 apply;

(c) the findings of the reserve fund study in respect of the matters referred to in subsections (1) and (2);

(d) any other matters that the person considers relevant.

(4) On receiving the reserve fund report under subsection (3), the board must, after reviewing the reserve fund report, approve a reserve fund plan

(a) under which a reserve fund is to be established, if one has not already been established, and

(b) setting forth the method of and amounts needed for funding and maintaining the reserve fund.

(5) A reserve fund plan approved under subsection (4) must provide that, based on the reserve fund report, sufficient funds will be available by means of owners' contributions, or any other method that is reasonable in the circumstances, to repair or replace, as the case may be, the depreciating property in accordance with the reserve fund report.

(6) Notwithstanding that a reserve fund plan has been approved under subsection (4), the corporation must provide to the owners for the owners' information copies of that approved reserve fund plan prior to the collection of any funds for the purposes of those matters dealt with in the reserve fund report on which the approved reserve fund plan was based and that are to be carried out pursuant that report.

(7) Until such time that a corporation has approved a reserve fund plan under subsection (4) and has met the requirement under subsection (6) so as to be eligible to collect funds in respect of the reserve fund, the corporation may, notwithstanding subsection (6), collect or otherwise receive funds for a fund that is similar in nature to a reserve fund and may make expenditures from and generally continue to operate that fund.

AR 168/2000 s23;108/2004;181/2017;154/2019;138/2021

When reserve fund study, report and plan must be prepared

24 The corporation must meet the requirements of section 23(1) to (6) no later than 2 years after the date on which the condominium plan is registered.

AR 168/2000 s24;181/2017

Exemption from reserve fund study, report and plan re rental units

25 The corporation is exempted from retaining a reserve fund study provider to prepare a reserve fund study and from establishing or maintaining a reserve fund if

(a) the certificate of title to each of the units included in a condominium plan is registered in the name of the same owner or the same group of owners, and

(b) those units are rented or offered for rent to persons as tenants who are not purchasers and are not intended to be purchasers.

AR 168/2000 s25;181/2017;154/2019

When study, report and plan must be prepared re conversions, etc.

26(1) Notwithstanding sections 24 and 25, if the owner

(a) of premises to which section 21 of the Act applies offers those premises for sale, or

(b) of units to which section 25 applies offers those units for sale and if as a result of the sale of any of those units section 25 would no longer apply in respect of those units,

the owner shall not sell any of those premises or units until

(c) a reserve fund study is carried out and a reserve fund report is prepared in accordance with section 23, and

(d) a reserve fund plan is prepared in accordance with section 23.

(2) The reserve fund report and the reserve fund plan referred to in subsection (1) must be made available for inspection by any person purchasing a unit referred to in subsection (1).

AR 168/2000 s26;108/2004

Maintenance of reserve fund

27(1) A corporation must maintain the funding of its reserve fund at an appropriate amount or in an appropriate state so that the requirements of section 38 of the Act continue to be met.

(2) Except for the purposes of paying for repairs to or replacement of depreciating property, neither a corporation nor any person holding money or dealing with money on behalf of the corporation is to commingle any funds that make up the corporation's reserve fund with the corporation's operating funds or any funds of any other corporation or other entity.

(3) Neither a corporation nor any person holding money or dealing with money on behalf of the corporation is to commingle any funds that make up the corporation's reserve fund with the funds that make up any other corporation's reserve fund.

AR 168/2000 s27;108/2004

Use of reserve fund during emergency

27.1(1) Notwithstanding section 27(2), a corporation other than a corporation controlled by an interim board may transfer funds currently in the reserve fund into the operating fund for the purposes of temporarily paying for the control, management and administration of the real and personal property of the corporation, the common property and managed property if the conditions in this section are met.

(2) Before a corporation may transfer funds under this section, the following conditions must be met:

(a) a declaration of emergency has been proclaimed under the *Emergencies Act* (Canada), a state of emergency or state of local emergency has been declared under the *Emergency Management Act* or a state of public health emergency or local state of public health emergency has been declared under the *Public Health Act*, and the declaration of emergency, state of emergency, state of local emergency or state of public health emergency or local state of public health emergency remains in effect;

(b) the corporation has received lower revenue from contributions compared to the revenue expected from contributions levied on owners as a result of

(i) the declaration or state of emergency,

(ii) events that caused or led to the declaration or state of emergency, or

(iii) events related to the declaration or state of emergency that occurred during the declaration or state of emergency;

(c) as a result of the lower revenue described in clause (b), a shortfall exists between revenue received and expenditures to be paid from the operating fund;

(d) the corporation has no prohibition in the corporation's bylaws on using the reserve fund in this manner.

(3) A corporation may not transfer from the reserve fund to the operating fund an amount that is more than

(a) the difference between the lower revenue received from contributions, as referred to in subsection (2)(b), compared to the revenue expected from contributions levied on owners,

(b) the actual shortfall that exists between revenue received and expenditures to be paid from the operating fund, or,

(c) any limit that may exist in the corporation's bylaws on using the reserve fund in this manner,

whichever is less.

(4) Prior to transferring funds currently in the reserve fund for a purpose identified in subsection (1), the board must

(a) serve a notification to owners consisting of

(i) a statement of the board's intention to transfer reserve funds for a purpose identified in subsection (1),

(ii) notice of the date when the board intends to make a decision,

(iii) a description of any alternative that was considered to transferring reserve funds, and the reason why the alternative was not adopted, and

(iv) a proposed revision to the reserve fund plan that

(A) identifies the amount of the reserve fund being transferred to the operating fund under this section, and

(B) identifies a specific repayment plan that will be used to repay the amount transferred from the reserve fund within 2 years of the date the declaration or state of emergency has ended,

(b) pass a board resolution with a 75% majority of directors eligible to vote that

(i) authorizes a transfer from the reserve fund to the operating fund in accordance with this section, and

(ii) approves the proposed revision to the reserve fund plan referred to in clause (a)(iv),

and

(c) serve a notice to owners confirming that the changes to the reserve fund plan have been adopted and provide the revised reserve fund plan to owners.

(5) Nothing in this section is to be read as relieving, limiting or deferring an owner's obligation to pay any contributions levied by the board.

AR 85/2020 s2

Repairs, etc. not to be construed as capital improvements

28 For the purposes of this Part and section 38 of the Act, a repair to or replacement of depreciating property that is carried out by a corporation is not to be construed as a capital improvement if that repair or improvement is a matter that was included in the current reserve fund report that was prepared and submitted to the corporation.

AR 168/2000 s28;108/2004

Annual report

29(1) The corporation must prepare an annual report for each fiscal year respecting the reserve fund setting out at least the following:

(a) the amount of the reserve fund as of the last day of the immediately preceding fiscal year;

(b) all the payments made into and out of the reserve fund for that year and the sources and uses of those payments;

(c) a list of the depreciating property that was repaired or replaced during that year and the costs incurred in respect of the repair or replacement of that property;

(d) the amount of the reserve fund projected for the current fiscal year;

(e) total payments by ordinary or special resolutions into, and payments out of, the reserve fund for the current fiscal year;

(f) a list of the depreciating property projected to be repaired or replaced during the current fiscal year and the projected costs of the repairs and replacements.

(2) Repealed AR 154/2019 s18.

AR 168/2000 s29;181/2017;154/2019

5-year review

30 On or before 5 years from the day that the most recent reserve fund plan was approved, the corporation must, in accordance with the same procedures, requirements and restrictions to which section 23 is subject,

(a) carry out a reserve fund study,

(b) prepare a reserve fund report,

(c) approve the reserve fund plan, and

(d) provide to the owners for the owners' information copies of the approved reserve fund plan referred to in clause (c) prior to the collection of any funds for the purposes of those matters dealt with in the reserve fund report referred to in clause (b) and that are to be carried out pursuant that report.

AR 168/2000 s30;154/2019

31 Repealed AR 154/2019 s20.

Part 2.1
Investments

Authorized investments

31.1 The investments in which a corporation may invest funds not immediately required by it in accordance with section 43 of the Act are those authorized in Schedule 2 to this Regulation.

AR 151/2006 s3;181/2017

Part 2.2
Proxies, Rules

Proxies

31.2(1) Subject to subsections (2) and (3), a proxy may be given to any individual by an owner or a mortgagee who has given written notice under section 26(3) of the Act.

(2) A proxy is invalid if it is given to a minor or a person other than an individual.

(3) A proxy is invalid if it is given to a condominium manager or employee of either the corporation or a management company retained by the corporation, unless the proxy contains a limitation that it was given only for the purposes of establishing quorum for a meeting.

(4) An owner that is not an individual may be represented in a vote

(a) by a member of the board of directors of the owner, or, if there is no board of directors, by a member of a similar body in respect of that owner, or

(b) by an individual to whom the owner has given a proxy.

(5) Where 2 or more proxies are presented to a corporation in respect of the same unit by the same owner, only the most recently given proxy is valid.

AR 154/2019 s21

Written proxy requirements

31.3(1) A proxy is invalid unless it is in an electronic or hard copy format and contains at least the following elements:

(a) the name and unit number of the owner or mortgagee giving the proxy;

(b) the name of the individual to whom the proxy is given;

(c) the date the proxy is given;

(d) the signature of the owner or mortgagee giving the proxy, or in the case of an owner or mortgagee that is not an individual, the signature of a person authorized to sign for that owner or mortgagee.

(2) A proxy may be revoked in an electronic or hard copy format.

AR 154/2019 s21

Restrictions respecting proxies

31.4 A proxy expires on the earliest of

(a) the expiry date set out on the proxy,

(b) 6 months from the date on which the proxy was given, and

(c) the date on which the person who gave the proxy ceases to be an owner or mortgagee of the unit in respect of which the proxy was given.

AR 154/2019 s21

Rules respecting proxies

31.5(1) Except to the extent that a matter is already dealt with in the bylaws, subject to subsection (2), a corporation may adopt rules respecting the use of proxies, including, without limitation, procedures respecting the presentation, verification and registration of proxies.

(2) Rules may be adopted under subsection (1) only as may be reasonably necessary for the expedient conduct of meetings or votes.

(3) Subject to the bylaws, proxies must be certified before or at the outset of the general meeting at which an individual is seeking to exercise the proxy.

AR 154/2019 s21

Amendment, repeal of rules

31.6(1) For greater certainty, a rule established by the board may be amended or repealed by an ordinary resolution.

(2) If there is a conflict or inconsistency between an ordinary or special resolution and a rule established by the board, the resolution prevails to the extent of the conflict or inconsistency.

AR 154/2019 s21

Part 2.3
Borrowing by Corporation

Resolution for borrowing

31.7(1) In this section, "resolution" means an ordinary resolution, or a special resolution if a bylaw requires that a special resolution be passed for the purposes of approving borrowing of money by the corporation.

(2) Subject to subsection (5), the borrowing of money by a corporation must be authorized by a resolution where the sum of the amount of the loan and all outstanding loans during that fiscal year is more than

(a) 15% of the corporation's revenues as set out in the most recent financial statements prepared under section 30(4)(a) of the Act, or an amount set out in the bylaws, or

(b) the maximum amount of borrowing for the corporation for that fiscal year, as adopted by a previous resolution to authorize borrowing,

whichever is greater.

(3) A resolution adopted under subsection (2)(b) must specify the maximum amount the corporation is permitted to borrow in the fiscal year as either a percentage of the corporation's revenues as set out in the most recent financial statements prepared under section 30(4)(a) of the Act, or as an amount in dollars.

(4) Subject to subsection (5), nothing prevents a corporation from passing more than one resolution under subsection (2)(b) in a year, but, if a corporation lowers the maximum amount permitted for borrowing by a resolution, the resolution has no impact on a loan validly borrowed under a higher permitted maximum amount.

(5) Subsections (2) to (4) do not apply if the certificates of title to all of the units included in the condominium plan are registered in the name of the same owner or the same group of owners.

AR 154/2019 s21

Statement respecting permitted borrowing

31.8(1) A board may issue a statement to a lender or a prospective lender attesting to the corporation's

(a) maximum permitted borrowing amount, as of the date of issue, and

(b) remaining permitted borrowing amount, based on current corporate indebtedness.

(2) Unless a statement issued under subsection (1) is withdrawn before a loan is advanced to the corporation, the statement is conclusive proof in favour of the person who received the statement that if the corporation borrows funds in accordance with the limit described on the statement, it does so validly, unless the person has, or by virtue of the person's position with or relationship to the corporation ought to have, knowledge of more accurate facts at the relevant time.

(3) A corporation shall withdraw or revise a statement respecting permitted borrowing where the corporation's borrowing limit changes before a loan is advanced to the corporation on the basis of the statement.

AR 154/2019 s21

Part 3
Phased Development

Application of Part

32(1) This Part applies with respect to a building or land that is to be developed in phases under section 19 of the Act.

(2) This Part applies with respect to bare land units that are redivided under section 20 of the Act or Part 5 on or after the coming into force of this subsection, unless the bare land units are under a condominium plan that was registered before the coming into force of this subsection.

(3) Nothing in this Part is to be construed so as to apply with respect to a building or land registered under a condominium plan under which an amalgamation of adjacent parcels is carried out under Part 4.

AR 168/2000 s32;108/2004;23/2026

33 Repealed AR 23/2026 s16.

Existing building and land

34 A building or land is not eligible to be developed in phases under this Part if the building or land is included in a condominium plan that does not meet the requirements of section 35.

Phased development disclosure statement

35(1) Where a plan is registered as a condominium plan under which a building or land is to be developed in phases under this Part, the plan, at the time when it is registered with respect to the initial phase, must be accompanied by a phased development disclosure statement that is registered as part of the condominium plan and that sets out at least the following:

(a) a statement that the building or land is to be developed in phases;

(b) the maximum number of units to be included in the entire completed phased project;

(c) the minimum number of units to be included in the entire completed phased project;

(d) a description of the units and common property included in the initial phase;

(e) a description of the units and common property to be included in each of the subsequent phases, including

(i) the number of units or the minimum and maximum number of units that are to be included in each of those phases;

(ii) the general size of each of the units that are to be included in each of those phases;

(iii) the extent of the common property and a description of the improvements to that common property that are to be included in each of those phases;

(iv) any restrictions or qualifications on the types of units and common property that are to be included in each of those phases;

(v) a general description of the proposed usage of the units and the common property that are to be included in each of those phases;

(f) a description of the proposed physical appearance of each phase and the architectural compatibility of the phases with each other and the project as a whole;

(g) if common property in a subsequent phase is to be available for the use of the owners in the previous phases, an explanation as to when those facilities will be completed and available to those owners;

(h) the extent to which the developer will contribute to the common expenses respecting the building and land during the development and sale of each phase and on the completion and sale of the entire phased project;

(i) the method used to determine the allocation or distribution of administrative expenses with respect to all of the units in each separate phase and for all of the units in the entire completed project;

(j) the basis for allocating unit factors in the phased development, which must be consistent for each phase and the entire phased project;

(k) the effect on the owners' contributions for administrative expenses and the corporation's budget if one or more, as the case may be, of the future phases are not proceeded with;

(l) a certificate of the developer in Form 9 certifying that the phased development disclosure statement complies with the Act and the regulations and all the requirements under the Act and the regulations.

(2) Once a phased development disclosure statement is registered, that phased development disclosure statement is not to be changed by the developer without the consent of at least 2/3 of the persons, not including the developer, who are entitled under the Act to vote.

(3) Where a building or land is being developed in phases, the development must be in accordance with the phased development disclosure statement.

(4) Notwithstanding subsection (2) or (3), to the extent that the development of a building or land in phases, as provided for under a registered phased development disclosure statement, does not comply with the current development scheme, development control by-law, zoning by-law, land use by-law or any other municipal requirement applicable to that development, the developer may

(a) change the development to the extent necessary so that the development complies with the current scheme, by-law or other municipal requirement, and

(b) change the phased development disclosure statement to reflect the change referred to in clause (a).

(5) Where a phased development disclosure statement is to be changed under subsection (2) or (4),

(a) the change does not become effective until the change is registered, and

(b) the Registrar, on being presented with a certificate of the developer in Form 10, is to amend the phased development disclosure statement to reflect the change.

Completion of project

36(1) Where a condominium plan indicates that a building or land may be developed in phases, all the phases that make up the total development of the building or land in phases must be registered

(a) within the period of time specified in the phased development disclosure statement, or

(b) if the phased development disclosure statement does not specify the period of time within which all the phases that make up the total development are to be registered, within 6 years from the day that the condominium plan was registered.

(2) Notwithstanding subsection (1), the developer may, with the agreement of at least 2/3 of the persons, not including the developer, who are entitled under the Act to vote, extend or reduce the period of time referred to in subsection (1).

(3) If

(a) a building or land is to be developed in phases,

(b) one or more phases have been registered, and

(c) the developer does not proceed, or does not intend to proceed, with one or more of the other phases that were to be part of the development,

the developer must in writing notify the corporation and the owners that the phase or phases will not be proceeding.

(4) If

(a) a building or land is to be developed in phases, and

(b) within the time period referred to in subsection (1) or (2), all the phases that make up the total development are not registered,

the developer, unless the corporation otherwise agrees, is deemed to have given written notice to the corporation and the owners that the phase or phases will not be proceeding.

(5) If

(a) under a condominium plan a building or land is to be developed in phases and

(i) in accordance with the phased development disclosure statement, or

(ii) under an agreement between the developer and the corporation

the developer is to transfer facilities and property intended for common use to the corporation after the registration of one or more phases, and

(b) within the time provided for in the phased development disclosure statement or the agreement or, if the time is not so provided for, within a reasonable time the developer fails to meet the requirement to transfer the facilities and property intended for common use to the corporation,

an owner, the corporation or an interested party may bring an action for an order of the Court directing the developer to carry out that requirement or for damages arising out of the developer's failure to carry out that requirement.

(6) If

(a) after the registration of one or more phases in respect of a building or land that is being developed in phases the developer elects not to or fails to proceed with one or more other phases that were to have been included in the development, and

(b) common property that was to have been made available for the use of the owners in the registered phases was to have been included in the phases that are not being proceeded with,

either the developer, the corporation or an interested party may apply to the Court for an order giving directions

(c) as to how the common property may be made available under the existing circumstances, and

(d) with respect to the provision of that common property, as to the application of any funds arising from a bond, a

letter of credit or other security that has been provided to secure the provision of that common property.

(7) If

(a) after the registration of one or more phases in respect of a building or land that is being developed in phases the developer elects not to or fails to proceed with one or more other phases that were to have been included in the development, and

(b) land, on which the phases not being proceeded with were to have been located, remains part of the condominium plan,

the developer, the corporation or an interested party may apply to the Court for an order removing the unused land from under the condominium plan.

(8) In considering an application under subsection (7), the Court may

(a) refuse to grant the order with respect to the land or a portion of that land that is the subject of the application where the Court is satisfied that the land or that portion of the land is required for the purposes of properly finishing or otherwise completing the building or land that is included in the phases that are registered;

(b) where the Court is satisfied that the land or any portion of that land that is the subject of the application is not required for the purposes of properly finishing or otherwise completing the building or land that is included in the phases that are registered, give directions directing that that land or that portion of the land be removed from under the condominium plan;

(c) where the Court is satisfied that the land or any portion of that land that is the subject of the application is required for the purposes of properly finishing or otherwise completing the building or land that is included in the phases that are registered, give directions respecting the vesting of the title of that land or a portion of that land in the name of the corporation or the owners of the units;

(d) give any directions that the Court considers appropriate respecting the transfer of any land that is the subject of the application, the vesting of ownership in that land, the issuance, cancellation or modification of any certificate of title to that land, the reallocation of unit factors and any other matter relating to the transaction.

Court order terminating development

37 Notwithstanding anything in section 36, where a building or land is to be developed in phases and

(a) the developer, before all the phases that make up the total development are registered or are otherwise completed, is assigned into bankruptcy, is adjudged bankrupt or has a receiver of its assets appointed, or

(b) the developer is unable or unwilling to register or otherwise complete the project as required under this Part or in accordance with the phased development disclosure statement,

the developer, the corporation or an interested party may apply to the Court for an order terminating the development and giving directions or a determination in respect of any matter arising out of the termination of the development.

Registration of condominium plan

38(1) Where a plan is to be registered as a condominium plan under which a building or land is to be developed in phases, the Registrar, on registering the plan, must, in accordance with sections 5 and 6 of the Act,

(a) in the case of the initial phase or phases that are included in the initial registration of the plan, issue, in respect of the building or land included in that phase or those phases, certificates of title for the units, and

(b) in the case of the remainder of the parcel that is not included in the registered phase or phases referred to in clause (a), issue, in respect of the parcel that is not included in the registered phase or phases, one or more certificates of title for bare land units.

(2) A plan presented for registration as a condominium plan must, with respect to the building or land that is included in the registered phase or phases for which certificates of title are to be issued under sections 5 and 6 of the Act, meet the requirements of sections 8 to 10 of the Act.

AR 168/2000 s38;108/2004

Amendment to plan re subsequent phase

39(1) With respect to the registration of a subsequent phase, on presentation to the Registrar of the appropriate documentation to amend the condominium plan to include a subsequent phase, the Registrar is to amend the condominium plan so that the units, the common property and any reallocation of unit factors that are the

subject of the amendment are consolidated with the existing registered phases.

(2) An amendment to a condominium plan presented for registration under this section must, with respect to the building or land that is the subject of that amendment, meet the requirements of sections 8 to 10 of the Act.

(3) On registering an amendment to a condominium plan under this section, the Registrar is to

(a) cancel the certificates of title to the bare land units that were issued under section 38(1)(b) for the real property that is now to be included in the building or land that is the subject of that amendment, and

(b) issue new certificates of title in accordance with sections 5 and 6 of the Act with respect to the units that are included in the building or land that is the subject of that amendment.

AR 168/2000 s39;108/2004

Restrictions on registration

40 Where an amendment is to be registered amending a condominium plan to consolidate into the plan a subsequent phase, the Registrar is not to register any documentation under which certificates of title are to be issued in respect of that subsequent phase until the Registrar is provided with a certificate of the developer in Form 11 certifying that the amendment meets the criteria as set out in the phased development disclosure statement.

Common property re amendment to plan

41 On the registration of an amendment to a condominium plan under section 39, the common property included in that amendment becomes common property for all of the phases that have been registered and the common property in the previously registered phases becomes common property for the phase for which the amendment was registered.

Operation of phases under the Act

42 The development in phases of a building or land under a condominium plan must be carried out in a manner that,

(a) on the registration of the first phase, enables that phase to function and operate under the Act in the same manner as if all the units and common property included in that phase were the only units and common property that were going to be included in that condominium plan, and

(b) on the registration of each subsequent phase, enables the most recently registered subsequent phase and the previously registered phases to function and operate under the Act in the same manner as if all the units and common property included in the registered phases were the only units and common property that were going to be included in that condominium plan.

43 Repealed AR 154/2019 s 22.

Convening of meeting and election of board

44 With respect to convening a meeting of the corporation for the purpose of electing a board, on the registration of a condominium plan under which a building or land is developed in phases, section 29 of the Act applies to the first phase in the same manner as if that phase contained the only units and common property that are to be included in the condominium plan.

AR 168/2000 s44;108/2004

Easements

45(1) Where an easement is registered against a condominium plan under which a building or land is being developed in phases, that easement is deemed to be also registered against the certificate of title for

(a) each unit then existing, and

(b) each unit subsequently created when an amendment to the condominium plan is registered for the purpose of consolidating a subsequent phase into the condominium plan.

(2) Notwithstanding subsection (1), if an easement is registered against a certificate of title of a unit and that easement does not affect the unit, the Registrar may, on being satisfied that such is in fact the case, discharge the easement from that certificate of title and endorse the easement on the condominium plan.

Part 3.1
Conversion and Converted Property Study

Interpretation

45.1 In this Part,

(a) "deficiencies" includes damages and defects;

(b) "normal wear and tear" means deterioration that occurs over time due to the ordinary use of the building, even though the building receives reasonable care and maintenance.

AR 181/2017 s12;138/2021

Contract with arm's length, qualified preparer — converted property study

45.11(1) For the purposes of section 21.1 of the Act, the developer shall enter into an arm's length contract with a professional engineer or registered architect for the preparation of a converted property study for the real and personal property of the corporation, the common property and managed property.

(1.1) If the real and personal property of the corporation, the common property and managed property require physical modification other than to address normal wear and tear, the contract referred to in subsection (1) must be entered into before undertaking any physical modification.

(2) For the purposes of subsection (1), "professional engineer or registered architect" includes a corporate entity if the corporate entity, in preparing a converted property study, employs or otherwise retains the services of a professional engineer or registered architect for the purposes of preparing, signing and stamping the converted property study.

(3) For the purposes of subsection (1), the following individuals shall not enter a contract for or prepare a converted property study:

(a) a director, officer or employee of the developer;

(b) a professional engineer or registered architect otherwise retained by the developer;

(c) any person with a financial interest in the sale of units that are part of the conversion;

(d) a partner, employer or employee of a person referred to in clause (a), (b) or (c);

(e) the spouse or common-law partner or a child of a person referred to in clause (a), (b) or (c).

(4) Despite subsections (1) and (3), where a contract for a building assessment report was entered into before July 1, 2021, the qualifications of a person to carry out the building assessment report are governed by Part 3.1 as it read immediately before that date.

(5) Nothing in this Part precludes a professional engineer or registered architect from

(a) engaging a person who is not a professional engineer or registered architect to assist in the preparation of a converted property study, or

(b) relying on information and documents prepared or provided by a person who is not a professional engineer or registered architect in the preparation of a converted property study.

AR 138/2021 s8;23/2026

Conduct of building inspection, survey

45.2(1) A person contracted to prepare a converted property study in respect of a building in a conversion shall, prior to the preparation of the converted property study,

(a) identify, locate and conduct an inspection of the real property of the corporation, the common property and managed property in the building, and

(b) conduct a survey of occupants, if any, of the building, respecting any observed deficiencies in the building.

(2) A person contracted to prepare a converted property study may

(a) retain the services of any expert or professional that the person considers necessary, or

(b) require any person to provide

(i) drawings, permit applications and permits under the *Safety Code Act*,

(ii) inspection reports, reports from inspections of work in progress, and any document containing health and safety information as defined under the *Occupational Health and Safety Act* relating to the property, and

(iii) as-built plans, warranties and any other documents, specifications or information that may be reasonably relevant to the inspection in the possession or control of the person.

AR 181/2017 s12;138/2021;23/2026

Content of converted property study

45.3(1) A converted property study must contain all of the following:

(a) the date of original construction of the building;

(b) a description of all previous uses of the building;

(c) the Alberta Building Code applicable at the time of construction of the building;

(d) the dates on which the physical modification referred to in section section 45.11(1.1), if any, was commenced and completed;

(e) an identification and the location and description of

(i) all delivery and distribution systems in the building,

(ii) all mechanical systems in the building,

(iii) the building envelope,

(iv) the surface water drainage system around the building, and

(v) the load-bearing parts in the building when the building was built and any identified changes in the load-bearing parts since the building was built;

(f) a description of the condition of the building, including anything in clause (e);

(g) with respect to a study prepared under section 45.2(1), a report including

(i) a description of the manner in which the inspection referred to in section 45.2(1)(a) was carried out, and

(ii) the survey of occupants conducted under section 45.2(1)(b), if any;

(h) a description of

(i) plumbing line material,

(ii) wiring material,

(iii) moisture ingress and abnormal staining, based on a visual inspection,

(iv) the foundation, based on a visual inspection, and any recommendations for further analysis,

(v) the areas tested for hazardous materials and the result of all tests conducted including any asbestos or other hazardous materials detected, and

(vi) any areas that were remediated;

(i) a copy of any report or plan required under the *Occupational Health and Safety Act* with respect to the building;

(j) for all building components and systems identified or described in accordance with this section,

(i) a statement as to whether it was replaced during the conversion, refurbished or left in its existing condition, and

(ii) its estimated remaining service life;

(k) any other building deficiency observed or content considered relevant by the person contracted to prepare the converted property study;

(l) the signature and stamp of the professional engineer or registered architect contracted to prepare or supervise the preparation of the converted property study in accordance with section 45.11.

(2) For greater certainty, subsection (1)(e) requires descriptions of every existing

(a) delivery and distribution system and mechanical system that serves 2 or more units,

(b) roofing and sub-roof, including

(i) air, water and vapour control systems,

(ii) insulation, circulation and venting for attic space and soffits, and

(iii) membranes,

(c) water control systems, including

(i) eavestroughing,

(ii) cladding components,

(iii) balcony membranes and sealants,

(iv) grade and landscaping drainage courses,

(v) weeping tile,

(vi) foundation membranes and sealants, and

(vii) parkade membranes and sealants.

(3) The person contracted under section 21.1(2) of the Act to prepare the converted property study shall make reasonable efforts to comply with the Standard Guide for Property Condition Assessments: Baseline Property Condition Assessment Process published by the American Society for Testing Materials, ASTM E2018 - 15, as amended from time to time.

(4) The professional engineer or registered architect contracted to prepare or supervise the preparation of the converted property study in accordance with section 45.11 shall not sign or stamp the converted property study earlier than 180 days before the first unit in the conversion is offered for sale.

AR 181/2017 s12;138/2021;23/2026

Delivery to developer

45.4 The person contracted under section 21.1(2) of the Act to prepare a converted property study shall prepare and deliver the converted property study

(a) to the developer, and

(b) to the reserve fund study provider.

AR 181/2017 s12;138/2021;23/2026

Disclaimer

45.5 The findings reported in a converted property study do not make or imply any assurance or guarantee by the Crown in right of Alberta with respect to the life expectancy, durability or operating performance of the buildings, materials, appliances, systems and equipment referred to in the converted property study.

AR 138/2021 s12

Transitional

45.6 Where a conversion was commenced before July 1, 2021, and

(a) units were offered for sale before July 1, 2021, a building assessment report shall be required in accordance with this Regulation as it read immediately before July 1, 2021 and the requirements of this Regulation with regard to a converted property study do not apply, and

(b) no units were offered for sale until July 1, 2021 or later, a converted property study is required in accordance with this Regulation.

AR 138/2021 s12

Part 3.2
Technical Analysis

Definitions

45.7 In this Part, "technical analysis" means a technical analysis of the real and personal property of the corporation or the common property prepared under section 21.2 of the Act and in accordance with this Part.

AR 23/2026 s22

Application of Part

45.8(1) This Part applies with respect to buildings of which the first unit becomes occupied on or after the coming into force of this Part.

(2) For greater certainty, a technical analysis of a building is not needed if, before the coming into force of this Part, a unit in the building has already been occupied.

AR 23/2026 s22

Contract with arm's length, qualified preparer — technical analysis

45.9(1) For the purposes of section 21.2 of the Act, and subject to section 45.93, the corporation shall enter into an arm's length contract with a professional engineer or registered architect for the preparation of a technical analysis.

(2) For the purpose of subsection (1), a professional engineer or registered architect includes a corporate entity if the corporate entity, in preparing a technical analysis, employs or otherwise retains the services of a professional engineer or registered architect for the purposes of preparing, signing and stamping the technical analysis.

(3) The following individuals shall not enter into a contract under this section or prepare a technical analysis:

(a) a director, officer or employee of the developer;

(b) a professional engineer or registered architect otherwise retained by the developer;

(c) a person with a financial interest in the sale of units that are part of the building that is subject to the technical analysis;

(d) a partner, employer or employee of a person referred to in clause (a), (b) or (c);

(e) the spouse or common-law partner or a child of a person referred to in clause (a), (b) or (c);

(f) any person retained at any time by the developer to provide materials or services for the construction of the building that is subject to the technical analysis.

(4) Nothing in this Part precludes a professional engineer or registered architect from

(a) engaging a person who is not a professional engineer or registered architect to assist in the preparation of a technical analysis, or

(b) relying on information and documents prepared or provided by a person who is not a professional engineer or registered architect in the preparation of a technical analysis.

AR 23/2026 s22

Delivery to corporation

45.91(1) The person contracted to prepare a technical analysis shall prepare and deliver the technical analysis to the corporation.

(2) A technical analysis prepared and delivered to the corporation must contain the signature and stamp of the professional engineer or registered architect contracted under section 45.9 to prepare the technical analysis.

AR 23/2026 s22

Payment for preparation of technical analysis

45.92 A corporation may pay for the preparation of a technical analysis from the operating account or reserve fund or by issuing a special levy.

AR 23/2026 s22

Corporation as technical analysis provider

45.93 If a building consists of not more than 12 units, the corporation may, in respect of that building, prepare a technical analysis without entering into an arm's length contract under section 45.9.

AR 23/2026 s22

Technical analysis of buildings

45.94 A technical analysis of a building must be prepared within 4 years from the date of occupation of the first unit in the building.

AR 23/2026 s22

Content of technical analysis

45.95 A technical analysis must contain a description of the following:

(a) the condition of the building envelope;

(b) the condition of the building's structural components;

(c) the results or findings of any invasive testing procedures undertaken, if authorized under the contract referred to in section 45.9(1).

AR 23/2026 s22

Disclaimer

45.96 The findings reported in a technical analysis do not make or imply any assurance or guarantee by the Crown in right of Alberta with respect to the life expectancy, durability or operating performance of the real and personal property of the corporation or the common property referred to in the technical analysis.

AR 23/2026 s22

Part 4
Amalgamation

Definitions

46 In this Part,

(a) "adjacent parcel" means 2 or more parcels that are adjoining or are separated only by

(i) a highway as defined in the *Traffic Safety Act* or the successor to that Act,

(ii) a right of way for a pipeline,

(iii) a right of way for a public utility as defined in section 1 of the *Municipal Government Act*,

(iv) a right of way for a railway, or

(v) 2 or more highways and rights of way referred to in subclauses (i) to (iv);

(b) "amalgamated condominium plan" means the condominium plan created out of the amalgamation of 2 or more condominium plans;

(c) "amalgamated corporation" means the corporation created out of the amalgamation of 2 or more corporations;

(d) "amalgamated parcel" means the parcel created out of the amalgamation of 2 or more parcels;

(e) "amalgamating condominium plan" means a condominium plan that is amalgamated, or is proposed to be amalgamated, with one or more other condominium plans to create an amalgamated condominium plan;

(f) "amalgamating corporation" means a corporation that is amalgamated, or is proposed to be amalgamated, with one or more other corporations to create an amalgamated corporation;

(g) "amalgamating parcel" means a parcel that is amalgamated, or is proposed to be amalgamated, with one or more other parcels to create an amalgamated parcel.

AR 168/2000 s46;221/2004

Authority to amalgamate

47(1) Two or more adjacent parcels that are the subject of condominium plans may, in accordance with this Part, be amalgamated so that the amalgamating parcels become one amalgamated parcel.

(2) Where 2 or more adjacent parcels are amalgamated, the condominium plans registered and the corporations existing in respect of each of those amalgamating parcels are, in accordance with this Part, amalgamated so that

(a) the amalgamating condominium plans become one amalgamated condominium plan, and

(b) the amalgamating corporations become one amalgamated corporation.

Pre-amalgamation meeting

48(1) Where it is proposed that 2 or more adjacent parcels be amalgamated, each amalgamating corporation shall convene a meeting of its owners for the purpose of presenting to the owners the proposal respecting the amalgamation of the parcels.

(2) A notice of a meeting convened under this section must, at least 30 days before the day on which the meeting is to be held, be given to

(a) all the owners, and

(b) all registered mortgagees.

Amalgamation disclosure statement

49 Prior to or at the time of giving notice of a meeting under section 48, the corporation must provide to the persons entitled to notice under section 48 a copy of an amalgamation disclosure statement setting out at least the following:

(a) a description of the proposed amalgamated parcel;

(b) a plan that sets out the location of buildings, structures, roadways, walkways, parking areas, pools, patios and similar items located on the proposed amalgamated parcel;

(c) the method of selection of the board as provided for under the proposed by-laws;

(d) the proposed amalgamated condominium plan;

(d.1) a description of the proposed managed property, if any, as provided for under the proposed bylaws;

(e) the current financial statement of each of the amalgamating corporations, including the assets and liabilities of the amalgamating corporations;

(f) the proposed reallocation of unit factors;

(g) the reserve funds of each of the amalgamating corporations;

(h) the proposed amount of the reserve fund of the proposed amalgamated corporation;

(i) the proposed by-laws of the proposed amalgamated corporation;

(j) the proposed new contributions, if any, that are to be levied

(i) for the administrative expenses, and

(ii) for the reserve fund as defined in section 21(1)(d),

of the proposed amalgamated corporation.

AR 168/2000 s49;181/2017

Resolutions of the owners

50(1) An amalgamation of parcels is not to take place unless a special resolution of each corporation is in force

(a) approving the amalgamation of the parcels, and

(b) approving the proposed by-laws of the proposed amalgamated corporation.

(2) A special resolution referred to in subsection (1) may include any terms or conditions respecting the amalgamation

(a) that must be met before the amalgamation may proceed, or

(b) to which the amalgamation is subject.

(3) Where 2 or more amalgamating corporations pass special resolutions referred to in subsection (1), the special resolutions are inoperative unless the proposed by-laws approved by each of the special resolutions are identical.

Registration

51(1) In order for an amalgamation of adjacent parcels to be registered, the Registrar must be provided with

(a) the documents, properly executed, setting out the special resolutions passed in respect of each of the amalgamating parcels,

(b) a plan showing the amalgamation of the amalgamating condominium plans, and

(c) the by-laws referred to in section 50(1)(b).

(2) The plan referred to in subsection (1)(b) must

(a) set out the amalgamating condominium plans;

(b) show the numbering and location of the units in relation to each other and the common property;

(c) include a table setting out

(i) the old unit numbers and the new unit numbers,

(ii) the unit factors, and

(iii) the floor or ground area of the units;

(d) set out the method by which the unit factors were calculated;

(e) set out the address for service of the amalgamated corporation;

(f) contain an acknowledgment by each of the amalgamating corporations that the information contained in the plan is accurate;

(g) set out the name of the person who prepared the plan;

(h) set out any other information as may be required by the Registrar.

(3) On the registration of the documents referred to in subsection (1), the Registrar

(a) must register a new amalgamated condominium plan that is comprised of the amalgamating condominium plans;

(b) must issue a new condominium plan number for the amalgamated corporation;

(c) must cancel the amalgamating condominium plans;

(d) must cancel the existing certificate of title of each of the owners and issue in the name of the owner a new certificate of title that

(i) sets out the new unit factors applicable to that unit, and

(ii) is subject to the encumbrances that were registered against the certificate of title that was cancelled;

(e) may add additional sheets to the amalgamated condominium plan in order to contain the information relating to the amalgamated condominium plan;

(f) may make on the amalgamating condominium plans and amalgamated condominium plan whatever notations that are required in the opinion of the Registrar to give effect to the amalgamation.

(4) On the registration of the documents referred to in subsection (1),

(a) the amalgamating parcels are amalgamated into one amalgamated parcel,

(b) the amalgamating condominium plans are amalgamated into one amalgamated condominium plan,

(c) the amalgamating corporations are amalgamated into one amalgamated corporation under the name "Condominium Corporation No. ___", and

(d) the proposed by-laws referred to in section 50(1)(b) become the by-laws of the amalgamated corporation.

Amalgamated corporation

52(1) On the amalgamation of the amalgamating corporations into an amalgamated corporation,

(a) the boards of the amalgamating corporations cease to exist, and

(b) the persons who were the members of the boards of the amalgamating corporations become the temporary board of the amalgamated corporation.

(2) The temporary board holds office until a meeting of the amalgamated corporation is convened and a board is elected.

AR 168/2000 s52;181/2017

Notification of amalgamation

53 On the amalgamation of 2 or more amalgamating parcels into an amalgamated parcel, the amalgamated corporation must notify the following persons of the amalgamation:

(a) all the owners;

(b) all the insurers who were insurers of the amalgamating corporations;

(c) all the creditors of the amalgamating corporations;

(d) all the mortgagees who have mortgages registered against the certificates of title to the units;

(e) the municipal authority within which the amalgamating parcels are located.

Meeting of corporation

54 Within 6 months from the day that the Registrar registers the amalgamation of 2 or more amalgamating parcels, the amalgamated corporation must, for the purpose of electing a board, convene a meeting of the persons who are entitled under the Act to vote.

Capital replacement reserve fund

55 For the purposes of Part 2,

(a) where, with respect to an amalgamated corporation, one or more of the amalgamating corporations existed immediately before September 1, 2000, the amalgamated corporation is considered to be a corporation that came into existence before September 1, 2000, or

(b) where, with respect to an amalgamated corporation, none of the amalgamating corporations existed before September 1, 2000, the amalgamated corporation is considered to be a corporation that came into existence on or after September 1, 2000.

Assumption of obligations

56 On the amalgamation of 2 or more amalgamating corporations, the amalgamated corporation

(a) assumes all the obligations, rights and property of the amalgamating corporations, and

(b) becomes a party to any legal proceeding in existence at the time of the amalgamation to which an amalgamating corporation was a party.

Part 5
Modification of Condominium Plans

Application of Part

57(1) This Part applies to a modification of a condominium plan provided for under section 20(2) of the Act.

(2) A reference in this Part to a plan of consolidation is a reference to a plan of redivision under section 20 of the Act under which 2 or more units are consolidated into one consolidated unit.

AR 168/2000 s57;108/2004

Notification of consolidation of units

58(1) The owners who wish to consolidate 2 or more units into one consolidated unit must

(a) give notice of the proposed consolidation to the board and to the holders of any interests registered against the certificates of title to the units,

(b) provide to the board any documentation and information that the board may reasonably request that relates to the proposed consolidation,

(c) if the external boundaries of the proposed consolidated unit are to be different than the external boundaries of the existing units that are being consolidated as shown on the existing condominium plan, provide to the board a plan of consolidation provided by a land surveyor setting out the location of the external boundaries of the proposed consolidated unit,

(d) provide to the board all the appropriate consolidation documents and approvals, and

(e) obtain the approval of the board for the consolidation.

(2) For the purposes of this section,

(a) a reference to the external boundaries of the existing units is a reference to the external boundaries other than those portions of those boundaries that will, on the consolidation taking place, be contained entirely within the consolidated unit, and

(b) a reference to a land surveyor is a reference to a person referred to in section 10(1)(b)(i) of the Act.

AR 168/2000 s58;108/2004

Common property

59 If common property is affected by the consolidation of the units, section 49 of the Act applies in respect of the consolidation of the units insofar as the consolidation affects the common property.

AR 168/2000 s59;108/2004

Registration of consolidation

60(1) On the registration

(a) of a certificate in the form set by the Registrar indicating the board's approval of the consolidation of the units, and

(b) where required under section 58, of the plan of consolidation referred to in section 58(1)(c),

the Registrar is to amend the condominium plan so that the units are consolidated into one unit.

(2) Notwithstanding subsection (1), the Registrar shall not amend a condominium plan unless any encumbrances registered against the certificates of title to the units that are the subject of the consolidation are identical or the holder of each encumbrance has given a consent to the consolidation.

AR 168/2000 s60;154/2019

Part 6
Insurance

Definitions

60.1 In this Part, in respect of all the units on a parcel or all classes of residential units on the parcel,

(a) "class of residential units" means residential units on the parcel

(i) having a comparable design or comparable original fixtures and finishing, or

(ii) in similar types of buildings, in the case of multiple buildings on a condominium plan;

(b) "fixtures and finishing" means the property described in section 61.1(3);

(c) "standard insurable unit description" means a description, as provided to purchasers by the developer, or as adopted by the corporation under section 61.2(2), of standard fixtures and finishing in a residential unit or a class of residential units.

AR 154/2019 s24

Insurance requirements imposed by corporation

60.2 A corporation may, by bylaw,

(a) require owners to purchase insurance with respect to deductibles that may be payable to a corporation under section 62.4 in respect of a corporation's insurance policy,

(b) specify the particulars of insurance to be purchased for the purposes of clause (a), and

(c) specify the proof an owner must provide to the corporation respecting the insurance purchased.

AR 154/2019 s24

Perils to be insured against

61(1) For the purposes of section 47(1)(a), (b) and (c) of the Act, a corporation must place and maintain insurance against the following perils:

(a) fire;

(b) leakage from fire protective equipment;

(c) lightning;

(d) smoke;

(e) windstorm;

(f) hail;

(g) explosion of natural, coal or manufactured gas;

(h) water damage caused by flood;

(i) water damage caused by sewer back-up or the sudden and accidental escape of water or steam from within a plumbing, heating, sprinkler or air conditioning system or a domestic appliance that is located within an insured building;

(j) impact by aircraft, spacecraft, watercraft and land vehicles;

(k) riot, vandalism or a malicious act, other than vandalism or a malicious act caused by an owner to the unit the owner owns or by an occupant or tenant to the unit that the occupant or tenant occupies;

(l) any other perils as required in the by-laws.

(2) Notwithstanding subsection (1), in respect of a bare land unit, a corporation is, unless the by-laws provide otherwise, required to place and maintain insurance against only those perils referred to in subsection (1)

(a) to which the bare land unit may be at risk, or

(b) to which the property for which the corporation is responsible may be at risk.

(3) Notwithstanding subsection (1)(h), for the purposes of section 47(1)(a), (b) and (c) of the Act the peril referred to in subsection (1)(h) is excluded where coverage against that peril is not available for the property being insured.

(4) The perils referred to in subsection (1)(a) to (k) refer to those perils covered by standard insurance policies and as customarily understood in the insurance industry.

(5) The insurance coverage referred to in section 47(7) of the Act and the extent or amount of liability and the perils to be insured against under section 47(7) of the Act are subject to any limitation, exception, exclusion or restriction that

(a) is usual and customarily imposed or provided for in the insurance industry, or

(b) is reasonable in the circumstances,

as may from time to time be imposed or otherwise provided for by the insurer.

(6) For the purposes of the Act and this Regulation, insurance placed by a corporation is not to be considered inadequate by reason only that the insurance is subject to any limitation, exception, exclusion or restriction that

(a) is usual and customarily imposed or provided for in the insurance industry, or

(b) is reasonable in the circumstances,

as may from time to time be imposed or otherwise provided for by the insurer.

AR 168/2000 s61;23/2001;108/2004;154/2019

Insurance on units, fixtures, finishing

61.1(1) For the purposes of this Part and section 47(1) of the Act, "improvements" as made to units by owners do not include

(a) any property included in the applicable standard insurable unit description, in the case of a residential unit, or

(b) any fixtures and finishing that must be insured by a corporation under subsection (2), in the case of a non-residential unit.

(2) Unless the bylaws require that additional insurance be provided by the corporation, for the purposes of section 47(1)(a) of the Act, a corporation shall, at a minimum, place and maintain the following amount of insurance, as applicable:

(a) for the residential units on the parcel, other than those owned by a developer, the replacement value of the units and of the fixtures and finishing in the units, as if all units contained the features as described in the applicable standard insurable unit description;

(b) for the residential units owned by the developer on the parcel, the replacement value of the units and of the fixtures and finishing as they existed at the time of the registration of the condominium plan;

(c) for the non-residential units on the parcel, other than those described in clause (d), the replacement value of the units, which, for greater certainty, excludes the replacement value of any fixtures and finishing in the units;

(d) for the non-residential units on the parcel being used in connection with a residential purpose, including parking spaces and storage units for owners of residential units, the replacement value of the units and of the fixtures and finishing in the units, as the units and fixtures and finishing were typically provided to purchasers by a developer;

(e) for the units on the parcel that are owned by the corporation, the replacement value of the units and of the fixtures and finishing in the units.

(3) A standard insurable unit description must include a description of the typical features in the applicable units, including the following, as applicable:

(a) floor coverings, wall coverings and ceiling coverings;

(b) electrical lines and fixtures, including lighting fixtures;

(c) plumbing lines and fixtures;

(d) natural gas lines and fixtures;

(e) fixtures with respect to air exchange and temperature control;

(f) walls that do not form the unit's boundaries, and any windows and doors located in those walls;

(g) cabinets and counter tops;

(h) non-chattel appliances.

(4) Nothing in this Part precludes a corporation from increasing the amount of insurance obtained for a unit in accordance with subsection (2)(a) to reflect a higher replacement value, where the corporation determines that there are variations, in size or in other material factors, from the standard insurable unit description among the units in a class of residential units.

AR 154/2019 s26;23/2026

Standard insurable unit description process

61.2(1) If section 61.1(2)(a) applies, and if the developer has not prepared and provided the standard insurable unit description for the residential units or each class of residential units, the corporation shall

(a) ensure that a standard insurable unit description has been adopted for each class of residential units, and

(b) identify the standard insurable unit description that applies to each of the residential units on the parcel if there are 2 or more classes of residential units on the parcel.

(2) A corporation may adopt or amend a standard insurable unit description by

(a) a special resolution,

(b) an ordinary resolution, if the corporation has not passed a special resolution referred to in clause (a), or

(c) a board resolution, if the corporation has not passed a special resolution referred to in clause (a), and has not passed an ordinary resolution referred to in clause (b).

(2.1) A resolution to adopt or amend a standard insurable unit description by a corporation under subsection (2)(a), (b) or (c) takes effect when the resolution is passed.

(3) If a corporation adopts a standard insurable unit description pursuant to subsection (2)(c), the corporation must present that description as an agenda item at the next annual general meeting of the corporation for ratification or amendment by ordinary resolution.

(4) If a corporation adopts a standard insurable unit description under subsection (1) or (2) or amends a standard insurable unit description under subsection (2), the corporation shall file at the land titles office a notice containing the most current standard insurable unit description applicable to all classes of residential units.

(5) A notice under subsection (4)

(a) must be submitted for filing in a form acceptable to the Registrar, and

(b) must contain

(i) a clear indication of the type of resolution under which the standard insurable unit definition was adopted or amended,

(ii) a certification that the resolution was duly passed,

(iii) the seal of the corporation, and

(iv) any other information required by the Registrar.

(6) A corporation shall file all standard insurable unit descriptions adopted or amended under subsection (2) with the land titles office in the form set by the Registrar.

AR 154/2019 s26;23/2026

Insurance amount and deductible

62(1) Property that is insured as required pursuant to section 47 of the Act, other than pursuant to section 47(1)(a) of the Act, must be insured for its replacement value.

(2) Property insurance required pursuant to section 47 of the Act is subject to any reasonable deductible that is agreed to by the corporation and the insurer.

AR 168/2000 s62;108/2004;154/2019

Notice to owner

62.1(1) The standard insurable unit description for a residential unit is an additional matter of which the corporation shall provide notice to each owner in accordance with section 48 of the Act.

(2) If the corporation receives a notice of cancellation of an insurance policy, it shall provide written notice of the cancellation to all unit owners as soon as possible.

AR 154/2019 s26

Repairs to units

62.2(1) A corporation shall make repairs or arrange for and supervise repairs to a unit and fixtures and finishing in a unit after damage where the corporation is responsible for insuring the property affected by the damage.

(2) Repealed AR 23/2026 s25.

(3) Where a unit is insured on the basis of a standard insurable unit description, the corporation shall rebuild the unit to the standard set out in the standard insurable unit description, unless

(a) an owner of a unit has a separate policy of insurance for improvements made by the owner, or is willing to pay for improvements to the unit as an out-of-pocket expense,

(b) at least one item of the property described as fixtures and finishing was absent, destroyed or partially damaged or below the standard of the standard insurable unit description at the time of the damage and the corporation had no prior obligation to repair the property from its previous status as absent, destroyed or partially damaged, unless the owner is willing to pay out of pocket for the costs of repairing the absent, destroyed or partially damaged property, or

(c) the fixtures and finishing in the unit had been installed below the standard as set out in the standard insurable unit description.

(4) In a situation described in subsection (3)(c), the corporation shall rebuild the unit to reflect its prior fixtures and finishing, unless the owner is willing to pay the costs of upgrading the fixtures and finishing of the unit as an out-of-pocket expense.

(5) Subject to subsection (6), a corporation is not responsible for making or arranging for repairs after damage where the damage is in respect of property that the corporation is not required to insure, including improvements made by an owner or to property covered by insurance specified by corporation bylaws as being the responsibility of an owner.

(6) Where a unit owner acquires a separate policy of insurance for the fixtures and finishing in a unit for an amount in excess of what the corporation is required to insure, and the fixtures and finishing of the unit are damaged, unless the corporation is not required to insure the fixtures and finishing in the unit, the unit owner and the unit owner's insurer shall allow the corporation to make repairs or arrange for and supervise repairs to the fixtures and finishing of the unit on the unit owner's and the insurer's behalf, unless the corporation agrees to another arrangement.

(7) Nothing in this section precludes a corporation, by bylaw, from assigning responsibility to the owner of a unit for making repairs or arranging for and supervising repairs of the unit.

AR 154/2019 s26;23/2026

Urgent repairs by corporation

62.3(1) A corporation is authorized to make or arrange for and supervise repairs to a unit after damage that was not the corporation's responsibility to insure against, if

(a) the failure to repair poses a risk to public safety, or puts common property, other units, occupants or personal property in common property or other units at risk,

(b) the owner of the unit or an agent of the owner has not commenced repairs within a reasonable amount of time, and

(c) the corporation has provided reasonable notice to the owner.

(2) The owner of a unit repaired by the corporation is liable to pay the corporation for the prudent costs of actions taken by the corporation under subsection (1).

AR 154/2019 s26

Recovery of amount of deductible

62.4(1) A corporation may recover up to the amount of an insurance deductible from an owner in accordance with this section.

(2) A corporation is not required to file an insurance claim in order to recover up to the amount of the corporation's insurance deductible from an owner.

(3) Subject to subsections (4) and (6), an owner, on demand by the corporation, is absolutely liable to the corporation for an amount up to the corporation's insurance deductible for damage that originates in or from the owner's unit or an exclusive possession area assigned to the owner.

(4) Despite any bylaw to the contrary, a corporation must not require an owner to pay an amount greater than $50 000 under this section.

(5) A corporation may recover an amount under subsection (1) from an owner by

(a) an action in debt, or

(b) levying a contribution under section 39(1) of the Act, if permitted by the bylaws.

(6) An owner is not liable to a corporation under this section for

(a) damage that occurred because of a defect in the construction of the unit or exclusive possession area assigned to the owner,

(b) damage attributable to an act or omission of the corporation, a member of the board, officer, employee or agent of the corporation or any combination of them, or

(c) damage that occurred as a result of normal structural deterioration of the common property, the managed property or the real property of the corporation, other than property that the owner was responsible to repair or maintain.

(7) Nothing in this section shall be construed to affect a civil action or other remedy at law of an owner or a corporation against a person who is responsible for damage to property, including damage to property caused through wilfulness.

AR 154/2019 s26;23/2026

Insurance against fraudulent or dishonest acts

62.5(1) In this section, "manager" includes an employee who handles money belonging to the corporation.

(2) A corporation shall obtain one or more corporation insurance policies that provide the corporation with coverage from a loss directly caused by a fraudulent or dishonest act of a member of the board or a manager, where the member of the board or manager acts alone or in collusion with others with intent to

(a) cause a loss to the corporation, or

(b) improperly obtain a financial benefit for the member of the board or the manager or another person.

(3) The amount of coverage under the insurance policies held by a corporation under subsection (2) must be at least the sum of

(a) the reserve fund balance at the beginning of the corporation's current fiscal year, and

(b) the balance of the operating account at the beginning of the corporation's current fiscal year.

(4) A corporation shall review the amount of coverage for insurance policies held under subsection (2) at least once every 2 years, and adjust it as necessary, to ensure that it complies with subsection (3).

(5) Subsections (2) to (4) do not apply to a corporation if the certificates of title to all of the units included in the condominium plan are registered in the name of the same owner or the same group of owners.

(6) This section applies to a corporation beginning at the time that the first insurance policy is obtained or renewed by the corporation under section 47 of the Act on or after January 1, 2020.

AR 154/2019 s26;23/2026

Director's interpretation

62.6(1) The Director may issue advisory opinions and interpretation bulletins with respect to insurance under this Regulation and section 47 of the Act.

(2) Advisory opinions and interpretation bulletins issued under subsection (1) are not binding.

AR 154/2019 s26

Part 7
Purchaser's Protection Programs

Definitions

63 In this Part,

(a) "common property" means common property to which section 14 of the Act applies;

(b) "cost consultant" means a cost consultant referred to in section 14(1)(b) of the Act;

(c) "program provider" means a person who operates a purchaser's protection program;

(d) "purchaser's protection program" means a plan, agreement, scheme or arrangement that meets the requirements referred to in section 67.

AR 168/2000 s63;108/2004

Application of Part

64(1) This Part applies only to loss by a purchaser resulting from a developer's failure to complete the construction of units and the related common property or either of them.

(2) Nothing in this Part is to be construed so as to limit or restrict the rights of a purchaser under a purchase agreement or that the purchaser otherwise has at law.

Approval of Minister

65 The Minister will only consider a purchaser's protection program for approval under section 14(10) of the Act if that program meets the requirements of this Part.

AR 168/2000 s65;108/2004

Purchaser's protection program having general application

66(1) Once a purchaser's protection program that is intended to be of general application is approved by the Minister, any developer who comes under that program may apply that program in respect of any of that developer's property that is governed by the Act if that property is enrolled in that program.

(2) Notwithstanding subsection (1), if after a purchaser's protection program is approved by the Minister a significant change is to be made to that program, that change must be approved by the Minister under section 14(10) of the Act before it is incorporated into that program.

(3) A purchaser's protection program referred to in subsection (1) is not to be applied in respect of any property that is governed by the Act until there has been published in Part I of The Alberta Gazette

(a) a notice summarizing the terms and conditions of the program, and

(b) a notice of the approval of the program by the Minister.

AR 168/2000 s66;108/2004

Requirements of a purchaser's protection program

67(1) In this section, "purchase money" means all or any portion of the money paid to a developer by a purchaser for the purchase of a unit.

(2) In order to qualify as a purchaser's protection program that may be approved by the Minister under section 14(10) of the Act, the program must be

(a) a plan, agreement, scheme or arrangement that,

(i) in respect of a unit being purchased, provides for the receipt, handling and disbursement of the purchase money and under which the money is to be paid to and held by a third party and is to be disbursed by that third party to the developer, based on the progress of construction of the unit and the related common property as determined by a cost consultant, and

(ii) provides for the refund to the purchaser of undisbursed purchase money in the event of the developer's failure to complete the construction of the unit or the related common property or both,

(b) a plan, agreement, scheme or arrangement that provides for an indemnity under which the program provider agrees to indemnify a purchaser of a unit against the loss of the purchaser's money, where that loss is incurred as a result of the developer's failure to complete the construction of the unit or the related common property or both, or

(c) a plan, agreement, scheme or arrangement that provides for the program provider, at the option of the program provider, to either

(i) refund to the purchaser of a unit the purchase money, where the purchaser suffers loss as a result of the developer's failure to complete the construction of

the unit or the related common property or both in accordance with the purchase agreement, or

(ii) complete the unit and its proportionate share of the related common property in accordance with the purchase agreement where the unit and the related common property have not been completed as a result of the developer's failure to complete the construction of the unit or the related common property or both in accordance with the purchase agreement.

(3) A purchaser's protection program referred to in subsection (2) is subject to the terms, conditions, exceptions, exclusions and limitations approved by the Minister as set out in the certificate issued under section 69.

AR 168/2000 s67;108/2004

Form of purchaser's protection program

68 A purchaser's protection program may be in the form of a warranty program, an irrevocable letter of credit, a performance bond, a bond or a similar financial instrument issued by a financial institution, insurance company or a program provider, as the case may be.

Certificate of sponsor

69(1) A purchaser's protection program must provide that where a purchaser enters into a purchase agreement with a developer for the purchase of a unit, the program provider must, subject to subsection (2), provide to the purchaser a certificate setting out at least the following:

(a) that the purchaser's protection program, together with any amendments to it, has been approved by the Minister in accordance with the Act and this Regulation;

(b) the name and address of the program provider;

(c) that the developer is enrolled under the program;

(d) that the property being purchased is enrolled in the program;

(e) the date on which the benefits provided for under the program take effect;

(f) the date on which the benefits provided for under the program terminate or the method by which that date is fixed or is to be fixed;

(g) in the case of a purchaser's protection program of the type referred to in section 67(2)(a),

(i) the name of the party responsible for the receipt, handling and disbursement of the money,

(ii) the terms and conditions governing the receipt, handling and disbursement of the money, and

(iii) any exceptions or exclusions that would limit the liability of the sponsor, including, without restriction, any monetary limits or time limits;

(h) in the case of a purchaser's protection program of the type referred to in section 67(2)(b) or (c),

(i) the circumstances under which the purchaser's protection program may be relied on, and

(ii) any exceptions or exclusions that would restrict a purchaser's ability to rely on the purchaser's protection program, including, without restriction, any monetary limits or time limits.

(2) A program provider must provide a certificate under subsection (1) to a purchaser forthwith after the program provider has been notified that the purchase agreement has been entered into.

Part 8
Amendment of Condominium Plans

To be amended in accordance with this Part

70 Except as otherwise provided for under the Act or this Regulation, a condominium plan may only be amended in accordance with this Part.

Amendments by corporations

71(1) A corporation may register an amendment to a condominium plan to amend that condominium plan if the following requirements have been complied with:

(a) a special resolution of the corporation has been passed and is in force approving the amendment;

(b) in the case of an amendment that relates to

(i) any alteration of the boundaries of the parcel, the amendment is endorsed with or accompanied by a certificate of a land surveyor stating

(A) that the altered boundaries have been established or re-established in accordance with the *Surveys Act*, and

(B) that there are not any projections from other property infringing on the altered boundaries or, if there are projections from other property infringing on the altered boundaries, an appropriate easement exists in respect of the parcel for those projections,

or

(ii) a change to the location of a building or a portion of a building as shown on the condominium plan, the amendment is endorsed with or accompanied by a certificate of a land surveyor stating that the building or a portion of the building as shown on the condominium plan as amended is within the external boundaries of the parcel that is the subject of the condominium plan and, if any projections project beyond those external boundaries, that an appropriate easement has been granted as an appurtenance to the parcel;

(c) in the case of an amendment that relates to a change in the units, the amendment is endorsed with or accompanied by a certificate of an architect, engineer or land surveyor stating that the change to the units as provided for in the amendment has in fact taken place or will become effective on the registration of the amendment;

(d) in the case of an amendment that relates to a change in the common property, the amendment is endorsed with or accompanied by a certificate of an architect, engineer or land surveyor stating that the change to the common property as provided for in the amendment has in fact taken place or will become effective on the registration of the amendment;

(e) in the case of an amendment that relates to a matter that needs the approval of the municipal authority, the amendment is endorsed with or accompanied by a certificate of the municipal authority or of a person designated by the municipal authority stating that the approval has been given by the municipal authority;

(f) the Court has by an order made under subsection (5) approved the amendment;

(g) that any conditions imposed by the Court under subsection (5) have been complied with.

(2) For the purpose of amending a condominium plan under this section, the corporation may apply to the Court for an order approving the amendment to the condominium plan.

(3) Where the corporation applies for an order approving an amendment, the corporation must, unless otherwise directed by the Court, give notice of the application to the owners and to each holder of a registered encumbrance.

(4) Where the Court is of the opinion that the nature of the amendment to the condominium plan is such that a certificate required under subsection (1) is not necessary, the Court may waive that requirement.

(5) On an application under subsection (2), the Court may, if it is satisfied that the interests of the persons to whom notice of the application is given will not be unfairly prejudiced, make an order

(a) approving the amendment to the condominium plan;

(b) imposing any conditions in respect of the order that the Court considers appropriate in the circumstances;

(c) awarding costs in respect of the application.

(6) On presentation of the order of the Court made under subsection (5), the Registrar is to amend the condominium plan in accordance with the order.

72 Repealed AR 23/2026 s28.

Documentation must be completed

73 Where this Regulation or the Act provides that a condominium plan may be amended, the Registrar is to amend the condominium plan on being provided with the appropriate documentation that is completed in a manner acceptable to the Registrar.

Part 8.01
Transfer, Lease or Sale of Common Property, Easement of Covenant or Condominium Parcel

Transfer, lease or sale of common property

73.01(1) In this section, "persons having a registered interest in the parcel" means persons who have an interest registered against

the condominium plan or certificate of title to a unit in the condominium plan, but does not include persons who own units.

(2) Before a corporation proceeds with a transfer or lease of common property under section 49 of the Act, the corporation shall obtain the consent in writing of at least 75% of the persons having a registered interest in the parcel to

(a) the release of those interests in respect of the land comprised in the proposed transfer or lease, or

(b) the execution of the proposed transfer or lease.

(3) Before a corporation grants an easement or covenant burdening a parcel under section 52 of the Act, the corporation shall obtain the consent in writing of at least 75% of the persons having a registered interest in the parcel to the release of those interests in respect of the land comprised in the proposed easement or covenant.

(4) Before a corporation proceeds with a transfer of a parcel or part of a parcel under section 63 of the Act, the corporation shall

(a) hold a meeting of the owners and persons having a registered interest in the parcel, and

(b) obtain the consent in writing of at least 75% of the persons having a registered interest in the parcel to the release of the interest in respect of the land comprised in the proposed disposition.

(5) A corporation shall provide the following information to persons attending a meeting under subsection (4)(a):

(a) the reason for the termination of the corporation;

(b) the status of the termination process;

(c) details of the proposed sale;

(d) a statement of the proportion of the sale proceeds to be allocated in respect of each unit;

(e) a list of the persons having a registered interest in the parcel who will be asked to consent to the release of their interests in respect of the parcel;

(f) any other factors the corporation considers relevant to the owners and persons having a registered interest in the parcel in respect of the sale.

(6) Despite subsection (2), (3) or (4), a corporation may, on 60 days' written notice to each of the persons having a registered interest in the parcel, apply to the Court for an order to proceed with

(a) a transfer or lease of common property under section 49 of the Act,

(b) a grant of an easement or covenant burdening the parcel under section 52 of the Act, or

(c) a transfer of a parcel or part of a parcel under section 62 of the Act.

(7) The Court may, after hearing an application under subsection (6), waive the requirement for at least 75% of persons having a registered interest in the parcel to release their interests, and make the order sought under subsection (6), subject to any terms and conditions that the Court considers appropriate in the circumstances.

(8) Where the Court makes an order under subsection (7), the interests of the persons having a registered interest in the parcel are terminated to the extent of the disposition permitted by the order of the Court.

AR 154/2019 s27;23/2026

Proceeds of sale and other assets of corporation

73.02(1) The proceeds of the sale of the assets of the corporation, or of the sale of the building or parcel, or any portion of the building or parcel, shall be, subject to an order of the Court under section 61 of the Act,

(a) first, used to pay any remaining debts and liabilities of the corporation, and

(b) second, distributed to the owners of the units in the condominium plan in accordance with the unanimous resolution passed under section 62(1) of the Act.

(2) Nothing in this section affects a claim to sale proceeds arising under this section by a person holding a charge on a unit.

AR 154/2019 s27;23/2026

Corporation-owned units on termination

73.03 A unit owned by the corporation constituted in respect of a particular condominium plan is deemed to have been allocated zero unit factors for the purposes of

(a) determining the shares of the owners of units of a parcel as tenants in common under section 62(3) of the Act, or

(b) the distribution of proceeds of a sale of the parcel under section 62 of the Act.

AR 154/2019 s27;23/2026

Part 8.1
Administrative Penalties, Service

Notice of administrative penalty

73.1 A notice of administrative penalty must be given in writing and must contain the following information:

(a) the name of the person to whom the administrative penalty is issued;

(b) identification of the provision of the Act or regulation that was contravened or not complied with;

(c) a description of the contravention or failure to comply identified under clause (b);

(d) the amount of the administrative penalty;

(e) the time period within which the administrative penalty must be paid;

(f) a statement describing

(i) the right to appeal to the Minister under section 78.5 of the Act,

(ii) the particulars of how an appeal is to be made, and

(iii) the time in which an appeal is to be made.

AR 181/2017 s15

Time of payment of administrative penalty

73.2 The person to whom an administrative penalty is issued shall pay the penalty

(a) within 30 days after receipt of the notice of administrative penalty, or

(b) within the time period specified in the notice of administrative penalty,

whichever is later.

AR 181/2017 s15

Service of Director's orders, notices

73.3(1) A Director's order issued, reconsidered or varied under the Act and a notice of administrative penalty or other written notice or document required by the Act to be issued or sent by the Director must be served

(a) in the case of an individual,

(i) by personal service,

(ii) by leaving it for the individual with a person apparently at least 16 years of age at the individual's current or most usual dwelling place,

(iii) by sending it by recorded mail to

(A) the individual's last known address, or

(B) the most recent address provided by the individual to the Director,

or

(iv) by sending it by facsimile or other form of electronic transmission to the individual's last known facsimile number or electronic address, if there is a record of so sending it,

and

(b) in the case of a corporation,

(i) by leaving it with a director, manager or officer of the corporation, or the president, chairperson or other head officer, by whatever name that person is known, of the corporation,

(ii) by leaving it at the corporation's registered office,

(iii) by sending it by recorded mail to

(A) an address for the corporation listed in a purchase agreement, or

(B) the corporation's registered office,

(iv) in the case of an extraprovincial corporation, by leaving it with, at the address of, or by sending it by recorded mail to the address of

(A) the corporation's attorney for service appointed as required by the *Business Corporations Act*,

(B) an address in Alberta for the corporation listed in a purchase agreement, or

(C) the corporation's principal place of business in Alberta,

or

(v) by sending it by facsimile or other form of electronic transmission to the corporation's last known facsimile number or electronic address, if there is a record of so sending it.

(2) Service is effected under subsection (1)(a)(iv) or (b)(v) when the sender obtains or receives confirmation of the successfully completed transmission.

(3) Service by recorded mail is not invalid by reason only that

(a) the addressee refuses to take delivery of the mail,

(b) the addressee returns the mail, or

(c) the addressee no longer resides or is otherwise not present at the address and has not provided the postal service with a current mailing address.

AR 181/2017 s15

Part 8.2
Appeals

Appeal fee

73.4 The fee for an appeal made pursuant to section 78.5 of the Act is the lesser of

(a) $1000, and

(b) half of the amount of the administrative penalty set out in the notice of administrative penalty.

AR 181/2017 s15

Part 8.3
Notices, Notifications

Definition

73.5 In this Part, "corporation" means the corporation constituted in respect of a particular condominium plan.

AR 154/2019 s28

Electronic notices, notifications

73.51(1) Where an owner has requested and consented to receive communications from a corporation by electronic means and has provided an electronic address for this purpose, the corporation shall, subject to subsection (3), send minutes, notices and notifications, including, without limitation, notices of meetings or notices of non-compliance with bylaws and notifications of new rules by electronic means to that address.

(2) Where the corporation provides notice to an electronic address, the notices and any attachment to the notices must be sent in a manner that is capable of being indefinitely retained by the recipient.

(3) The corporation is not required to send notices to electronic addresses pursuant to subsection (1) unless the electronic address is

(a) an email address, or

(b) any other type of electronic address that is permitted by the bylaws or the rules, or that is acceptable to the board, as signified by a board resolution.

(4) A notice or notification sent under subsection (1) is considered to have been received by the owner 24 hours after it is sent by electronic means to the electronic address referred to in subsection (1).

(5) An owner who has provided an electronic address for the purpose of receiving communications from a corporation shall ensure that the corporation is notified if this electronic address changes.

AR 154/2019 s28

Notification of new rule

73.6(1) Subject to subsections (2), (3) and (4), at least 30 days before a new rule is to come into effect, a corporation shall

(a) provide written notice of the new rule by either

(i) delivering it to each occupied unit on the parcel, or

(ii) posting it in an open and conspicuous common area on the parcel to which all owners and occupants have access,

and

(b) serve written notice of the new rule on all owners who do not reside on the parcel.

(2) A corporation may establish a rule that comes into effect immediately on notice being provided to, or served on, all the persons referred to in subsection (1) in accordance with subsection (1) if the rule

(a) addresses a safety concern, a security concern or an emergency, including an emergency resulting from one of the circumstances set out in section 20.1(1)(a) to (g), and

(b) ceases to apply when the safety concern, security concern or emergency no longer exists.

(3) Subject to subsection (2), a rule is of no force or effect until 30 days after all written notices have been provided or served under subsection (1).

(4) Subsection (1)(b) does not apply if the certificate of title to all of the units included in the condominium plan is registered in the name of the same owner or the same group of owners.

AR 154/2019 s28

Consequences of non-compliance with bylaw

73.7(1) Before imposing a sanction on a person who fails to comply with a bylaw, a corporation must serve a notice of proposed sanction on the person.

(2) If a person who fails to comply with a bylaw is a tenant, a corporation may serve a notice of proposed sanction on the owner of the unit, in addition to complying with subsection (1).

(3) A notice of proposed sanction must contain the following information:

(a) the unit number associated with the failure to comply with a bylaw;

(b) the name of the person subject to the proposed sanction, if known;

(c) the provision of the bylaw that has not been complied with;

(d) if the sanction is provided for in a bylaw in respect of non-compliance with a rule, the rule that has not been complied with;

(e) the date and time of the non-compliance, if applicable;

(f) other relevant particulars of the failure to comply;

(g) if applicable, the maximum monetary sanction for non-compliance with the bylaw;

(h) a description of corrective or other action, if any, that must be taken in respect of the non-compliance;

(i) the deadline, which must be at least 3 days, excluding holidays, after service of the notification, for taking the required actions or providing a written response to the notification, if any.

(4) A person who is served with a notice of proposed sanction must be provided at least 3 days, excluding holidays, to provide a written response to the notice or to comply with the actions required under the notice.

(5) When the deadline for a written response or corrective actions has expired and the corporation is not satisfied with the response or actions, if any, the corporation may, in accordance with subsection (6), impose a sanction

(a) on the person named in the notice of proposed sanction, or

(b) if no person is named in the notice of proposed sanction,

(i) on the owner, if the owner has not provided a notice to the corporation under section 53(5) of the Act setting out the name of the tenant in possession of the unit, or has provided a notice to the corporation under section 53(6) of the Act that a tenant is no longer in possession of the unit, or

(ii) on the tenant, if the owner has provided a notice to the corporation under section 53(5) of the Act and has not provided a notice to the corporation under section 53(6) of the Act that a tenant is no longer in possession of the unit.

(6) A corporation imposing a sanction shall serve on the person subject to the sanction a notice of sanction that contains the following information:

(a) in respect of a monetary sanction, the amount of the sanction and the instructions and the deadline for payment of the sanction;

(b) in respect of a sanction other than a monetary sanction, a description of the sanction and the date and time at which it comes into effect;

(c) reasons for issuing the sanction;

(d) the date of the board resolution approving the sanction.

(7) Where a person who is the subject of a proposed sanction is not an owner, a notice required to be served under this section may be served on the person electronically, if the person has provided the board with an electronic address, by personal service, ordinary or recorded mail addressed to the unit with which the sanction is associated, or by being left with a person apparently over the age of 18 years at the unit.

(8) A corporation imposing a sanction on a tenant shall ensure that the owner of the unit to which the sanction relates is provided with copies of

(a) the notice of proposed sanction served by the corporation under subsection (1), and

(b) the notice of sanction served by the corporation under subsection (6).

(9) Service is deemed to have been effected

(a) on the date on which acknowledgment of receipt of recorded mail is signed,

(b) 7 days after the date on which the document is sent by ordinary mail, or

(c) 24 hours after the document is sent by electronic means.

(10) Subject to its bylaws, a corporation may delegate a power or duty conferred on it under this section, except the power to decide to impose a sanction.

(11) For greater certainty, nothing in this section precludes a condominium manager or other person from serving notices relating to proposed sanctions.

AR 154/2019 s28

Maximum monetary sanctions

73.8(1) Subject to subsection (2) and any other limitations set out in the corporation's bylaws, the maximum monetary sanction that may be imposed by a corporation for the failure to comply with a bylaw is

(a) for the first instance of non-compliance, $500 or a lower amount set out in the corporation's bylaws, and

(b) for the 2nd and subsequent instances of non-compliance, $1000 or a lower amount set out in the corporation's bylaws.

(2) The maximum amount of the monetary sanction to be imposed for continuing non-compliance with a bylaw is $500 for the first week for the first instance of non-compliance and $1000 for each subsequent week or each week of any subsequent continuing non-compliance.

AR 154/2019 s28

No monetary sanction for non-compliance with rule

73.81 Despite any bylaws to the contrary, no monetary sanction may be imposed for a failure to comply with a rule.

AR 154/2019 s28

Part 9
Miscellaneous

Definition

73.9 In this Part, "corporation" means the corporation constituted in respect of a particular condominium plan.

AR 154/2019 s29

Notice before levying chargeback

73.91(1) For the purpose of section 39.01 of the Act, before levying a chargeback on an owner, a board must serve a notice of the proposed chargeback on the owner.

(2) The notice must be served on an owner no later than 90 days after the board becomes aware, or in the circumstances ought to have become aware, of an act or omission referred to in section 39.01(1) of the Act.

(3) The notice must contain the following information:

(a) the name and unit number of the owner subject to the proposed chargeback;

(b) the date of and a description of the act or omission referred to in section 39.01(1) of the Act;

(c) the estimated amount of the proposed chargeback;

(d) the deadline, which must not be less than 10 days, excluding holidays, after service of the notification, for the owner to provide a written response to the board.

(4) After a written response under subsection (3)(d) has been served on the board or when the deadline for a written response has expired, whichever is earliest, the board may, based on the information available,

(a) by resolution, levy a chargeback on the owner, or

(b) decline to levy a chargeback on the owner.

AR 23/2026 s32

Statement of chargeback

73.92 For the purpose of section 39.01 of the Act, a board levying a chargeback shall serve on the owner subject to the chargeback a statement of chargeback that contains the following information:

(a) the amount of the chargeback levied;

(b) instructions on how to pay the chargeback levied;

(c) the deadline for payment of the chargeback levied.

AR 23/2026 s32

Estoppel certificate must include information on chargeback

73.93(1) For the purpose of section 43.2(1)(e) of the Act, an estoppel certificate must include information on any proposed chargeback to be levied against the owner of a unit under section 39.01 of the Act.

(2) Subsection (1) applies in respect of a proposed chargeback for which the notice referred to in section 73.91(1) has been served on the owner.

AR 23/2026 s32

Appeal to Court

73.94(1) An owner may appeal to the Court a chargeback levied on the owner under section 39.01 of the Act.

(2) An appeal under this section must be made within 30 days of the service of the statement of chargeback under section 73.92.

AR 23/2026 s32

Fees under the Land Titles Act

74 The fees payable to the Registrar in respect of matters under the Act are the fees payable to the Registrar under the *Tariff of Fees Regulation* (AR 120/2000) or as otherwise provided for under an enactment.

Reasonable expenses re caveat

74.1 The following expenses are prescribed for the purposes of section 42(b) of the Act, up to an aggregate maximum amount of

the expenses equal to the original amount owing in respect of the unit:

(a) legal and other professional fees and disbursements associated with preparing, registering and discharging the caveat;

(b) the cost of registering and discharging the caveat under the *Land Titles Act*.

AR 154/2019 s30

Maximum rental deposit

74.2(1) For the purposes of section 53 of the Act, the maximum rental deposit that may be charged is prescribed to be $1000 or one month's rent, whichever is greater.

(2) Despite subsection (1), any rental deposit that is greater than the amount prescribed in subsection (1) that was collected from an owner by a corporation before January 1, 2020 may be retained until the owner gives written notice that the owner's unit is no longer rented.

AR 154/2019 s30

Statement of account for rental deposits

74.3 A statement of account under section 53(7) of the Act must include an itemized list of the deductions from the rental deposit and the purpose for which each deduction was made.

AR 154/2019 s30

No compensation for transferred parking unit

74.4 An owner of a unit labelled in a condominium plan of redivision as a parking space for visitors or persons with disabilities that must be transferred to the corporation under section 20(9) of the Act is not entitled to any compensation respecting that unit or transfer.

AR 154/2019 s30

No unit factors for corporation-owned unit in condominium contribution calculation

74.5 A unit owned by the corporation is deemed to have been allocated zero unit factors for the purposes of calculating contributions under section 39 of the Act.

AR 154/2019 s30

Fee payable to a municipality

75 A municipal authority may require the payment of a fee of not more than $40 per unit when application is made to the municipal authority for the certificate referred to in section 10(1)(b)(ii) of the Act.

AR 168/2000 s75;108/2004

Rate of interest re contributions

76 The rate of interest that may be charged by a corporation under section 40 of the Act on any unpaid balance of a contribution owing to the corporation by an owner shall not be greater than 18% per annum.

AR 168/2000 s76;108/2004

Mediation and arbitration

77 If the parties to a dispute referred to in section 69 of the Act wish to deal with the dispute under section 69 of the Act but are unable to agree on a mediator or an arbitrator, as the case may be, the Alberta Arbitration and Mediation Society is, subject to any agreement between the parties, authorized to appoint a person as a mediator or an arbitrator in respect of that dispute.

AR 168/2000 s77;108/2004

Builders' liens

78 For the purposes of section 78(2) of the Act, on the registration of a statement of lien against a condominium plan, the Registrar must send a notice of that registration to the corporation but is not required to send notice of that registration to the owners of the units.

AR 168/2000 s78;108/2004

Exemptions respecting non-residential units

78.1(1) Section 20.01(1)(d) does not apply in respect of non-residential units.

(2) Section 21.1 of the Act and Part 3.1 do not apply in respect of a conversion in which all units in the registered condominium plan are non-residential units.

AR 181/2017 s16

Offence

78.2(1) A developer who fails to comply with section 20.09(4) is guilty of an offence.

(2) Where a body corporate is convicted of an offence, the body corporate is liable to a fine of not more than the greater of

(a) $100 000, and

(b) 3 times the amount obtained by the body corporate as a result of the offence.

(3) Where an individual is convicted of an offence, the individual is liable to a fine of not more than the greater of

(a) $25 000, and

(b) 3 times the amount obtained by the individual as a result of the offence.

AR 181/2017 s16

Part 10
Transitional Provisions, Repeals, Expiry and Coming into Force

79 Repealed AR 108/2004 s10(50).

79.1 Repealed AR 23/2026 s33.

Repeal

80 The *General Regulation* (AR 89/85) is repealed.

Expiry

81 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on November 30, 2029.

AR 168/2000 s81;354/2003;103/2011;139/2016;148/2018; 154/2019;103/2024

Coming into force

82 This Regulation comes into force on September 1, 2000.

Schedule 1, Forms 1 and 2 Repealed AR 154/2019 s33.

Schedule 1

Form 3
Condominium Property Act
Section 32

Notice of Change of By-laws

Condominium Corporation No. ____ hereby certifies that, by a special resolution passed on _____, the by-laws of the corporation were added to, amended or repealed as follows:

(set out terms of resolution)

The seal of Condominium Corporation No. _____ was affixed on _____ in the presence of _____.

Director (Corporate Seal)

Form 3.1 Repealed AR 23/2026 s34.

Form 4
Condominium Property Act
Sections 49(4), 52(5) and 62(3) and (7)(b)

Certificate of Corporation

Condominium Corporation No. ___hereby certifies that the owners of the units in the condominium plan have, by a special resolution or unanimous resolution properly passed, as applicable, directed the corporation to execute the instrument hereunder recited.

Instrument ___ dated _____ to _____ of _____.

The seal of Condominium Corporation No. ___ was affixed on _____ in the presence of _____.

Director (Corporate Seal)

Insert a description of the nature and date of the instrument, the names of the parties to it and a brief description of the land disposed of.

Form 5

Condominium Property Act
Section 60

Notice of Termination of Condominium Status

Condominium Corporation No. ___ hereby certifies that the condominium status of the building or parcel has been terminated.

Annexed hereto is

+ a certified copy of the resolution passed by all the owners unanimously in accordance with section 60(b) of the *Condominium Property Act*.

a certified copy of a declaration of the Court of King's Bench under section 61(1) of the *Condominium Property Act*.

The seal of Condominium Corporation No. ____ was affixed on _____ in the presence of _____.

_____
Director (Corporate Seal)

\+ delete if inappropriate

Form 6 Repealed AR 154/2019 s33.

Form 7

Condominium Property Act
Section 73(2)

Address for Service

Condominium Corporation No. _____ hereby gives notice that by a resolution of the board dated _____ it has designated _____ as the address at which documents may be served on the Corporation.

The seal of Condominium Corporation No. _____ was affixed on _____ in the presence of _____.

_____
Director (Corporate Seal)

Form 8

Condominium Property Act
Section 10.1 and 28(5)

Notice of Current Board Members' Names and Addresses for Service

Condominium Corporation No. _____ hereby gives notice that effective on the ___ day of _____, ____ the following persons are the current members of the board of directors of the Condominium Corporation+

NAME	ADDRESS FOR SERVICE
_____	_____
_____	_____

(add as many rows as are necessary)

The seal of Condominium Corporation No. _____ was affixed on _____ in the presence of _____.

_____
Director (Corporate Seal)

+In the case of any change in board members for any reason (whether an election, a resignation or disqualification of a board member or the appointment of a replacement board member), or a change in the name or address of one or more board members, the copy of Form 8 that is prepared and submitted to the Registrar should include the names and current addresses for service of all board members at the time.

Form 9

Condominium Property Act

Section 35(1)(l) of the Condominium Property Regulation

Certificate of Developer

I, _____, hereby certify that the phased development disclosure statement complies with

(a) the *Condominium Property Act* and the *Condominium Property Regulation*, and

(b) all the requirements under the *Condominium Property Act* and the *Condominium Property Regulation*.

Dated: _____ _____
Developer

Form 10

Condominium Property Act

Section 35(5) of the Condominium Property Regulation

Certificate of Developer

I, _____,
hereby certify that at least 2/3 of the persons, not including the developer, who are entitled under the *Condominium Property Act*

to vote have by resolution consented to the phased development disclosure statement being changed as follows:

_____
_____

or

as shown on the attached Appendix

OR

I, _____,
hereby certify that in order for the development to comply with the current development scheme, development control by-law, zoning by-law, land use by-law or other municipal requirement applicable to that development, the phased development disclosure statement must be changed as follows:

_____
_____

or

as shown on the attached Appendix

Dated: _____ _____
Developer

Form 11

Condominium Property Act

Section 40 of the Condominium Property Regulation

Certificate of Developer

With respect to the phase that is the subject of amendment numbered _____ to Condominium Plan No. _____, I, _____, certify that

(a) the phase meets the criteria as set out in the phased development disclosure statement, and

(b) where common property located in that phase is to be available for the use of the owners in the previously completed phases for which certificates of title have been issued, that common property is completed and meets the

requirements set out in the phased development disclosure statement.

Dated: _____ _____
Developer

Form 12 Repealed AR 154/2019 s33.

AR 168/2000 Sched.;108/2004;151/2006;181/2017;154/2019;218/2022;23/2026

Schedule 2

Definitions

1 In this Schedule,

(a) "body corporate" includes a company or other body corporate whenever or however incorporated but does not include a corporation incorporated under section 25 of the Act;

(b) "debentures" includes debenture stock;

(c) "improved real estate" means an estate in fee simple in land

(i) on which there exists a building, structure or other improvement used or capable of being used for residential, commercial or industrial purposes,

(ii) on which there is being erected such a building, structure or other improvement,

(iii) which is serviced with the utilities necessary for such a building, structure or other improvement, but only when the land is being mortgaged for the purpose of erecting the building, structure or other improvement, or

(iv) which is being used for agricultural purposes,

but does not include an estate in fee simple in mines or minerals held separately from the surface;

(d) "loan corporation" means a loan corporation registered under the *Loan and Trust Corporations Act*;

(e) "municipal corporation" means

(i) a municipal authority as defined in the *Municipal Government Act*, or

(ii) a municipality or a municipal authority created by legislation similar to the *Municipal Government Act* in another province or territory;

(f) "securities" includes stocks, debentures, bonds, shares and guaranteed investment certificates or receipts;

(g) "trust corporation" means a trust corporation registered under the *Loan and Trust Corporations Act*.

Authorized corporation investments

2 A corporation may invest any trust money in the corporation's hands, if the investment is in all other respects reasonable and proper, in any of the following:

(a) securities of the Government of Canada, the government of any province or territory of Canada, any municipal corporation in any province or territory of Canada, the Government of the United Kingdom or the Government of the United States of America;

(b) securities the payment of the principal and interest of which is guaranteed by the Government of Canada, the government of a province or territory of Canada, a municipal corporation in any province or territory of Canada, the Government of the United Kingdom or the Government of the United States of America;

(c) debentures issued by a school division, a drainage district, or a provincial health agency, regional health authority, provincial health corporation or hospital operator under the *Provincial Health Agencies Act* in Alberta that are secured by or payable out of rates or taxes;

(d) bonds, debentures or other evidences of indebtedness of a body corporate that are secured by the assignment to a body corporate of payments that the Government of Canada or the government of a province or territory of Canada has agreed to make, if the payments are sufficient

(i) to meet the interest on all the bonds, debentures or other evidences of indebtedness outstanding as it falls due, and

(ii) to meet the principal amount of all the bonds, debentures or other evidences of indebtedness on maturity;

(e) bonds, debentures or other evidences of indebtedness

(i) of a body corporate incorporated under the laws of Canada or of a province or territory of Canada that has earned and paid

(A) a dividend in each of the 5 years immediately preceding the date of investment at least equal to the specified annual rate on all of its preferred shares, or

(B) a dividend in each year of a period of 5 years ended less than one year before the date of investment on its common shares of at least 4% of the average value at which the shares were carried in the capital stock account of the body corporate during the year in which the dividend was paid,

and

(ii) that are fully secured by a first mortgage, charge or hypothec to a body corporate on any, or on any combination, of the following assets:

(A) improved real estate;

(B) the plant or equipment of a body corporate that is used in the transaction of its business;

(C) bonds, debentures or other evidences of indebtedness or shares of a class or classes authorized by this section;

(f) bonds, debentures or other evidences of indebtedness issued by a body corporate incorporated in Canada if at the date of the investment or loan the preferred shares or common shares of that body corporate are authorized investments under clause (i) or (j);

(g) guaranteed investment certificates or receipts of a trust corporation;

(h) bonds, debentures, notes or deposit receipts of a loan corporation, trust corporation or credit union;

(i) preferred shares of any body corporate incorporated under the laws of Canada or of a province or territory of Canada that has earned and paid

(i) a dividend in each of the 5 years immediately preceding the date of investment at least equal to the specified annual rate on all of its preferred shares, or

(ii) a dividend in each year of a period of 5 years ended less than one year before the date of investment on its common shares of at least 4% of the average value at which the shares were carried in the capital stock account of the body corporate during the year in which the dividend was paid;

(j) fully paid common shares of a body corporate incorporated in Canada or the United States of America that during a period of 5 years that ended less than one year before the date of investment has either

(i) paid a dividend in each of those years on its common shares, or

(ii) had earnings in each of those years available for the payment of a dividend on its common shares,

of at least 4% of the average value at which the shares were carried in the capital stock account of the body corporate during the year in which the dividend was paid or in which the body corporate had earnings available for the payment of dividends, as the case may be;

(k) notes or deposit receipts of banks;

(l) securities issued or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development, approved by the *Bretton Woods and Related Agreements Act* (Canada), but only if the bonds, debentures or other securities are payable in the currency of Canada, the United Kingdom, any member of the British Commonwealth or the United States of America;

(m) securities issued or guaranteed by Inter-American Development Bank or by Asian Development Bank, but only if the bonds, debentures or other securities are payable in the currency of Canada or the United States of America;

(n) first mortgages, charges or hypothecs on improved real estate in Canada, but only if

(i) the loan does not exceed 75% of the value of the property at the time of the loan as established by a report as to the value of the property made by a person whom the corporation reasonably believed to be a competent valuator, instructed and employed independently of any owner of the property, or

(ii) the loan is an insured loan under the *National Housing Act, 1954* (Canada) SC 1953-54 c23.

Restrictions on investments

3(1) In determining market values of securities a corporation may rely on published market quotations of a recognized stock exchange in Canada or the United States of America.

(2) In the case of an investment under section 2(e) the inclusion, as additional security under the mortgages, charges or hypothecs, of any other assets not of a class authorized by this Schedule as investments does not render the bonds, debentures or other evidences of indebtedness ineligible as an investment.

(3) No investment may be made under section 2(e), (h) or (i) that would at the time of making the investment cause the aggregate market value of the investments made under those clauses to exceed 35% of the market value at that time of the whole trust estate.

(4) No sale or other liquidation of any investment made under section 2(e), (h) or (i) is required solely because of any change in the ratio between the market value of those investments and the market value of the whole trust estate.

(5) In case of an investment under section 2(i) or (j), not more than 30% of the total issue of shares of any body corporate may be purchased for any trust.

(6) No investment shall be made under section 2(j) that, at the time of making the investment, would cause the aggregate market value of the common shares held for any particular trust fund to exceed 15% of the market value of that trust fund at that time.

(7) No sale or other liquidation of common shares is required under this section solely because of any change in the ratio between the market value of those shares and the market value of the whole trust fund.

Court approved investments

4 In addition to the investments authorized by section 2, a corporation may invest funds in any other securities that the Court of King's Bench on application in any particular case approves as fit and proper, but nothing in this section relieves the corporation of the corporation's duty to take reasonable and proper care with respect to the investments so authorized.

Deposit of money held in trust

5 A corporation may, pending the investment of any money held in trust, deposit it for a time that is reasonable in the circumstances

(a) in any bank or treasury branch,

(b) in any trust corporation,

(c) in any credit union, or

(d) in any loan corporation.

Registration of securities

6 Except in the case of a security that cannot be registered, a corporation that invests in securities shall require the securities to be registered in the corporation's name, and the securities may be transferred only in the corporation's name.

Variation of investments

7(1) A corporation in the corporation's discretion may

(a) call in any money held in trust invested in securities other than those authorized by this Schedule and invest the money held in trust in securities authorized by this Schedule, and

(b) vary any investments authorized by this Schedule.

(2) No corporation is liable for a breach of trust by reason only of the corporation's continuing to hold an investment that since its acquisition by the corporation has ceased to be one authorized by the instrument of trust or by this Schedule.

(3) When a corporation has improperly advanced money held in trust on a mortgage that would at the time of the investment have been a proper investment in all respects for a lesser sum than was actually advanced, the security is deemed to be an authorized investment for that lesser sum and the corporation is liable to make good only the amount advanced in excess of the lesser amount with interest.

Concurrence by corporation in corporate schemes

8(1) When a corporation holds securities of a body corporate in which the corporation has properly invested money under this Schedule, the corporation may concur in any compromise, scheme or arrangement

(a) for the reconstruction of the body corporate or for the winding-up or sale or distribution of its assets,

(b) for the sale of all or any part of the property and undertaking of the body corporate to another body corporate,

(c) for the amalgamation of the body corporate with another body corporate,

(d) for the release, modification or variation of any rights, privileges or liabilities attached to the securities or any of them, or

(e) whereby

(i) all or a majority of the shares, stock, bonds, debentures and other securities of the body corporate, or of any class of them, are to be exchanged for shares, stock, bonds, debentures or other securities of another body corporate, and

(ii) the corporation is to accept the shares, stock, bonds, debentures or other securities of the other body corporate allotted to the corporation pursuant to the compromise, scheme or arrangement,

in like manner as if the corporation were entitled to the securities beneficially and may, if the securities are in all other respects reasonable and proper investments, accept any securities of any denomination or description of the reconstructed or purchasing or new body corporate instead of or in exchange for all or any of the original securities.

(2) A corporation is not responsible for any loss occasioned by any act or thing done in good faith under subsection (1) and the corporation may, if the securities accepted under subsection (1) are in all other respects reasonable and proper investments, retain them for any period for which the corporation could have properly retained the original securities.

Subscription for securities

9(1) If any conditional or preferential right to subscribe for any securities in any body corporate is offered to a corporation in respect of any holding in the body corporate, the corporation may, as to all or any of the securities,

(a) exercise that right and apply capital money subject to the trust in payment of the consideration, or renounce the right, or

(b) assign for the best consideration that can be reasonably obtained the benefit of that right, or the title to it, to any person, including any beneficiary under the trust,

without being responsible for any loss occasioned by any act or thing so done by the corporation in good faith.

(2) Notwithstanding subsection (1), the consideration for any such assignment shall be held as capital money of the trust.

AR 151/2006 s5;81/2019;218/2022;125/2024;199/2025;
213/2025;23/2026

Schedule 3
Minimum Retention Period for a Corporation's Documents and Information

(Section 44.2 of the Act, Section 20.55 of this Regulation)

	Type of Documents and Information	Minimum Retention Period
1	Documents and information consisting of	
(a)	A copy of the current bylaws of the corporation (section 32 of the Act)	Permanent
(b)	The particulars of any action commenced against the corporation and served on the corporation (section 20.52(1)(a)(i)(A) of this Regulation)	At least 7 years after the action concludes
(c)	The particulars of any unsatisfied judgment or order for which the corporation is liable (section 20.52(1)(a)(i)(B) of this Regulation)	At least 7 years after the judgment or order is satisfied
(d)	The particulars of any written demand made on the corporation for an amount in excess of $5000 that, if not met, may result in an action being brought against the corporation (section 20.52(1)(a)(i)(C) of this Regulation)	At least 7 years after the demand is made
(e)	The particulars of any post tensioned cables that are located anywhere on or within the property that is included in the condominium plan (section 20.52(1)(d) of this Regulation)	Permanent
(f)	A statement setting out the unit factors and the criteria used to determine unit factor allocation (section 20.52(1)(i) of this Regulation)	Permanent
(g)	A statement setting out any structural deficiencies that the corporation has knowledge of at the time of the request in any of the buildings that are included on the condominium plan (section 20.52(1)(a)(iv) of this Regulation)	Permanent
(h)	Professional reports, such as engineering reports (section 20.52(1)(m) of this Regulation)	Permanent
(i)	Copies of any legal or other professional advice or opinions paid for by the corporation	At least 7 years after the date the advice or opinion was received
(j)	Copies of all manuals, schematic drawings, operating instructions, service guides, manufacturers' documentation, records of service and repairs and other similar information or documentation in the possession or control of the developer, the interim board or the corporation respecting the construction, maintenance, repair and servicing of any common property or real or personal property of the corporation (section 16.1 of the Act, section 20.2(1)(d) of this Regulation)	3 years after the property to which the records relate is disposed of

(k)	Structural, electrical, mechanical and architectural working drawings and specifications, and as built drawings (sections 8(1)(b) and (e) and 16.1(1)(b)(i) and (ii) of the Act)	Permanent
(l)	The plans that exist showing the location of underground utility services, sewer pipes and cable television lines located on the parcel (section 16.1(1)(c) of the Act)	Permanent
(m)	All certificates, approvals and permits issued by a municipal authority, a person accredited by the Administrator under the *Safety Codes Act*, the Government or an agent of the Government that relate to the real property of the corporation, the common property and managed property	Permanent
(n)	Any building assessment report required under the *New Home Buyer Protection Act* or, in the case of a conversion, any converted property study or building assessment report required under section 16.1(1)(f) or 21.1 of the Act, as applicable	Permanent
(n.1)	A technical analysis required under section 21.2 of the Act	Permanent
(o)	Copies of all plans, documents and amended documents that are required to be prepared under the *Safety Codes Act*	Permanent
(p)	Copy of the condominium plan and any plan of redivision (sections 8 and 20 of the Act)	Until the subsequent plan is filed
2	The reserve fund report, reserve fund plan and any updates of either (section 20.52(1)(q) of this Regulation)	12 years after creation
3	Documents and information consisting of	
(a)	A copy of the budget of the corporation (section 20.52(1)(e) of this Regulation)	7 years after creation
(b)	Annual financial statements, if any, of the corporation (section 30(4)(b) of the Act)	7 years after creation
(c)	A copy of any approved minutes of proceedings of a general meeting of the corporation or of the board (section 20.52(1)(h) of this Regulation)	7 years after creation
(d)	A copy of all insurance policies and insurance records obtained by or on behalf of the corporation and the certificate respecting each insurance policy (section 48 of the Act, section 20.52(1)(n) and (o) of this Regulation)	7 years after creation
(e)	Records of repair and maintenance	3 years after the property to which the record relates is disposed of
(f)	Copies of all records respecting the account maintained by the financial institution holding the reserve fund, operating funds or any other funds of the corporation	7 years after creation

4	Documents and information consisting of	
(a)	A statement produced on request setting out the amount of any contributions in respect of a unit and the amount that is payable	3 years after creation
(b)	A statement produced on request setting out the amount of the capital replacement reserve fund (section 20.52(1)(a)(ii) of this Regulation)	3 years after creation
(c)	A statement setting out the amount of the contributions and the basis on which that amount was determined (section 20.52(1)(a)(iii) of this Regulation)	3 years after creation
(d)	A copy of all caveats registered against units that are owned by the corporation or intended to be transferred to the corporation	3 years after registration
(e)	Draft minutes of an annual general meeting that happened at least 30 days before (section 20.52(1)(h) of this Regulation)	Current — until replaced by approved minutes
(f)	A loan disclosure document (section 20.52(1)(a)(v) of this Regulation)	3 years after creation
(g)	Certificate issued under section 43.2 of the Act	3 years after creation
(h)	Copies of all outstanding orders made pursuant to the *Safety Codes Act*, *Municipal Government Act* or *New Home Buyer Protection Act*	3 years after expiry of the order
(i)	A copy of any restrictive covenant registered against the parcel (sections 51 and 52 of the Act)	3 years after creation
(j)	Proposals and notices of bylaw sanction (section 73.7 of this Regulation)	3 years after the notice
5	Results of votes on ordinary or special resolutions	3 years after vote
6	List of all common assets	3 years after the item was disposed of, along with the details of any disposition
7	Documents and information consisting of	
(a)	A copy of any subsisting or prior management agreement (section 20.52(1)(b) of this Regulation)	3 years after end of agreement
(b)	A copy of any subsisting recreational agreement (section 20.52(1)(c) of this Regulation)	3 years after end of agreement
(c)	A copy of any lease agreement or exclusive use agreement, or bylaw, lease, licence or other instrument granting an owner the right to exercise exclusive possession with respect to the possession of a portion of the common property, including a parking stall or storage unit (section 20.52(1)(j) of this Regulation)	3 years after end of agreement or instrument
(d)	Every lease, licence or agreement for the common property or real property of the corporation	3 years after end of lease, licence or agreement
(e)	List of the names of each tenant, the unit number being occupied by the tenant and the amount of any deposit paid by the owner (section 53 of the Act)	3 years after end of agreement
8	Rules adopted by the corporation (section 32.1 of the Act)	3 years after the rule ceases to be in effect or is amended or repealed
9	All warranties and guarantees on the real and personal	3 years after the expiry of the

	property of the corporation, the common property and managed property	last warranty coverage
10	Original votes cast in an ordinary or special resolution (sections 26.3 to 26.8 of the Act)	12 months after the vote
11	Proxy forms (section 26(5) of the Act, section 31.2 of this Regulation)	180 days after provided to the corporation
12	Documents and information consisting of	
(a)	Assignments of areas of exclusive possession to each owner (sections 8(1)(i) and 50 of the Act)	3 years after the end of the assignment of the exclusive possession area
(b)	Any additional address for service of an owner, apart from the owner's unit address	Maintain on ongoing basis
(c)	List of the names and addresses of all mortgagees who have given written notice to the corporation under section 26(3) of the Act	Maintain on ongoing basis

AR 154/2019 s34;85/2020; 138/2021;23/2026

Schedule 4
(Section 33 of the Act)

(Note: Section 33 of the Act provides that the bylaws in this Schedule apply only until they are repealed or replaced by special resolution and registered at the land titles office.)

Bylaws of the Corporation

1(1) In these bylaws,

(a) "Act" means the *Condominium Property Act*;

(b) "annual general meeting" means an annual general meeting of the corporation;

(c) "general meeting" means a general meeting of the corporation;

(d) "Regulation" means the *Condominium Property Regulation* (AR 168/2000).

(2) Words and expressions defined in the Act or the Regulation have the same meaning in these bylaws.

(3) The rights and obligations given or imposed on the corporation or the owners under these bylaws are in addition to any rights or obligations given or imposed on the corporation or the owners under the Act and the Regulation.

(4) By virtue of section 34.1 of the Act, if there is any conflict between these bylaws and the Act or the Regulation, the Act or the Regulation prevails, to the extent of the conflict.

(5) Repealed AR 23/2026 s37.

Duties of the Owner, Occupant and Corporation Respecting Entry

2(1) An owner and an occupant shall permit the corporation and its agents, at all reasonable times on notice, except in case of emergency, to enter in or on the owner's unit for the purpose of

(a) inspecting the unit,

(b) maintaining, repairing or replacing pipes, wires, cables and ducts existing in or on the unit and used or capable of being used in connection with the enjoyment of any other unit or common property or real property of the corporation,

(c) maintaining, repairing or replacing common property or real property of the corporation or maintaining, repairing or replacing other property in accordance with section 62.3 of the Regulation, or

(d) ensuring compliance with the bylaws.

(2) An owner

(a) shall forthwith pay all contributions, levies, rates, taxes, charges and assessments that may be payable in respect of the owner's unit,

(b) shall forthwith carry out all work that may be required pursuant to these bylaws or as required by a municipal authority or other public authority in respect of the owner's unit, other than any work for the benefit of the building or parcel generally,

(c) shall maintain the owner's unit and exclusive possession areas in a state of good repair,

(d) shall notify the corporation forthwith of

(i) any change in the ownership of the unit, or

(ii) any mortgage registered against the unit,

and

(e) shall not make structural, mechanical or electrical alterations to the owner's unit or to the common property unless the owner

(i) has obtained the prior written consent of the board, which must not be unreasonably withheld, and

(ii) has ensured that all permits required under law have been obtained.

(3) Repealed AR 23/2026 s37.

Monetary Sanction

3 A corporation may impose a monetary sanction on an owner or occupant who contravenes section 2(1) or (2)(b) to (e) up to a maximum sanction of

(a) $500 for the first contravention,

(b) $1000 for the 2nd and subsequent contraventions, and

(c) in the case of a continuing contravention, a further sanction of $250 for each week during which the contravention continues after the first week.

Powers of the Corporation

4 The corporation may

(a) acquire personal property to be used

(i) for the maintenance, repair or replacement of the real or personal property of the corporation or the common property, or

(ii) by owners in connection with their enjoyment of the real or personal property of the corporation or the common property,

(b) subject to section 31.7 of the Regulation, borrow money required by the corporation in the performance of its duties or the exercise of its powers,

(c) secure the repayment of money borrowed by the corporation and interest on that money by negotiable instrument, a mortgage of unpaid contributions, whether levied or not, or a mortgage of any property owned by it or by any combination of those means,

(d) grant a right of exclusive possession to an owner under section 50 of the Act,

(e) charge interest under section 40 of the Act on any contribution owing to the corporation by an owner, and

(f) make an agreement with an owner or tenant of a unit for the provision of amenities or services by the corporation to the unit or to the owner or tenant of the unit.

Election of the Board

5(1) The board shall consist of not fewer than 3 and not more than 7 individuals.

(2) Notwithstanding subsection (1), if there are not more than 2 owners, the board may consist of at least one and not more than 7 individuals.

Eligibility to Sit on the Board

6(1) An individual does not need to be an owner in order to be elected to the board.

(2) Notwithstanding subsection (1),

(a) if a unit has more than one owner, only one owner in respect of that unit may sit on the board at one time, and

(b) an owner who has not paid to the corporation the contributions or levies due and owing in respect of the owner's unit is not eligible for election to the board.

(3) An individual is not eligible to be a member of the board if the individual

(a) is under 18 years of age,

(b) is a represented adult as defined in the *Adult Guardianship and Trusteeship Act*,

(c) is the subject of a certificate of incapacity that is in effect under the *Public Trustee Act*,

(d) is a formal patient as defined in the *Mental Health Act*,

(e) has been found, in Alberta or another province, to be of a mental state that is the equivalent of a state described in clauses (b) to (d) and that finding has not expired or been overturned or vacated by a court in Canada,

(f) is an undischarged bankrupt, or

(g) is incarcerated.

(4) An individual is not eligible to be a member of the board if the individual

(a) is on probation,

(b) has been convicted of an offence involving fraud, deceit or breach of trust or an offence under the Act in the past 10 years,

(c) has judgments against the individual under the Act, or

(d) has or potentially has a private interest in an agreement, arrangement or transaction involving the corporation that could occur during the individual's term on the board,

and does not disclose that information at a general meeting before a vote to elect members of the board is called where that individual is standing for election to the board.

Board Member Elections

7(1) At an election of members of the board, each person who has a right to vote may vote for the same number of nominees as there are vacancies to be filled on the board.

(2) A person who owns 2 or more units may vote in respect of each unit in an election.

Term of Office

8(1) Subject to subsection (2), a member of the board is to be elected at an annual general meeting for a term expiring at the conclusion of the annual general meeting convened in the 2nd year following the year in which the member was elected to the board.

(2) At the meeting convened under section 29 of the Act to elect the first board,

(a) not more than 50% of the members of the board shall be elected for a term expiring at the conclusion of the annual general meeting convened in the year following the year in which they were elected, and

(b) the balance of the members shall be elected for a term expiring at the conclusion of the annual general meeting convened in the 2nd year following the year in which they were elected.

(3) Each member of the board shall remain in office until

(a) the office becomes vacant under section 28.1(1) of the Act or section 9,

(b) the member resigns,

(c) the member ceases to be a member of the board under section 28.1 of the Act, or

(d) the member's term of office expires,

whichever comes first.

Vacating of the Office of a Member of the Board

9 In addition to the grounds set out in section 28.1 of the Act under which an individual ceases to be a member of the board, the office of a member of the board is vacated if the member

(a) is absent from 3 consecutive meetings of the board without permission of the board and it is resolved at a subsequent meeting of the board that the member's office be vacated,

(b) is found guilty of an offence involving fraud, deceit or breach of trust under any enactment of Alberta, another province, Canada or another country,

(c) fails to make a disclosure as required under section 6(4),

(d) is incarcerated while on probation, or

(e) commits an offence under the Act.

Vacancy

10(1) Unless a special general meeting is called to re-elect a board, when a vacancy occurs on the board other than under section 28.1(1) of the Act, or when a member of the board becomes deceased, the board may appoint an individual to fill that office for the remainder of the former member's term.

(2) Subject to subsection (3), if all offices on a board become vacant, the individual whose office was the last to become vacant shall immediately call a general meeting to be held within 14 days to elect a new board, unless that individual is deceased or otherwise unable to convene a general meeting.

(3) If the individual whose office was the last to become vacant is unable to call a general meeting or does not do so under subsection (2), the condominium manager, or if there is no condominium manager, the solicitor for the corporation, shall call a general meeting to be held as soon as reasonably possible to elect a new board.

(4) If subsection (2) is not complied with, and there is no condominium manager or solicitor for the corporation, an owner may call a general meeting to be held as soon as reasonably possible to elect a new board.

Officers of the Corporation

11(1) At the first meeting of the members of the board held after the general meeting of the corporation at which they were elected, the board shall designate from its members a president, vice-president, secretary and treasurer of the corporation.

(2) Notwithstanding subsection (1), the board may designate one individual to fill the offices of secretary and treasurer.

(3) In addition to those duties assigned to the officers by the board,

(a) the president or, in the event of the president's absence or disability, the vice-president

(i) is responsible for the daily execution of the business of the corporation, and

(ii) shall act as chair of the meetings of the board,

(b) the secretary or, in the event of the secretary's absence or disability, another member of the board designated by the board

(i) shall record and maintain all the minutes of the board,

(ii) is responsible for all the correspondence of the corporation,

(iii) is responsible for retaining and managing corporation documents in accordance with the Regulation, the Act and these bylaws,

(iv) is responsible for preparing and providing corporation documents on request and in accordance with the Regulation, the Act and these bylaws, and

(v) shall carry out the secretary's duties under the direction of the president and the board,

and

(c) the treasurer or, in the event of the treasurer's absence or disability, another member of the board designated by the board shall

(i) receive all money paid to the corporation and deposit it as the board may direct,

(ii) properly account for the funds of the corporation and keep those books as the board directs,

(iii) present to the board when directed to do so by the board a full, detailed account of receipts and disbursements of the corporation, and

(iv) prepare or arrange for the preparation of audited statements and any budgets required under the Regulation, the Act and these bylaws.

(4) The corporation may delegate any duty or function conferred or imposed by subsection (3), other than subsection (3)(a)(ii), to any person designated by the corporation, on any terms and conditions determined by the corporation.

(5) An individual ceases to be an officer of the corporation if the individual ceases to be a member of the board.

(6) If an individual ceases to be an officer of the corporation, the board shall designate from its members an individual to fill that office for the remainder of the term.

(7) An individual who ceases to be a member of the board or an officer of the corporation shall return all corporation property and documents to the corporation within 14 days after ceasing to be a board member or officer.

(8) If a board consists of not more than 3 individuals, those individuals may perform the duties of the officers of the corporation in any manner that the board may direct.

Majority Vote and Quorum of the Board

12(1) At meetings of the board, all matters are to be determined by majority vote and, in the event of a tie vote, the chair is entitled to a casting vote in addition to the chair's original vote.

(2) A quorum for a meeting of the board is a majority of the members of the board.

Written Resolutions

13 A written resolution of the board signed by all of the members of the board has the same effect as a resolution passed at a meeting of the board duly convened and held.

Seal of the Corporation

14(1) The corporation shall have a corporate seal that must not be used except

(a) under the authority of a resolution of the board given prior to its use, and

(b) in the presence of not fewer than 2 members of the board who shall sign the instrument to which the seal is affixed.

(2) Notwithstanding subsection (1), if there are not more than 3 members of the board, one member may be authorized by the board

to use the corporate seal and sign the instrument to which the seal is affixed.

Signing Authority

15 The board shall prescribe, by resolution,

(a) those officers or other individuals who are authorized to sign cheques, drafts, instruments and other documents not required to be signed under the corporate seal, and

(b) the manner, if any, in which those cheques, drafts, instruments or other documents are to be signed.

Powers of the Board

16(1) The board shall

(a) meet at the call of the president to conduct its business and adjourn and otherwise regulate its meetings as it thinks fit, and

(b) meet when a member of the board gives to the other members not less than 7 days' notice of a meeting proposed by the member, specifying the reason for calling the meeting.

(2) The board may employ on behalf of the corporation any agents and employees it thinks necessary to control, manage and administer the real and personal property of the corporation and the common property and in that respect may authorize those persons to exercise the powers of and carry out the duties of the corporation.

(3) The board may, subject to any restriction imposed on it or direction given to it at a general meeting of the corporation, delegate to any of its members or to other persons any or all of its powers and duties as it thinks fit, and may at any time revoke that delegation.

Duties of the Board

17 The board shall

(a) cause proper books of account to be kept in respect of all money received and expended by it and the matters in respect of which the receipt and expenditure take place,

(b) prepare financial statements relating to all money of the corporation, and the income and expenditures of the corporation, for each fiscal year,

(c) maintain financial records of all the assets, liabilities and equity of the corporation, and

(d) submit to the annual general meeting an annual report consisting of the financial statements and other information as the board may determine or as may be directed by a resolution passed at a general meeting.

Procedure

18 All meetings of the board and general meetings are to be conducted according to the latest edition of *Robert's Rules of Order Newly Revised*, to the extent that it is consistent with these bylaws, unless alternate rules of procedure are adopted by the board.

Notice of Annual General Meetings

19(1) The board shall provide each owner with a preliminary notice of each annual general meeting at least 60 days before the scheduled annual general meeting.

(2) A preliminary notice of an annual general meeting must contain the following information:

(a) the date and location of the annual general meeting;

(b) a call for proposed agenda items;

(c) a deadline for submission of proposed agenda items, which must be no more than 30 days before the annual general meeting;

(d) a statement that a proposed agenda item submission must include

(i) a description of the proposed agenda item that provides sufficient detail and clarity for the purposes of a vote by owners on the contents of the meeting agenda, and

(ii) any other information necessary to effectively consider the proposed agenda item;

(e) a statement that the owners present at the annual general meeting will decide the contents of the agenda by a majority vote at the beginning of the annual general meeting;

(f) if the corporation accepts electronic submission of proposed agenda items, the specific electronic address to which proposed agenda items must be submitted.

(3) An owner may submit a proposed agenda item by sending the description of the item

(a) to the corporation's address for service, or

(b) to the corporation's electronic address.

Quorum

20(1) Except as otherwise provided by these bylaws, no business shall be transacted at an annual general meeting or a general meeting unless a quorum of persons with a right to vote is present or represented by proxy at the time when the meeting commences.

(2) A quorum for an annual general meeting or a general meeting consists of not less than 25% of all the persons with a right to receive notice under section 30(3) or 30.1(1) of the Act being present in person or represented by proxy at that meeting.

(3) If, within 30 minutes from the time appointed for the commencement of an annual general meeting or a general meeting, a quorum is not present, the meeting shall stand adjourned to the corresponding day in the next week at the same place and time and if, at the adjourned meeting, a quorum is not present within 30 minutes from the time appointed for the commencement of the meeting, the persons with a right to vote who are present or represented by proxy constitute a quorum for the purpose of that meeting.

Order of Business

21(1) The president or, in the event of the president's absence or disability, the vice-president or other individual designated by the president or vice-president, shall act as chair of an annual general meeting or a general meeting.

(2) The order of business at an annual general meeting and, as far as practicable, at any other general meeting, is to be as follows:

(a) call to order by the chair;

(b) calling of the roll and certifying of proxies;

(c) proof of notice of meeting, waiver or proxies, as the case may be;

(d) reading and disposal of any unapproved minutes;

(e) vote on agenda items;

(f) reports of officers, if any;

(g) reports of committees, if any;

(h) election of members of the board;

(i) agenda items of unfinished business;

(j) agenda items of new business;

(k) adjournment.

(3) In the event that there are no members on the board and a general meeting is called, the order of business at the meeting is to be as follows:

(a) call to order by the individual who called the meeting;

(b) calling of the roll and certifying of proxies by the individual who called the meeting;

(c) proof of notice of meeting, waiver or proxies, as the case may be, by the individual who called the meeting;

(d) election of a meeting chair;

(e) other business as may be applicable under subsection (2)(e) to (k).

22 Repealed AR 23/2026 s37.

Conduct of Unit Factor Vote

23(1) If a unit factor vote is demanded, the result of the unit factor vote shall be deemed to be the resolution of the meeting at which the unit factor vote was demanded.

(2) Where a unit factor vote is conducted, the votes must be counted by at least 2 individuals.

(3) Where possible, the 2 individuals who count the votes of a unit factor vote shall consist of a member of the board and an owner who is not a member of the board.

24 Repealed AR 23/2026 s37.

(2) A co-owner may demand that a poll vote be taken.

Tie Vote

25 In the case of a tie in a vote taken at an annual general meeting or a general meeting, the resolution does not pass.

Vote at Annual General Meeting or General Meeting

26(1) Except for matters requiring a special resolution, all matters shall be determined by ordinary resolution.

(2) The following must be recorded in the minutes of an annual general meeting or general meeting:

(a) the results of whether or not a resolution passed in a show of hands vote;

(b) the number of persons entitled to exercise the power of voting who voted in favour of the resolution in a poll vote and the number of unit factors represented by these persons;

(c) the number of persons entitled to exercise the power of voting who voted against the resolution in a poll vote and the number of unit factors represented by these persons,

(d) the text of resolutions adopted by the corporation.

Date of Next Annual General Meeting

27 On and after July 1, 2020, each annual general meeting shall occur within 90 days after the beginning of the fiscal year.

Appointment of Proxy

28 An instrument appointing a proxy shall not be transferred by a proxy holder to an individual who is not named in the proxy.

No Further Restrictions on Voting

29 Except as provided for in the Act and the Regulation, there are no restrictions or limitations on an owner's right to vote at an annual general meeting or a general meeting.

Counting and Certification of Votes

30 The chair or the chair's delegate shall certify the results of votes conducted at a general meeting.

Failure to Comply with Bylaws

31 The board may exercise the powers provided for in section 36 of the Act.

Limits on Corporation Powers

32 A corporation may exercise all powers granted to a corporation under the Act and the regulations under the Act, except to the extent that

(a) the Act requires a specific bylaw to be enacted before the corporation exercises that power, or

(b) an ordinary resolution made under section 28.2(1) of the Act directs the board not to exercise a right or a power granted by the Act or the regulations under the Act.

Amendment of Bylaws

33 If an amendment, repeal or replacement of a bylaw is proposed, not fewer than 14 days prior to the day on which the special resolution is to be voted on, the persons with a right to vote shall be given written copies of the existing bylaw accompanied with highlighted or underlined text showing the bylaw as it would read if the proposed amendment, repeal or replacement had been implemented.

Restrictions in Use

34(1) In this section,

(a) "occupant" means a person present in or on a unit or in or on the real or personal property of the corporation or the common property with the permission of an owner;

(b) "owner" includes a tenant.

(2) An owner shall not

(a) use or enjoy the real or personal property of the corporation or the common property in such a manner as to unreasonably interfere with its use and enjoyment by other owners or the occupants,

(b) use the owner's unit in a manner or for a purpose that will cause a nuisance or hazard to any other owner or occupant,

(c) use the owner's unit for a purpose that is illegal,

(d) make undue noise in or on the owner's unit or on or about real property of the corporation or the common property,

(e) keep an animal in or on the owner's unit or on the real property of the corporation or the common property after a date specified in a notice provided to the owner by the board,

(f) in the case of a residential unit, use the owner's unit for a purpose other than for residential purposes,

(g) do anything in respect of the owner's unit, the real or personal property of the corporation or the common property or bring or keep anything on it that will in any way increase the risk of fire or result in an increase of any insurance premiums payable by the corporation,

(h) use a toilet, sink, tub, drain or other plumbing fixture for a purpose other than that for which it is constructed,

(i) hang or place on the real property of the corporation or the common property or within or on a unit anything that is, in the opinion of the board, esthetically unpleasing when viewed from outside the units,

(j) leave articles belonging to the owner's household on the real property of the corporation or the common property when those articles are not in actual use,

(k) obstruct a sidewalk, walkway, passage, driveway or parking area other than for ingress and egress to and from the owner's unit, or

(l) use any portion of the real property of the corporation or the common property except in accordance with the bylaws.

(3) An owner shall ensure that the owner's occupants comply with those requirements that the owner must comply with under subsection (2).

Code of Conduct

35(1) A corporation shall establish a code of conduct for the members of its board by resolution.

(2) Each member of the board who is elected after January 1, 2020 shall be provided with the code of conduct forthwith and

(a) acknowledge in writing that he or she is aware of the code of conduct and agrees to comply with the code of conduct while acting as a member of the board, and

(b) return the acknowledgment to the corporation.

(3) A member of the board referred to in subsection (2) is not permitted to vote at meetings until that member complies with subsection (2).

AR 154/2019 s34;23/2026





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