

**PROPOSED AMENDMENTS TO THE CONDOMINIUM ACT 1998**

*In an effort to facilitate and promote more environmentally-friendly and energy-efficient condominium projects, as well as the development of renewable energy sources in the context of new or existing condominiums, it is proposed that the Green Energy Act be used as the vehicle for implementing **the following amendments to the Condominium Act 1998 R.S.O. 1998, as amended, namely:***

1. Amending section 112 of the Condominium Act, by adding a new subsection (3) which would expressly clarify that:
  - a) a loan to a condominium corporation which has been fully advanced to the corporation (or to whomsoever it may direct) is not within the purview of subsection (1) [and therefore the loan cannot be terminated or rescinded by the post-turnover condominium corporation]; and
  - b) any agreement, easement or lease involving the development of a green energy system for a condominium corporation (including the provision of any equipment, labour, materials, supplies and/or services in connection therewith) that is entered into by or on behalf of the condominium corporation with one or more third parties (eg. geothermal, solar p.v., wind turbine or other types of systems, where the third party will have to invest significant funds prior to registration in order to ensure that the system is installed, operative, and functioning properly when people move in) is not within the purview of subsection (1) [and therefore such an agreement, easement or lease cannot be terminated or rescinded by the post-turnover condominium corporation];

*In an effort to remove other barriers in the Condominium Act that deter or restrict the supply of financing for green energy projects to new or existing condominium projects, it is also recommended that:*

2. Each of sections 130, 131 and 134 shall be amended in order to expressly give a creditor of a condominium corporation (ie. the lender of a green loan to a condominium) the legislative standing to make a summary application to the court under each of the foregoing sections, in order to exercise any of the respective remedies otherwise available thereunder [ie. so that the green lender can apply to court for a compliance order, or for the appointment of an inspector, or for the appointment of an administrator, if the post-turnover condominium corporation simply refuses to repay the green loan, for no legitimate reason].

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