

MAY 2018 CONDOMINIUM UPDATE (INCLUDING NEW PROXY FORM)

by David Thiel

A. Proxy Form

The Ministry updated the mandatory proxy on May 10, 2018. This new form will need to be used going forward.

The new form is a little 'cleaner', and easier to follow. That said, we expect that this form will still present difficulties for many owners in completing properly.

The main substantive change is that the instructions and choices now make it clear that, if the proxy is appointed to vote on all matters, **and** no specific voting instructions are inserted in the applicable sections, the proxy may nominate and vote on all matters as if present. (That is, the proxy should receive a ballot to vote for directors or other matters as the case may be, again, subject to any specific instructions completed on the proxy.) This was a subject of dispute with the previous form of proxy.

A link to all the *Condominium Act 1988* forms, including this new proxy form, can be found here: [Condominium Act Forms](#).

B. Ontario Provincial Election — Access by Canvassers

As you may know May 9, 2018 marks the official start Ontario's provincial election campaign and election day is on June 7, 2018 (the "**Election Period**").

Condominium boards and property managers should be aware that, during the Election Period and pursuant to both section 118 of the *Condominium Act, 1998* and Ontario's *Election Act*, "reasonable access" for political candidates and their canvassers must be provided and they are allowed to distribute election material and knock on unit doors.

The *Condominium Act, 1998* does not define "reasonable access", however, the *Election Act* sets out, at section 89.1, the time periods for canvassing and it also defines "canvassing":

- "Reasonable access" means **between 9 a.m. to 9 p.m., Monday to Friday, and 9 a.m. to 6 p.m. on weekends;**
- Candidates and their authorized representatives are permitted reasonable access to the common areas (a condominium's common elements) to canvass residents during the Election Period;
- They may distribute election materials in the common areas; and



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- They can knock on unit doors and "engage in activities related to the election".

Condominiums are permitted (and should) request identification from the person(s) requesting entry and canvassers (other than the candidate) are also required to produce for inspection a Candidate Authorization Form, if requested. If entry for canvassing is refused, both acts have for penalties for failing to provide reasonable access to canvassers/candidates although the *Election Act* has some very limited situations where reasonable access can be refused.

C. Updated Preliminary Notice of Meeting and Notice of Meeting

The Ministry of Government and Consumer Services announced on May 1, 2018 that the following forms are now amended and are now in effect as of (you guessed it) May 1, 2018.

- Preliminary Notice of Meeting
- Notice of Meeting

Keep in mind that the previously-announced change to the Status Certificate form is also effective May 1, 2018. A link to all of the *Condominium Act, 1998* forms, including these updated forms, can be found here: [Condominium Act Forms](#)

D. Electric Vehicle Charging Stations

New legal procedures relating to Electric Vehicle Charging Stations came into force on May 1, 2018.

We previously published a newsletter with an overview of these requirements. A link to that overview can be found here. [Electric Vehicle Charging Requirements](#)

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All concerned continue to have to be on their toes in reacting to new developments as the changes to the *Condominium Act, 1998*, its regulations and forms come into effect.