

I. Fast Facts: Accessing Non-Core Records

This is a step-by-step summary of the process for accessing non-core records.

II. What is a Non-Core Record?

A non-core record is any record that is not a core record. The core records are:

- Declaration, by-laws, rules, current budget
- Latest financial statements, audit report, reserve fund plan
- Agreements for mutual use, maintenance, cost-sharing (aka, shared facilities agreements)
- Record of owners and mortgagees
- All periodic information certificates in the last 12 months
- Minutes for owner or board meetings (from the last 12 months) held after Nov. 1, 2017
- Any other record specified by by-law as a core record

III. Process for Accessing Non-Core Records

This is a step-by-step summary of the process for accessing non-core records. The process begins when a requester submits a standard form to request access to a non-core record. The requester can request access to the record in paper or electronic format. The process is different depending on which format the requester requests.

If the requester requests access to the non-core record in paper or electronic format, the following process is followed:

1. Within 30 days, the board must respond to the request, including information on any applicable fees (for example, copying, labour, or delivery costs).
2. The requester must respond, and pay any applicable fees.
3. Within 30 days of receiving the requester's response and payment (if applicable), the board must deliver paper copies or allow examination in person (as requested by requester). If the records are stored electronically, the requester and the board can agree in writing to electronic delivery before the board's response.

If the requester requests access to the non-core record in electronic format, and the record is also stored by the corporation in electronic format, the following process is followed:

1. Within 30 days, the board must respond to the request, including information on any applicable fees (for example, copying, labour, or delivery costs).

2. The requester must respond, and pay any applicable fees.
3. Within 30 days of receiving the requester's response and payment (if applicable), the board must deliver the record electronically.

If the requester requests access to the non-core record in electronic format, and the record is stored by the corporation in paper format, the following process is followed:

1. Within 30 days, the board must respond to the request, including information on any applicable fees (for example, copying, labour, or delivery costs).
2. The requester must respond, and pay any applicable fees.
3. Within 30 days of receiving the requester's response and payment (if applicable), the board must deliver the record in paper format or allow examination in person (as requested by requester).

For any requests for records, the following applies:

1. When delivering paper or electronic copies of records, the board must deliver paper or electronic copies via a method set out in the regulations (for example, electronic delivery, mailing, or pick-up) and identified in the board's response or via another agreed-upon method.
2. When records are being examined in person, the board must make a paper record available in person at the location and time set out in the board's response (consistent with the permitted locations set out in the regulations) or at another agreed-upon location.

IV. General Info for Accessing Records

FORMS: Record requests and board responses must be sent using the records request form and the board's response form available on the government's website. Requester replies must also use the board's response form.

DELIVERY: If a corporation keeps any records electronically, the board must pass a resolution to determine a method of electronic delivery. Boards and requesters can agree on another method before the board's response is due.

REQUESTER: Only owners, mortgagees, purchasers or their agents can request records from a condo corporation

PURPOSE: The request to access records must be solely related to the requester's interest as an owner, purchaser, or mortgagee. Requesters do not have to identify a purpose for their request.

FEES: Fees must be reasonable and reflect the actual costs to the corporation. Copying/printing fees can't be more than 20 cents/page. Core records could be accessed at a reduced cost (and more quickly). If a copy of a core record is delivered

electronically, or if the request for records provides that the requester wants the core record in electronic form, no fee can be charged.

WAIVER: Requesters and corporations can agree to skip steps in the process using a mandatory waiver form.

V. Note

This fact sheet is a non-exhaustive summary of key elements of the new process for accessing records from condo corporations. For detailed information, please refer to the Condominium Act, 1998 and O. Reg. 48/01 and related forms.