

condominium) and “non-core” records, for purposes of establishing the applicable timing for completion of the above-noted steps and for the related costs.

In general, **core documents** must be made available on an expedited basis at a reduced cost. The timing and delivery of core documents can be summarized as follows:

- o If core records are requested in electronic format, they must be delivered either in electronic format or in paper form (at no charge) within 15 days of receipt of the request (i.e. within 15 days of Step 1); in other words, they would be delivered along with the Board’s response in Step 2.
- o If core records are requested in paper format, they must be made available for delivery/pick up within 7 days of the Corporation receiving the requester’s response and payment in Step 3. The estimated cost must be limited to copying charges, at no more \$0.20 per page.
- o If the requester makes a request to examine records in person, the records must be made available for examination within 7 days of the Corporation receiving the requester’s response and payment in Step 3. But in this case, the estimated cost can also include reasonable labour cost *during the examination*.

For **non-core** records, the same four steps apply, but with different time periods and potentially different costs. **Non-core** records must be delivered or made available for access within 30 days of receiving the requester’s response and payment in Step 3. In the case of non-core records, the estimated costs can include photocopying charges for paper copies (at no more than \$0.20 per page), and reasonable labour costs for the board to redact the record and to otherwise respond to the request. [Some information in the corporation’s non-core

records is not available to be seen by owners. The draft Regulations include some additional detail about this “private” information.]

The draft Regulations also say that a request will be deemed to be abandoned in certain circumstances.

If a condominium, without reasonable excuse, does not permit a requester to examine or obtain copies of records, the condominium may be subject to a penalty of up to \$5,000.00. This is a significant increase over the \$500 penalty available under the current Act.

Similar to the current Act, an owner may enforce payment of the penalty through the Small Claims Court. The contemplated amendments to the Act also specifically confirm that the Small Claims Court has the jurisdiction to order production of documents where appropriate.

Conclusion

My concluding note is as follows: There are many changes coming; and there will be lots more work to do, at least until we’re all comfortable with the new procedures. ■

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