

## STATUS CERTIFICATES

- Estoppel certificates under the current legislation are now referred to as “status” certificates, s.76 (1)
- The time for giving the certificate by the corporation is 10 days from the date of receipt of a request for it and payment of the fee charged by the corporation (a corporation may charge a maximum fee of \$100.00, inclusive of taxes)
- The person requesting the certificate is no longer required to be someone who is “acquiring or proposing to acquire an interest in a unit”; the Act gives anyone who is interested the right to obtain a certificate, s.76 (1)
- On request a corporation shall, without charge, provide the name and address for service of the directors and officers of the corporation as well as the name of any person who has been delegated the responsibility for providing status certificates (ie. a management company), s.77
- Copies of status certificates must be retained as a record for a minimum of 10 years, O. Reg. 48/01 s.15
- If the corporation does not give the certificate within the required time it is deemed to have given the certificate on the day following the date on which the ten day period has expired stating that:
  - (i) there has been no default in common expenses for the unit;
  - (ii) the board has not declared any increase in the common expenses for the unit since the date of the budget for the current fiscal year; and
  - (iii) the board has not levied any assessments against the units since the date of the budget for the current fiscal year to increase the contribution to the reserve fund, s.76 (5).
- The Act requires the following information be provided in or with the status certificate, s.76 (1) and O. Reg. 48/01, Form 13:
  - (i) the common expenses for the unit and whether they are in default;
  - (ii) whether the common expenses for the unit have increased since the date of the budget for the current fiscal year and the reason why;
  - (iii) whether there has been a special assessment levied for the purpose of contributing to the reserve fund since the date of the current fiscal year’s budget and the reason why;
  - (iv) the address for mailing and for service for the corporation;
  - (v) the names and addresses for service of the directors and officers;
  - (vi) a copy of the current declaration, by-laws and rules for the corporation;
  - (vii) a copy of all applications made to the court to amend the declaration;
  - (viii) a statement of all outstanding (ie. un-paid or unsatisfied) judgments against the corporation and the status of any on-going legal actions involving it;
  - (ix) a copy of the current fiscal year’s budget, the last audited statements and the auditor’s report on the statements;
  - (x) a list of all major contracts entered into by the corporation, including management contracts and a statement that the person obtaining the certificate has the right to examine any of these contracts at the management offices of the corporation;



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*The Condominium Group gratefully acknowledges the contributions of the originator of this guide, the late Ronald S. Danks.*



- (xi) whether or not an agreement under s.98 (1) (b) was entered into in respect of the unit being purchased is being complied with to the best of the corporation's information, knowledge and belief and include a copy of the agreement;
- (xii) a statement about the most recent reserve fund study and any up-dates of it;
- (xiii) the amount in the reserve fund as of a month end occurring within 90 days prior to the certificate being issued and any plans to increase the reserve fund plan (ie. what the Reserve Fund Plan for the corporation requires); a copy of the most recent Reserve Fund Plan Summary, if available, that has been sent to the owners and such other information as the regulations require;
- (xiv) a statement of any "substantial" changes to the common elements, assets or services that the corporation is proposing but has not yet done and the reason why they are being done;
- (xv) a statement of the number of units that have been rented since the beginning of the current fiscal year (only those that the corporation has been notified of by their owner s.83);
- (xvi) a certificate of insurance for each of the corporation's policies;
- (xvii) whether the unit has been charged for a monetary sum that the Act allows the corporation to add to the unit's common expenses (ie. legal expenses or insurance deductibles);
- (xviii) whether a court has ordered that an Inspector (s.130) or an Administrator (s.131) be appointed; and
- (xix) other information or statements that the regulations prescribe.

NOTE: You must review the status certificate regularly to ensure that all information contained in it is accurate and up-to-date, and that all required documents are included with it.