YUKON

CANADA

ORDER-IN-COUNCIL 2017/

CONDOMINIUM ACT, 2015

Pursuant to subsection 235(1) of the *Condominium Act, 2015*, the Commissioner in Executive Council orders as follows

1 The attached *Mixed Use Condominium Regulation* is made.

Dated at Whitehorse, Yukon, 2017.

YUKON

CANADA

DÉCRET 2017/

LOI DE 2015 SUR LES CONDOMINIUMS

Le commissaire en conseil exécutif, conformément à l'article * de la *loi de 2015 sur les condominiums* décrète ce qui suit :

1

Fait à Whitehorse, au Yukon, le 2017.

Commissioner of Yukon/Commissaire du Yukon

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CONDOMINIUM ACT, 2015 **LOI DE 2015 SUR LES CONDOMINIUMS**

MIXED USE CONDOMINIUM REGULATION

Interpretation

1 In this regulation

"section's board" means the board of directors elected by the eligible voters of a section;

Powers and duties of section

2 (1) A section has the same powers and duties as the condominium corporation to

(a) establish its own operating fund and reserve fund for common expenses of the section, including expenses relating to common property designated for the exclusive use of all the units in the section;

(b) budget and require section unit owners to pay condo fees and special levies for expenditures the section authorizes;

(c) enter into contracts on behalf of the section;

(d) sue or arbitrate on behalf of the section;

(e) enforce bylaws and rules of the corporation applicable to the section.

(2) The board of the corporation may delegate its powers and duties to a section's board, with the consent of the section's board.

(3) A section may obtain insurance only

(a) against perils that are not insured by the condominium corporation; or

(b) for amounts that are in excess of amounts insured by the condominium corporation.

(6) For the purposes of subsection (5), a section has the same insurable interest, in property contained within the section, as the condominium corporation.

Administration of sections

3 (1) The eligible voters in each section must elect a board of directors for that section.

(2) A section's board has the same powers and duties with respect to the section as the corporation's board has with respect to the condominium corporation as a whole.

(3) For greater certainty, a member of a section's board is eligible for election to the condominium corporation's board.

(4) Division 1 of Part 11 and section 120 of the Act apply to a dispute between sections and between a section and the condominium corporation.

Section unit's contributions

4 The share of each unit in a section of that unit's contributions to the operating fund and reserve fund is equal to the unit entitlement of the unit divided by total unit entitlement of all units in the section multiplied by the total contribution.

Rules for a section

5 A section's board may make rules respecting the section and the units in the section in the same manner and to the same extent as the board of the corporation under section 107 of the Act.

Liability of section

6 (1) Despite subsection 2(2), a section must not, and has no power to, enter into a contract, or sue arbitrate or conduct proceedings, in the name of the condominium corporation.

(2) The condominium corporation has no liability for any contract, litigation, arbitration, proceeding, debt or costs made, conducted or incurred by the section, unless accepted by the condominium corporation.

(3) If a judgment against the condominium corporation relates only to a section or the units in a section, the judgment is against only the unit owners in the section.

(4) A unit's share of a judgment referred to in subsection (3) is calculated in accordance with section 4 as if the amount of the judgment were a contribution to the operating fund and reserve fund, and a unit owner's liability is limited to that proportionate share of the judgment.