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## Mixed use development

**A mixed use development is a condominium with any combination of residential, non-residential, conventional, and bare land units. A common example of mixed use development is one with retail and commercial space on the ground floor and with residential units above.**

### Sections

In a mixed use development, different types of units may be organized into sections (such as groups) within a corporation. For example, a mixed use condominium containing residential and non-residential units could designate a section to represent each type of unit.

### Bylaws

Each section is managed through bylaws. The bylaws can set out:

- separate rules on how the units, common property, and the common assets in the section are managed and used;
- duties of each section of the corporation and who is authorized to carry them out;
- common expenses in managing the section;
- exclusive use of the common property and common assets of the section;
- voting and meetings of eligible voters in the section;
- section representation on the condominium board; and
- insurance requirements for the section.

The bylaws cannot conflict with the *Condominium Act, 2015* and its regulations or any other Act or regulation. A section's bylaws also cannot be inconsistent with the requirements set out in the condominium's declaration or its schedules.

### Bylaw amendments affecting sections

Canceling or creating new sections will require an amendment of the bylaws.

If bylaw amendments relate to only a specific section, then only eligible voters of that section can amend those bylaws through a special resolution. If bylaw amendments affect the units in one or more sections differently than units in the other sections, then, bylaw amendments must be passed by a special resolution of both the eligible voters in that section and all the eligible voters in the corporation.

### Administration of sections

Eligible voters can carry out separate meetings and resolutions in a section to decide on matters related to that section, including bylaw amendments.



## Section finances

For presentation at the second and each subsequent annual general meeting, the board of a mixed use condominium corporation must prepare and propose a sub-budget for each section, if sections are created in the bylaws.

Unit owners who are part of a section will pay the portion of the common expenses for the section as a portion of their monthly condominium fee.

**⚠ Note:** this fact sheet is based on the *Condominium Act, 2015* and its regulations which come into force October 1, 2022. It is intended as a simplified general resource and is not to be considered legal advice or legal opinion. Please seek legal advice about any specific issues.

