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Condominium types

This fact sheet gives a brief overview of various unconventional types of condominium developments. It does not cover condominium amalgamations, which is a separate concept.

Bare land condominium

A bare land condominium development may look similar to a conventional subdivision except that the privately-owned units of a bare land condominium are defined by the boundaries of the land rather than its buildings. A series of detached or attached buildings (like row housing) can be constructed on bare land units.

Common assets that form a physical part of attached buildings are called “managed real property”. Common examples of managed real property include a shared roof, exterior finishing of the building, exterior doors and exterior windows, etc.

[i See fact sheet #8 for details on bare land condominiums.](#)

Converted building condominium

Existing buildings (such as an apartment building) may be converted into a condominium. As a first step, a developer has to obtain a building assessment report, which identifies deficiencies and various parts of the building that’s not up to current building code. The report must be prepared by a professional engineer, a licensed or registered architect, or another person specified by the approving authority. An approving authority reviews and approves subdivision-related applications in accordance with applicable legislation. The approving authority may be an officer appointed under the *Subdivision Act* or an official authorized by a municipal council or Yukon First Nation.

The developer must inform tenants of an existing building at least six months before the date the condominium is registered in the Land Titles Office. The developer must provide all tenants with a conditional offer for sale, giving them 30 days to consider purchasing the unit they’re renting – unless the unit type is changing between residential and non-residential, is being merged with other units, or is being subdivided into additional units. The offer must be priced, as it would be, if the developer were selling to anyone else at market rate.

The developer must supply to a purchaser, in addition to the standard disclosure documents, the following:

- a disclosure statement that the building is a converted building;
- a copy of the building assessment report; and
- a list of any concerns identified in the assessment report that were not addressed during the conversion or are unlikely to be addressed before the unit is transferred to the purchaser.

If the condominium has more than two units, the developer must also provide a copy of the reserve fund study.

Condominiums on leasehold land

Public authorities can create leasehold condominiums on their own land, as long as that land is registered in the Land Titles Office.

A public authority and a developer must enter into a ground lease and a leasehold condominium agreement. The ground lease outlines all the terms and conditions between the public authority, developer, condominium corporation, and the leasehold unit owners. When it expires, all leasehold titles revert back to the public authority. Buyers of leasehold units purchase a leasehold interest in the unit for a limited time as set by the ground lease.

The public authority must give two notices to the condominium corporation and unit owners before the ground lease expires: the first is five years before the expiry date, and the second is six months before the expiry date.

Changes and renewals to the ground lease are possible as long as they are approved by both the public authority and a special resolution of the corporation. Once these changes are registered, any affected documents such as the declaration, should be updated and registered accordingly. A condominium corporation must inform all leasehold unit owners about changes to the ground lease.

[i See fact sheet #10 for details on condominiums on leasehold land.](#)

Phased development condominium

A phased development condominium follows a defined order of construction in separate phases. Each phase may have different specifications, but they all must be compatible and fit together as they will be managed by one condominium corporation.

⚠ 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.

The developer must provide a phased development disclosure statement to the buyer. It sets out how many phases are planned as well as how each will progress – including the number, sizes and types of units, and amenities to be built in each phase. The disclosure statement details the basis on which unit entitlements, voting rights, and common expenses can change after each phase. It also proposes a contingency plan about what must happen if a phase can't be completed.

The condominium plan may describe all the phases or just the initial phase. If the plan only outlines the initial phase, supplementary condominium plans have to be registered – with at least 30 days notice to the corporation and unit owners – before the registration of the supplementary condominium plan.

[i See fact sheet #11 for details on condominiums on phased development condominiums.](#)

Mixed use development

A mixed use development is a condominium with any combination of residential, non-residential, conventional building and bare land units. These different unit types may be grouped and treated as separate sections within the condominium.

Bylaws are necessary to establish and govern sections. They control the mixed uses by applying different rules to each type of use. This allows for costs of common property and common assets to be divided fairly among the unit owners who actually use a particular section.

There may be separate section meetings and section resolutions. Only eligible voters in a particular section can vote on amending its bylaws when the subject matter relates solely to that section.

[i See fact sheet #12 for details on mixed use development.](#)