

# ACMO's Submission on First Draft Regulation

By Dean McCabe

In late December 2016, the Ministry of Government and Consumer Services issued a first draft regulation that supports the implementation of the *Condominium Management Services Act, 2015* (CMSA). As members will recall, the CMSA will regulate and administer the licensing of condominium managers and management companies across Ontario.

Interested parties were asked to submit comments on the draft regulation by February 24, 2017. ACMO formed a sub-committee of property managers and legal experts to review the first draft regulation and create recommendations for improvements on behalf of the membership.

ACMO submitted comments and recommendations on three sections of the draft regulations: Part I: Licensing; Part II: Regulation of Licences; and Part IV: Commencement. Some of ACMO's recommendations are described here:

## Part I: Licensing

ACMO supports the definition in section 1 of the regulation but suggested that two additional classes of licences be included: a Provisional Limited Licence (Subsection 7(3)), and an Administrative Licence (Subsection 8).

Under the heading Applications for Licence, ACMO recommended that an application for a licence include a written declaration stating whether or not the applicant is an undischarged bankrupt in order to promote greater transparency in the operations of the industry.

ACMO does not support the granting of an exemption to the educational requirements based solely on the experience criteria as written in the draft regulation. As such, ACMO recommended that for the purposes of obtaining a general licence, work experience should be considered a criterion to qualify to write the challenge exams for the educational courses.

With respect to Expiration of Licences, ACMO recommended that certain paragraphs in the draft regulation

be deleted. ACMO feels strongly that a licence should not be revoked or suspended simply because a manager is not employed and made a case that other professionals are not required to relinquish their licences in circumstances where they are no longer employed.

## Part II: Regulation of Licences

In particular, ACMO agrees that providing proof of a licence is a reasonable requirement, and recommended an amendment to state that the condominium manager shall provide a copy of a licence to each condominium corporation to which the manager provides management services and that the licence shall be deemed to be a record of the corporation.

Furthermore, under the subheading Disclosure of Insurance, ACMO recommended that insurance be mandatory and recommends a change to wording to the draft regulation.

## Part IV: Commencement

The Minister specified that those who wish to obtain general licences must successfully complete the courses developed by ACMO, and this would be the educational requirement for at least the first three years the Act is in force. However, ACMO feels such a short time frame may hinder the success of the new licensing system and negatively impact ACMO's operations. Therefore, ACMO proposed increasing the time period to five to seven years. ■

*No comment submitted for Part III: Complaints*



**Dean McCabe**, RCM, ACCI is president of Meritus Group Management, Inc. and a past president of ACMO. He serves as Chair of ACMO's Government Relations Committee

To review ACMO's full submission, members can login to their ACMO Portal at [members.acmo.org](http://members.acmo.org) > Workspaces > Condo Act News.