



## The Condominium Practice Group | Notice of Change of Address

Every declaration contains vital information on the condominium, including restrictions and conditions on the use of the units, the percentages for common expenses and interests, and maintenance and repair obligations. One piece of information that is often forgotten or ignored is the condominium's address for service. This is a key piece of information, and should be updated often. A condominium's address is updated via the registration of a Notice of Change of Address, or "Form 2". This article will provide a brief overview of the process for updating a condominium's address for service or mailing address.

### What is it?

Pursuant to section 7(2)(e) of the *Condominium Act, 1998*; (the "Act"), every condominium's declaration must contain its address for service, municipal address, and mailing address if it differs from its address for service or municipal address.

### Why is it important?

The purpose of listing the condominium's address in its declaration is to provide notice to others of the correct place for serving documents on the condominium. However, ordinarily the address listed in the declaration is the address of the declarant or its lawyer. As a result, over time it rarely provides accurate notice to anyone wishing to serve documents on the condominium.

Some people may assume that it is beneficial to leave the condominium's address unchanged, possibly to prevent service on the condominium. However, failing to update the condominium's address could have dire consequences. If satisfied that the party attempting service has made several attempts to locate the proper address of the condominium, the court may dispense with service altogether. Similarly, if a party serves a document at the condominium's address for service as listed in its declaration or an outdated Notice of Change of Address, the courts may deem the condominium properly served, whether the condominium received the document or not. In either scenario, the condominium would not receive further notice of any steps in the proceeding and would lose the opportunity to dispute the claim. For this reason, it is strongly recommended that the address of the condominium be updated as often as it changes.

### Update Process

Ordinarily a change to a condominium's declaration requires the written consent of at least eighty per cent (80%) of all the unit owners. However, the Act permits a condominium to change its address for service and/or mailing address without amending its declaration, thus avoiding the onerous requirement of obtaining the written consent of the unit owners. Pursuant to section 108 of the Act, a condominium may change its address for service or mailing address by registering a "Notice of Change of Address," commonly referred to as a "Form 2". The Form 2 is a form prescribed by Ontario Regulation 49/01. A copy of the Form 2 is available on the Condominium Tools section of our website at <http://www.smithvaleriotelaw.com/condominium-law/condominium-tools>.

The process for registering a Form 2 is relatively straightforward. Our offices require a completed Form 2, either handwritten or typewritten, from the Board that lists the new address of the condominium. Our offices will then register an electronic copy of the Form 2 with the registry office on behalf of the condominium. Once registered, a copy will be sent to the condominium for its records. Any change in address after it is registered will require a further Notice of Change of Address.

It is often difficult to determine the appropriate address for service or mailing. Sometimes the address for service or mailing address is the same as the physical location of the property. This is more common with a high-rise condominium with an on-site office. Alternatively, it is very common to list the property management firm's address as the condominium's address for service and mailing. As a result, if a change in property management occurs, a Notice of Change of Address should follow promptly. Whichever decision is reached, it should be noted that when the address listed is off-site it is even more important that it be updated regularly to reflect any changes, especially in the property management firm.

For more information, please contact our firm's senior condominium law clerk, Terra Telford, at (519) 837-2100 ext. 313 or 1-800-746-0685.