

Housing for Seniors: Condominiums

Seniors
Condominiums

Condominiums are a common housing choice for seniors because of the high-amenity, low-maintenance lifestyle that can come with condominium living. A condominium is a type of shared property ownership. Condominium units can be apartment-style residences in high-rise buildings, townhouses, lofts, or even detached houses. The *Condominium Property Act* (the *CPA*) and the *Condominium Property Regulation* (the *CPR*) is provincial legislation that applies to condominiums in Alberta.

What you should know about the *CPA*, the *CPR* and living in a condo:

- The *CPA* and *CPR* covers the rights and responsibilities of condominium buyers, developers, owners, tenants, occupants and condominium boards.
- A condominium corporation is created when a condominium plan is registered with a land titles office. A condominium corporation consists of all the individuals who own units in the condominium complex and is run by a board of directors.
- There are extra costs in owning a condominium that are more than just the price of buying a unit. For example, you must pay condominium contributions (fees) and special levies.
- When you live in a condominium, you must abide by the condominium corporation's bylaws and rules, as well as the *CPA* and *CPR*.
- There can be severe consequences for not abiding by the condominium's bylaws. For example, condominium corporations can impose financial sanctions on you or evict you (if you are a tenant) for bylaw breaches.

If you are renting a condominium, the *Residential Tenancies Act* will also apply to you.

Does the *Alberta Human Rights Act* apply to condominiums?

If you live in a condominium, you are protected from discrimination under the *Alberta Human Rights Act* in two ways. Under the *Alberta Human Rights Act*, discrimination is prohibited in the provision of goods, services, accommodation or facilities customarily available to the public on any of the protected grounds. Accommodation includes occupancy of a condominium unit. This means that providers of condominium units cannot discriminate against people based on any of the protected grounds.

The courts have also interpreted the *Alberta Human Rights Act* as covering condominium corporations. This means that condominium corporations are responsible for ensuring that their services, facilities and bylaws do not discriminate against residents based on any of the protected grounds.

Seniors living in condominiums should be aware that discrimination can occur with respect to rules or bylaws in condominiums. Even if the rules or bylaws appear to treat everyone equally, they can still have a negative impact on some individuals based on protected grounds. Some examples of discrimination in condominiums include:

- Failing to accommodate owners with physical and mental disabilities when applying and enforcing condominium bylaws.
- Implementing excessive restrictions or rules in condominium facilities (e.g., a swimming pool), which limits access for those with mobility issues.
- Modifying a condominium's security system, which restricts the ability of residents with physical disabilities to admit visitors (including emergency medical services).
- Prohibiting guide and service dogs.

The duty to accommodate to the point of undue hardship applies to condominium corporations. This means that a condominium corporation may need to make adjustments or offer alternative arrangements to make sure that there is no negative effect on individuals based on protected grounds. If you live in a condominium and need accommodation based on a protected ground, you should let the condominium corporation know of your needs. This gives the condominium corporation the opportunity to make any changes necessary to accommodate you.

Where to find more information

If you have concerns about your human rights while living in a condominium, refer to the Alberta Human Rights Commission's Information Sheet on *Human Rights in Condominiums*.

<http://bit.ly/2Rml04o>

Service Alberta

Service Alberta is the Government of Alberta ministry responsible for administering the *Condominium Property Act*.

<https://www.servicealberta.ca>

Centre for Public Legal Education Alberta *Condo Law for Albertans website*

<https://www.condolawalberta.ca>



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