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The War and Peace of condo literature

719-page tome a must if you want to understand the new condo act

When Toronto condominium lawyers Harry Herskowitz and Mark Freedman set out to write the definitive guide to the new Condominium Act, I doubt if either of them realized what a monumental effort they had undertaken, and how long the finished product would be.

Condominiums in Ontario: A Practical Analysis of the New Legislation has rapidly become known as the bible of the condominium field for its thorough and detailed analysis of all of the significant parts of the legislation.

Today condominiums make up more than 40 per cent of all new home sales in the Greater Toronto area, and they are also a major segment of the housing market in the rest of the province. As the baby-boom generation becomes an empty-nester generation, condominiums will become an increasingly important component of the market. Some industry watchers have predicted that condominiums may eventually surpass all other forms of real estate development.

When the new Condominium Act was proclaimed into law earlier this year, it was the first major overhaul of the legislation in 22 years. It introduced four new concepts of condominium development: vacant-land, leasehold, common element, and phased condominiums. The new Act rectifies many of the older Act's inadequacies and provides much greater flexibility for future condominium development. At the same time, it has maintained a fundamental commitment to consumer protection.

Condominiums in Ontario clarifies the rationale and day-to-day applications of the new legislation. It sets out the old and new provisions side by side with a highly practical commentary aimed at the needs of real estate lawyers, developers, consumer advocates, property managers, engineers, architects, surveyors and condominium board members.

Jokingly referred to as the War and Peace by the book's many admirers in the condominium field, the new 719-page volume has been jointly published by the Law Society of Upper Canada and the Ontario Bar Association.

It does not merely paraphrase the legislation for simplification purposes. It provides detailed explanations of the changes that have been made to the law from the old Condominium Act to the new one and the reasons underlying the changes.

At the same time, it spares no punch in providing objective criticism of the new legislation wherever it has fallen short of the intended goals of the legislature and those who drafted the law.

Condominiums in Ontario also provides insights on how to comply with sections of the Act that on the surface, impose difficult, if not seemingly impossible, requirements.

Most importantly, it is intended to provide some guidance to the courts of Ontario on how to interpret provisions that seem ambiguous or difficult to understand.

Ontario's courts and lawyers will have to deal with the new law in a logical and pragmatic way. They will be required to balance the consumer protection objectives of the legislation on the one hand, with the commercial realities of condominium development, sale, management and administration, on the other hand. Fortunately, Condominiums in Ontario is the ideal guidebook for those purposes.

The new Condominium Act is not the only required reading for those of us who deal with the legislation on a daily basis. In its wisdom the government of Ontario has proclaimed five new regulations comprising a further 115 pages to interpret and implement the provisions of the Act.

Condominiums in Ontario reproduces all the regulations and forms in full, and also incorporates them into the text where appropriate, for easy access by the reader.

Of no small importance for those of us burdened with bifocals, the font size is refreshingly large and crisp.

Priced at \$55, Condominiums in Ontario is available from the Law Society, the Ontario Bar Association and major booksellers like Indigo.

Both authors have donated all of their royalties for the book to charities which have touched their own lives.

Herskowitz, a partner with the Toronto firm of DelZotto Zorzi, has directed his own royalties to the Dialysis Centre at York Central Hospital in Richmond Hill. Freedman, a partner with Toronto's Harris Shaeffer law firm, has named The National Caucher Foundation as recipient of his royalties, to benefit research into the lipid-storage disorder at the Hospital For Sick Children in Toronto.

Herskowitz and Freedman are also set to launch a web site to accompany the book. The site will continually update the text with new information, legislation, commentary and court decisions as they become available. Access to the site will be available at a fraction of the price of typical subscriptions to loose-leaf legal textbooks.

Condominiums in Ontario is simply a must-have for anyone dealing with condominiums in Ontario today.