



# Condoliation

INFORMATION MAGAZINE OF THE REGROUPEMENT DES GESTIONNAIRES ET COPROPRIÉTAIRES DU QUÉBEC

## NEW EXECUTIVE DIRECTOR AT THE RGCQ

Yves Nadon,  
A Renewed Vision for  
Québec Co-ownership



### **BILL N. 16**

A Pending Reform  
that Weakens Co-  
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## An Exemplary Work

The Regroupement des gestionnaires et des copropriétaires du Québec wishes to highlight the work accomplished by Ms. Gabrielle Tournier, who served as Acting Executive Director of our organization from September 2024 to May 2025.

At the helm of Condoliation magazine and in charge of interim management, Ms. Tournier enabled the RGCQ to navigate this transition period with full confidence thanks to her professionalism, adaptability, mobilizing skills, and managerial competence.

On behalf of the members, the staff, and the boards of directors of the regional chapters, the members of the provincial board of directors extend their sincere thanks!



# A Necessary Meeting

by **Yves Joli-Coeur, Ad. E.**,  
 president of the RGCQ - Provincial

In this edition of Condoliation, we address, among various other topics, a highly concerning issue: the provisions of Bill No. 16 of 2019 which, more than five years after its adoption, are still not in force. Among these, the certificate of the syndicate attesting to the condition of the co-ownership, the maintenance logbook, and the contingency fund study form the core of the co-ownership law reform initiated nearly 15 years ago. Their purpose is to ensure the sustainability of this housing stock by requiring syndicates to equip themselves with the necessary tools to properly monitor the condition of the building and gradually accumulate the funds required to carry out the inevitable major repairs and replacement of common portions.

As for the certificate of the syndicate, it is intended to provide buyers with better information on the physical and financial condition of the co-ownership in which they plan to move, in the essential interest of transparency.

Provided for in Article 1068.1 C.c.Q., the certificate of the syndicate will be a major step forward: it will give the buyer a true picture of the physical and financial condition of the co-ownership. However, a restrictive interpretation—under which this certificate could be required only after the signing of a promise to purchase—seems to be emerging. This runs counter to the legislator’s intent, as discussed during the parliamentary committee preceding the adoption of Bill No. 16. The purpose of the certificate was for the information to be available as soon as the unit is put on the market by the selling co-owner, to guide the buyer’s decision and secure the transaction. Restricting access to the certificate would create a legal void detrimental to both seller and buyer.



It is in this context that I had the privilege, together with Me Richard Leblanc, President of the RGCQ Outaouais Chapter, to meet with the Minister of Housing, Ms. France-Élaine Duranceau, on May 26. On that occasion, we reiterated the urgency of adopting the long-awaited implementing regulations, recalling that the full effectiveness of the reform depends as much on respecting the legislator’s intent as on the prompt coming into force of these essential measures.

We also emphasized the need to implement other components of the reform outlined in the report of the Advisory Committee on Co-ownership in 2012. These include, in particular, the professionalization of co-ownership management, the creation of a specialized tribunal dedicated to this specific form of ownership, and the extension of the mandatory warranty plan to condominiums currently excluded, namely buildings converted into co-ownership and constructions with more than four superimposed private units.

The Minister showed attentive listening and renewed her commitment to finalize the regulatory work. She also underlined the importance of maintaining ongoing dialogue with stakeholders in the field, including the RGCQ.

Rest assured that the RGCQ will indeed continue its efforts to make the governance of co-ownerships more rigorous, efficient, transparent, and sustainable. □

## Condoliation

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# The RGCQ Announces the Arrival of Its New Executive Director



## Yves Nadon Appointed Executive Director of the RGCQ: A New Vision to Meet the Growing Challenges of Co-ownership in Québec

*From left to right: M<sup>e</sup> Yves Joli-Coeur, President of the RGCQ Provincial, and Yves Nadon, Executive Director of the RGCQ.*

**T**he Regroupement des gestionnaires et copropriétaires du Québec (RGCQ) is pleased to announce the appointment of Yves Nadon as Executive Director. With more than 25 years of experience in executive leadership positions, Mr. Nadon has worked in key sectors related to co-ownership, including real estate management, legal environments, and professional services, notably within architectural and law firms.

Mr. Nadon brings solid expertise in governance, recognized community engagement, and a human-centered strategic approach. Holder of an MBA and the ASC and C.Dir. designations, he has distinguished himself through his ability to lead major organizational changes in varied and constantly evolving contexts. Mr. Nadon will bring a renewed strategic vision to an organization that is more than ever at the heart of co-ownership issues in Québec.

### A TURNING POINT FOR QUÉBEC CO-OWNERSHIP

The co-ownership sector is currently undergoing major transformations: adaptation to new legislative obligations, modernization of governance practices, challenges in maintenance and financing, ecological transition of buildings, and an increased need for training of volunteer directors. The RGCQ intends to strengthen its role as a pillar in this ecosystem by supporting its members with concrete tools, more training, and a strong voice with public decision-makers.

### A LEADERSHIP FOCUSED ON INNOVATION AND PROXIMITY

“The arrival of Mr. Nadon as Executive Director marks an important moment for the RGCQ. His solid management experience and deep understanding of issues related to co-ownership make him a natural leader to guide the organization through this new phase of transformation. I am confident that he will be able to mobilize the RGCQ’s driving forces to advance our mission with rigor, innovation, and humanity.”

– M<sup>e</sup> Joli-Coeur, Président of the RGCQ Board of Directors

“I am honored to be joining the RGCQ at this key moment in its history. My priority will be to strengthen our mission of support, awareness, and representation, while promoting innovative and collaborative solutions to address the complex challenges faced by co-owners,” said Yves Nadon.

With Mr. Nadon at its helm, the RGCQ reaffirms its determination to be an agent of positive change for a sector in full evolution, for the benefit of thousands of co-owners and managers across Québec. 



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**Patrick Beauvais**

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# New Appointments at the RGCQ: Discover the Inspiring Profiles of the New Directors

We are proud to announce the arrival of new members within our regional chapters in Montréal, Québec, and Outaouais, as well as on our provincial board of directors.

Working to improve co-ownership governance and promote best practices in this field, the RGCQ can rely on the expertise and commitment of these new directors to pursue its mission: supporting sound, responsible, and ethical management of co-ownerships throughout Québec.

## RGCQ PROVINCIAL



### Annie Gosselin

Partner, Office Director and Insurance Brokers  
Fort Assurances & Avantages sociaux

**Annie Gosselin** is a Partner and Commercial Damage Insurance Broker at Fort Assurances. She was recently appointed Director of their Québec City office. With many years of experience in commercial damage insurance, she has developed, over the past 15 years, strong expertise in co-ownership insurance. She supports the boards of directors of syndicates of co-owners in managing complex issues, thanks to her in-depth knowledge of the challenges specific to this sector. Her professional rigor and human approach have enabled her to build an enviable reputation with her clients and partners.

## RGCQ - Montreal Chapter



**Charles-Antoine  
Carra**

Damage Insurance Broker  
Fort Assurances &  
Avantages sociaux

**Charles-Antoine Carra** joined Fort Assurances in 2021. A trained CPA, he has worked in insurance for the past 20 years as a personal and commercial insurance broker, underwriter, and director. He has always considered it important to be able to break down an insurer's contract and explain it to his team and clients. A skilled communicator, he has written dozens of blog articles on insurance over the past few years. He enjoys sparking people's interest in reading about insurance, a subject he believes is trivialized and too often neglected by consumers.



**Catherine  
Pépin**

Partner and Director of  
the Property Management  
Department  
HPDG

**Catherine Pépin**, B.Sc., has been a Partner and Director of the co-ownership Management Department at HPDG Associés inc. for over a decade. With expertise in urban studies and real estate, she supervises a team of 20 collaborators and manages a portfolio of more than 50 buildings. Her role encompasses strategy, operational innovation, budget management, and regulatory compliance. She excels in leadership, team building, and process optimization, while maintaining strong relationships with clients and partners. A former Chartered Appraiser and a member of the Ordre des administrateurs agréés, Catherine combines strategic vision with operational rigor.



**Me Raphaëlle  
Lévesque**

Lawyer  
Dunton Rainville Lawyers  
and Notaries

**Me Raphaëlle Lévesque** serves a diverse clientele in the fields of expertise she has developed over the years, notably construction law, real estate, co-ownership, and latent defect cases. In addition, thanks to her quick wit and thirst for learning, she handles complex litigation files of various kinds and pleads before all courts. Before joining the team at Dunton Rainville, Me Lévesque worked in two national firms, where she honed her skills in the specific areas that now make up her practice. In addition to being a lawyer, Me Lévesque holds a Master of Business Administration (MBA), which enables her to understand her business clients and provide them with better advice.



**Simon  
Vanasse**

President  
CondoConsulte inc.

**Simon Vanasse** is President of CondoConsulte, a firm specializing in co-ownership management. With more than 20 years of experience in construction and project management, he has been putting his expertise at the service of syndicates of co-owners since 2013. Holder of a certificate in co-ownership management from UQAM, he stands out for his leadership, his in-depth knowledge of industry issues, and his commitment to rigorous and human-centered management practices. He has also been actively involved in the RGCQ community for several years.

## RGCQ - Québec Chapter



**Julien  
Gobeil Simard**

President and Chief Executive Officer of Hoodi and Executive Director at Depatie Beauchemin Consultants

President and Chief Executive Officer of Hoodi, Executive Director at Depatie Beauchemin Consultants (DBC), and creator of the Facebook support community Condo Admin, **Julien Gobeil Simard** graduated in engineering from the Université de Sherbrooke and worked for ten years in the technology sector. He entered the co-ownership field in 2019, after having himself served as a director of his own co-ownership. His company Hoodi quickly became a key player for small condominiums seeking to comply with the new requirements of Bill No. 16, while DBC offers a full range of advanced professional services to larger condominiums.



**Hugo  
Tessier**

Agency Director  
Sergic Québec

**Hugo Tessier** is a seasoned professional in communications and project management, and a graduate of Université Laval. He co-founded Sublime Architecture, where he served as Executive Director for more than ten years, guiding the firm through innovative architectural projects. Since last fall, he has held the position of Agency Director at Sergic Québec, where he leverages his strategic expertise and leadership. Known for his organizational skills and long-term vision, he excels in team management and the delivery of large-scale projects.



**M<sup>e</sup> Julie  
Banville**

Lawyer  
Fasken Martineau DuMoulin  
s.e.n.c.r.l., s.r.l.

A member of the Québec Bar since 2005, **Me Julie Banville** is a lawyer and partner at Fasken Martineau DuMoulin LLP. She practices notably in construction law, real estate law, and co-ownership law. Her clientele is diverse, including directors, shareholders, business executives, syndicates of co-owners, developers, and property managers. She regularly pleads before common law courts, specialized tribunals, arbitration tribunals, as well as the Federal Court. A law graduate from Université Laval, she has built a reputation as a dedicated professional attentive to her clients' needs.

## RGCQ - Outaouais Chapter



**M<sup>e</sup> Gabrielle  
Papineau**

Notary in Corporate, Real Estate, Personal, and Estate Law

**Me Gabrielle Papineau**, notary, has been practicing for over ten years. She specializes in business and commercial law. In addition to supporting regional businesses through the various stages of their growth, she is also involved with associations and groups working to promote the development of and access to law in the Outaouais region.



**Roch  
St-Jacques**

Residential Real Estate Broker in Outaouais

**Roch St-Jacques** is a well-established figure in the residential real estate market in Outaouais. With more than 35 years of experience, he has established himself as a trusted professional, recognized for his strategic insight, deep understanding of the market, and unwavering commitment to his clients and the profession. President of the Board of Directors of the Outaouais Real Estate Chamber, he is also a real estate columnist on 104.7 FM. He shares his expertise and actively contributes to the advancement of real estate practice in the region.



**Pierre  
Girard**

Manager  
Groupe Conseil Pierda inc.

**Pierre Girard** began his career in 1999 at the Communications Directorate of the Department of Citizenship and Immigration Canada, where he worked until 2004. He then joined Groupe Conseil Pierda inc., where he has dedicated more than 15 years to property management, both for condominiums and rental buildings. For him, managing buildings is not only about ensuring the sustainability of the real estate assets entrusted to him, but also about adopting a proactive approach to actively contribute to enhancing the value of his clients' properties.



**Julien  
Chaput-Lemay**

President and Chief Executive Officer  
Groupe ecoPlus

**Julien Chaput-Lemay** is an entrepreneur and President and Chief Executive Officer of Groupe ecoPlus, a firm specializing in energy efficiency, indoor environmental quality, and contingency fund studies for co-ownership buildings. He holds a general contractor's license as well as an energy efficiency consultant license. A former Regular Force officer and now Commander of the Régiment de Hull, he is also a graduate of the French War College, and holds a bachelor's degree in philosophy, a master's degree in the history of ideas, and an MBA. He has served on the RGCQ Board of Directors since 2024.



# A PENDING REFORM THAT WEAKENS CO-OWNERS

While Bill No. 16 was meant to mark a turning point in governance and transparency in co-ownership, its implementation remains partial, five years after its adoption. The continued absence of implementing regulations undermines the effectiveness of several essential provisions. The RGCQ deplores this delay and calls for urgent government action to adequately protect Québec's co-owners.

by **Caroline Martel**

## TOOLS PROVIDED, BUT NOT IN FORCE

The certificate on the condition of the co-ownership, the contingency fund study, and the maintenance logbook are at the heart of this reform. Their purpose is clear: to provide buyers with an accurate picture of the building's physical and financial situation, while enabling syndicates to better plan work and investments.

These measures, although provided for by law since 2019, cannot, however, be required until the implementing regulation is adopted.

The result: the reform remains incomplete, leaving stakeholders in uncertainty... and co-owners in a vulnerable position.

## VERY REAL CONSEQUENCES ON THE GROUND

The effects of this regulatory gap are being felt. Several syndicates are struggling to justify the accumulation of sufficient sums in their contingency funds, and some buildings are in a critical state. By way of example, Me Yves Joli-Coeur, President of the RGCQ, recently mentioned cases of co-ownerships in Montréal and Boisbriand that will have to be demolished due to a lack of adequate planning and structured maintenance.

His observation: "There are buildings that will have to be torn down. This situation stems from a lack of oversight, transparency, and insufficient quality control in construction."

In an interview with QUB radio, Me Joli-Coeur also highlighted the growing distress of young families who purchased a condo without knowing the true condition of the building. "The longer we delay the implementation of these measures, the more we weaken co-owners," he stated.

## GROWING POLITICAL PRESSURE

At the co-ownership Cocktail Conference held in Québec City in April, MNA Virginie Dufour, the official opposition's housing critic, reiterated the urgency of adopting the regulation. She voiced the concern shared by many directors: while the government delays, transactions continue to take place blindly, and buyers discover their syndicate's deficits or shortcomings too late.

For her part, the Minister of Housing, Ms. France-Élaine Duranceau, suggested that the adoption of the regulation could be delayed until the end of 2025, sparking confusion and frustration among professionals in the field.

## VOTRE GUICHET UNIQUE POUR TOUT BESOIN JURIDIQUE EN MATIÈRE DE **COPROPRIÉTÉ**

### POINT JURIDIQUE

## Que faire en cas de charges communes impayées ?

Par M<sup>e</sup> Alex Laplante, avocate chez Dunton Rainville

Le défaut de paiement des charges communes est l'un des problèmes les plus fréquents en copropriété. Chaque mois, le syndicat doit assumer des dépenses essentielles – travaux à l'immeuble, assurances, paiements aux fournisseurs, et bien d'autres. Ces obligations reposent sur la contribution financière de chaque copropriétaire. Lorsqu'un d'eux tarde à s'en acquitter, ce sont les autres copropriétaires qui doivent combler le manque à gagner pour assurer le respect des obligations financières du syndicat. Alors, quelles mesures un syndicat peut-il prendre pour récupérer les sommes dues ?

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## News

### BILL NO. 16: A PENDING REFORM THAT WEAKENS CO-OWNERS

#### BILL NO. 16: THREE TOOLS AWAITED TO BETTER MANAGE CO-OWNERSHIP

Five years after its adoption, Bill No. 16 has still not implemented its main tools, due to the absence of an implementing regulation. Yet these tools are essential for effective and transparent management:

- **Certificate on the state of the co-ownership**  
 To clearly inform buyers about the financial and physical condition of the building.
- **Maintenance logbook**  
 To ensure rigorous monitoring of maintenance and repair work.
- **Contingency fund study**  
 To plan the necessary contributions and avoid unpleasant surprises.

#### WHY IS THIS URGENT?

Without these tools, many syndicates are navigating blindly. This exposes co-owners to sudden fee increases, costly unforeseen expenses, and even major losses in the value of their property. For the RGCQ, the swift adoption of the implementing regulation is an absolute necessity. The delay in its implementation weakens co-owners and syndicates alike. The time to act is now.

#### A DELAY THAT UNDERMINES TRUST

Québec is clearly lagging behind compared to other provinces. In Ontario, the tools awaited here—certificate, logbook, study—have already been in place for years. Oversight of managers and quality control in construction are also better regulated there. By leaving this reform unfinished, Québec is depriving itself of a rigorous framework that would protect syndicates, co-owners, and consumers alike.

“It is time to provide Québec with a real safety net for co-owners,” says Me Joli-Coeur. “We cannot afford to leave these families without protection when such oversight already exists elsewhere in Canada.”

#### A RENEWED CALL TO ACTION

The RGCQ urges the government to act without delay. The adoption of the implementing regulation for Bill No. 16 is not only urgent but essential to ensure the sustainability of Québec’s housing stock. It is time to put co-ownership back at the center of housing priorities and to meet the expectations of managers, directors, and all citizen co-owners. □



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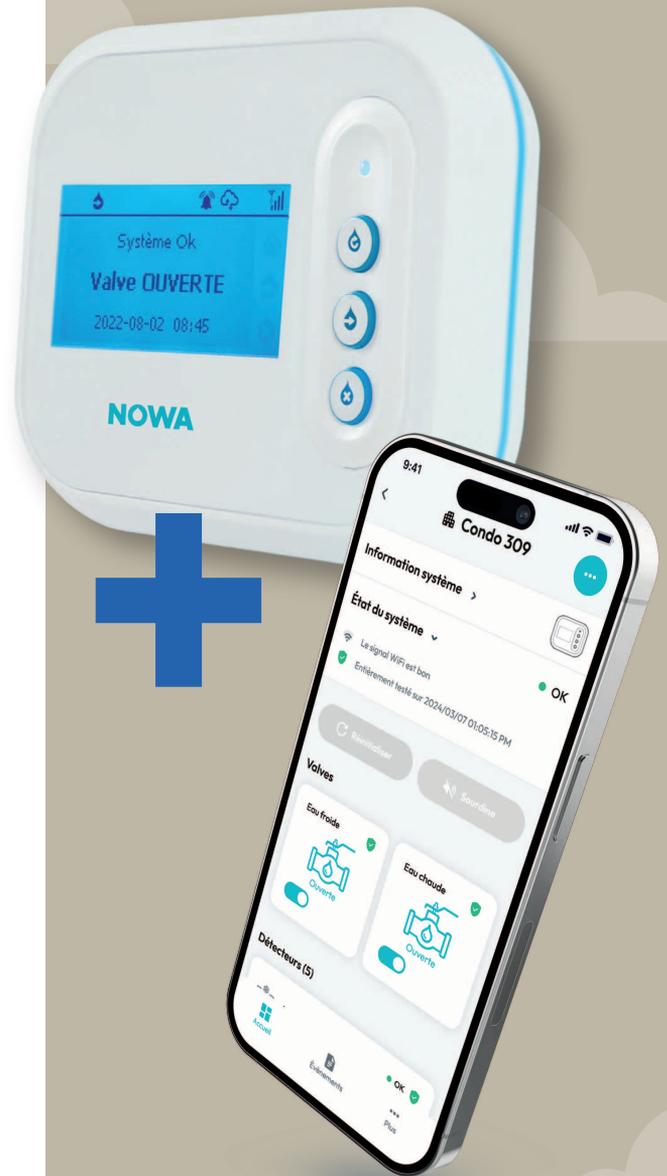
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# REFINANCING OR SELLING A UNIT OWNED BY THE SYNDICATE TO OBTAIN LIQUIDITY:

## A LAST-RESORT OPTION

Faced with the scale of work required in aging condominiums, more and more syndicates of co-owners are seeking solutions to finance major interventions without imposing significant special assessments. Among these, refinancing or selling a fully paid unit owned by the syndicate may appear attractive.

interview by **Véronique Martel**

**A**ccording to **Mr. Jasmin Patenaude**, Chartered Professional Accountant, Auditor (CPA Auditor) and Partner at the accounting firm **Desormeaux Patenaude inc.**, this is a misguided idea. The co-ownership accounting expert explains why it should be considered a last-resort option and how to avoid getting to that point.



**Condoliation:** In the early condominiums, the building's purpose sometimes included a live-in concierge service. The concierge's unit, owned by the syndicate, is most often paid off, representing an asset that can be leveraged. What does refinancing a paid-off unit involve?

**Jasmin Patenaude:** This strategy makes it possible to quickly generate liquidity. However, it must be remembered that refinancing such an asset creates debt—not income. A mortgage is a loan, which creates an additional burden for co-owners over the next 15, 20, or 25 years. Even if, from an accounting standpoint,



only the interest is considered an expense for the syndicate, from a budgeting standpoint, the full amount of the mortgage payment will need to be factored into the calculation of future condo fees.

By comparison, it is equivalent to a co-owner personally re-mortgaging their unit in order to pay a special assessment. It provides some breathing room in an emergency situation, but the long-term consequences are far from negligible.

**Condoliation:** Would selling the unit to generate income be a better idea for the entire co-ownership community?

**Jasmin Patenaude:** Jasmin Patenaude : Vendre l'unité permet d'en tirer le maximum, puisque l'hypothèque ne permet jamais d'aller chercher 100 % de la valeur. De plus, des interprétations techniques de l'Agence du Revenu du Canada ont confirmé qu'il n'y a pas d'impôt à payer sur la vente de l'unité, puisque le syndicat est un OSBL. Vendre signifie toutefois se départir de son actif : une fois l'actif vendu, sa valeur est perdue, tandis que si on a une autre urgence dans dix ans, on peut peut-être refinancer à nouveau.

In a context where the co-ownership urgently needs liquidity, it is preferable to keep the unit and draw on its value in the form of a mortgage loan. In either case, the syndicate must first ensure that the dwelling is legally a "private portion." This is generally the case, but sometimes the unit is recorded as a common portion for restricted use or as an entity without designation as a private lot.



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**REFINANCING OR SELLING A UNIT OWNED BY THE SYNDICATE TO OBTAIN LIQUIDITY: A LAST-RESORT OPTION**

**Condoliation:** Is it simple to change the legal status of a unit owned by the syndicate?

**Jasmin Patenaude:** Selling the concierge's unit would be an act of real estate alienation by the syndicate, which requires at minimum a special majority decision at a meeting, by co-owners representing 75% of the votes of those present or represented. However, if the building's purpose is changed, the decision must then be made by three-quarters of the co-owners representing 90% of the votes of all co-owners. That is not easy to obtain! Moreover, an amendment to the declaration of co-ownership would be required, and the process must go through a notary.

If we are instead talking about refinancing, it would be necessary to ensure that the declaration of co-ownership allows it, but a special majority decision by the assembly would still probably be required. In any case, before pursuing either of these options, a lawyer well versed in co-ownership law should be consulted.

**Condoliation:** Can these solutions provide a lasting fix to the financing problem?

**Jasmin Patenaude:** These are temporary aids, not an ideal strategy and certainly not a long-term vision. In co-ownership, nothing replaces sound management of the contingency fund and rigorous planning of the work.

**Condoliation:** Do many co-ownerships do this today?

**Jasmin Patenaude:** I have seen a few do it, but it remains marginal for now. However, I believe that in the current context—soaring construction costs, owners reluctant to pay special assessments, depleted contingency funds, etc.—it is a strategy we are likely to see more and more. As mentioned earlier, the co-ownerships that choose this path will need to proceed with caution, rigor, transparency, and professional support.

**Condoliation:** What do you recommend to syndicates of co-owners?

**Jasmin Patenaude:** Take a clear inventory of their real estate assets. Are there unused spaces? Can they be converted? Then, they should discuss it with a notary or a lawyer specialized in the field to assess feasibility.

The best solution remains prevention: fund the contingency fund according to the recommendations of the contingency fund study, plan the work based on it and the maintenance logbook, and keep co-owners well informed. □

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## THE QUEBEC BUILDING ENVIRONMENTAL PERFORMANCE ACT INTRODUCES

# MANDATORY ENERGY RATING OF CONDOMINIUMS

The climate emergency continues to mobilize all sectors of society. Following the article addressing France's context and approach in housing, and as part of Condoliation's series on the race to carbon neutrality in co-ownership, here is the current situation in Québec, where the legislative and regulatory framework is evolving rapidly.

by **Véronique Martel**

**B**an on wood-burning fireplaces in large cities, ban on oil heating, government and Hydro-Québec subsidies for the implementation of energy efficiency measures to reduce building energy consumption: measures targeting both carbon neutrality and the energy performance of buildings are multiplying.

Since March 27, 2024, the energy performance of buildings has been at the heart of a new Québec law. The Building Environmental Performance Act (Chapter 5 of the 2024 statutes, now Chapter P-9.02 of the statutes of Québec) establishes mandatory energy rating of buildings, including residential buildings and condominiums. It also regulates the calculation methods used to assign the rating and to set environmental performance standards for the construction, renovation, and demolition of buildings deemed irrecoverable.



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## Series | The Race to Carbon Neutrality THE QUÉBEC BUILDING ENVIRONMENTAL PERFORMANCE ACT INTRODUCES MANDATORY ENERGY RATING OF CONDOMINIUMS

### A MAJOR STEP FORWARD FROM A COLLECTIVE PERSPECTIVE

Presented as "a major step forward by the government toward its goal of accelerating the decarbonization of the building sector, responsible for more than 9% of Québec's GHG emissions," this law creates a public register of building environmental performance and establishes the obligation to display the rating obtained (in most cases).

To this end, the law grants the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks, and the government the following powers, among others:

- Establish standards for the environmental performance of buildings, including environmental performance ratings to be achieved when renovation work is carried out;
- Determine the environmental performance information of buildings to be reported;
- Designate the energy distributors responsible for creating and managing a digital platform to transfer building energy consumption data to owners.



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The main features of this law embody a binding transition already initiated by certain cities in recent years, including Montréal's By-law on the Disclosure and Rating of GHG Emissions of Large Buildings, which came into force on September 27, 2021.

While some argue that the text of the law goes too far, others believe it does not go far enough. Désirée McGraw, MNA for Notre-Dame-de-Grâce (PLQ), made the following remarks in the National Assembly during the study of the bill: "In Québec's 2018 Master Plan for the Energy Transition, Innovation, and Efficiency, [the Liberal Party] had planned to provide Québec with a mandatory energy rating system for new constructions and at the time of resale of single-family homes by 2023, meaning last year. The CAQ has clearly not carried out the plan, and here we are six years later, behind schedule. Considering that our energy reserves are depleted, and given the low energy efficiency of our buildings in Québec, it is necessary to act with speed and boldness with this bill. By achieving the intended objectives, all of Québec will benefit."

Among the harshest criticisms is the implementation by way of regulation. However, this approach, adapted to the Québec context, allows the entities concerned, including syndicates of co-owners, to organize and adapt in a transparent process of upgrading.



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## Series | The Race to Carbon Neutrality

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Indeed, the owner of a building that has not obtained the minimum rating will be required to submit to the Minister “a corrective program by which they undertake to take measures so that this environmental performance rating is achieved within a reasonable time frame.” Fines and criminal penalties are provided in case of non-compliance with the obligations, ranging from \$3,000 to \$600,000 for legal entities (including syndicates of co-owners).

## Syndicates of Co-owners, Stay Alert!

Section 2 of the Act defines owners as follows: “The owners of a building that constitutes an immovable held in divided co-ownership are the syndicate of co-owners and every co-owner of that immovable.”

The same section also provides that “construction work includes foundation, erection, renovation, repair, maintenance, modification, or demolition of a building, as well as the installation or the total or partial replacement of the equipment with which the building is equipped.”

In short, all work planned under the contingency fund will have to comply with the new construction standards set out by this law.

### A HEAVY BURDEN FROM THE DIRECTORS' PERSPECTIVE

The Québec legislator favors (for now) a proactive rather than a coercive approach—unlike French practices. Despite this relief, the heavy workload imposed on directors by the implementation of these measures could

could have been partially eased if public and parapublic actors had shown greater cohesion.

“Requiring syndicates to collect and transmit information relating to housing units adds a considerable workload and technical knowledge requirement for directors, who are generally volunteers to begin with. This is shocking since, in reality, much of the data on the energy performance of buildings is already in the hands of Hydro-Québec,” notes the President of the Regroupement des gestionnaires

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et copropriétaires du Québec, Me Yves Joli-Coeur, Ad. E., a co-ownership law expert recognized throughout the French-speaking world.

**RENOVATION AT THE FOREFRONT  
 OF PRESERVING UNIT VALUE**

Much like the underfunding of the contingency fund, actors peripheral to co-ownership will begin to take an interest in the energy performance rating of condominiums. This rating will, in fact, also have to be included in the certificate on the condition of the co-ownership.

**On the ground, habits, values, and practices are being disrupted by the rising generations. A building with low or no energy performance risks seeing its market value depreciate and its insurance premiums rise.**

“The market is beginning to take an interest in the management performance of buildings. At the same time, we are noticing that environmental and energy concerns are becoming increasingly prominent among buyers. There is no doubt in my mind that there will soon be an impact on the financing of housing units. I train thousands of real estate brokers every year on condo transactions, I speak with them, and the conclusion is clear: the energy performance of buildings will establish itself as a negotiating criterion in purchases—at the seller’s expense,” predicts the President of the RGCQ.

**Two Hydro-Québec Programs  
 for Multi-Residential Buildings**

Hydro-Québec offers solutions to improve the energy performance of condominiums and supports them in identifying the challenges and opportunities related to the energy transition in collective buildings.

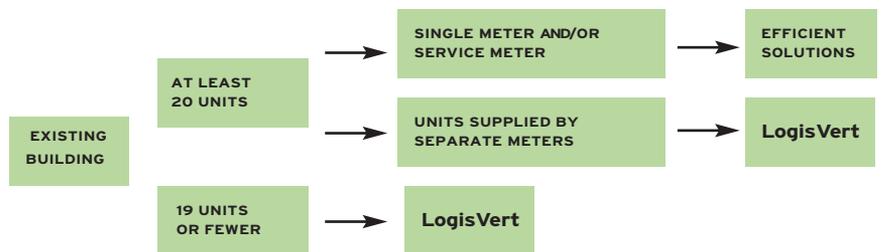


The LogisVert program provides financial assistance for the implementation of energy efficiency measures. <https://bit.ly/4j44WQ2>



The Efficient Solutions program aims to modernize or replace equipment and systems at a lower cost. <https://bit.ly/3SyS35w>

The government has planned to impose fines on co-owners who do not cooperate in order to ensure the proper conduct of evaluation procedures. “For now, however, Québec is not following in the footsteps of France, with the abolition of the right to dispose of one’s property through rental bans and the recognition of unfit housing. Québec syndicates of co-owners must quickly reflect on methods of evaluating energy performance and take the lead in anticipation of more aggressive regulatory provisions or legislation,” states Me Joli-Coeur.



**Diagram: Comparison of the Efficient Solutions and LogisVert Programs for Multi-Residential Buildings (Hydro-Québec)**

Building renovation is truly the crux of the matter, and the mandatory rating of residential buildings seems inevitable in the medium term. Syndicates of co-owners (and co-owners themselves) must prepare to meet the highest standards to avoid being faced with costly upgrades following already significant investments—and to capitalize on the value of their assets in a transforming market.. □

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## The RGCQ in Morocco: INSPIRING EXCELLENCE

While visiting Morocco, the President of the Regroupement des gestionnaires et copropriétaires du Québec (RGCQ), Me Yves Joli-Coeur, presented Québec's co-ownership law as well as the best management and governance practices promoted by the organization, during an international seminar aimed at reflecting on the future of Moroccan co-ownership law.

by **Véronique Martel**



On February 5, the Moroccan Center for Contract Law (CMDC), in collaboration with the Faculty of Law of Mohammed V University in Rabat, organized a professional seminar bringing together experts from Morocco and Québec to exchange on best practices in the field of co-ownership.

In Morocco, co-ownership is based on a well-established legal framework that is currently undergoing restructuring, the most recent reform being Law 18-00. Stakeholders in this developing sector are engaging in a proactive approach to shape a sustainable legal, juridical, and social environment. It is in this context that the CMDC invited Me Yves Joli-Coeur to present a Québec perspective on the subject. Recognized throughout the French-speaking world as a leading expert, popularizer, and educator, Me Joli-Coeur, as a specialist in co-ownership law, took part in a panel aimed at sharing the fundamental principles that govern co-ownership in Québec—principles that could inspire Morocco’s co-ownership sector to thrive by adapting to its new realities.

The event took place at the Faculty of Law in Rabat, a renowned institution of Mohammed V University—the largest university in Morocco—in the presence of professors, researchers, notaries, surveyors, students, and the Dean, Professor Farid El Bacha, who gave the President of the RGCQ a warm welcome.

“The Agdal - Rabat Faculty of Law has entered into several agreements with international partners, notably in Québec, in various legal fields of common interest. Québec’s practices are clearly ahead, both in co-ownership law and in management and governance, thanks to the application of legal texts, the sound management of co-ownerships, and the training provided,” explains Mr. Abid Kabadi, professional and organizer of the seminar.

Moderator of the event, Mr. Kabadi has known Me Joli-Coeur for about twenty years. The latter had previously presented the Québec model alongside French and Moroccan experiences at an international event in Marrakech in 2016. “When the idea of offering an international perspective arose, it was only natural for me to think of Me Joli-Coeur. Moreover, within the CMDC, we are seeking to develop sustained collaboration with Québec, particularly in the fields of co-ownership, mediation, and arbitration. The participation of this Québec expert allowed us to enrich the discussion around a more structured and efficient legal framework,” he explains.

Me Abdelmajid Bargach, a notary specialized in Moroccan co-ownership law, took part in the panel alongside Me Joli-Coeur. The discussions allowed participants to gain a better understanding of the realities specific to each country. Despite the differences, a common goal emerged: to build harmonious living environments managed with efficiency and transparency. The well-being of co-owners and the preservation of the built heritage are shared priorities on both sides of the Atlantic.

Founded in 2021 by Professor Halima Bensouda, faculty member and researcher at Mohammed V University in Rabat, the Moroccan Center for Contract Law plays a central role in modernizing contractual practices and enhancing contract law within professional settings. According to *L’Économiste*, Morocco’s leading economic daily, the CMDC stands out for “promoting research in the field of contractual practices and the competitiveness of the legal system.”

“The Regroupement des gestionnaires et copropriétaires du Québec is proud to contribute to the dissemination of legal knowledge in the field of co-ownership and to support initiatives that foster exchanges between experts from diverse backgrounds. This collaboration with the CMDC has been extremely enriching. By engaging in dialogue with other legal cultures and understanding the issues experienced elsewhere, we can advance our own legal framework in a fairer and more sustainable way,” says Me Yves Joli-Coeur. □



# For a Co-ownership Tribunal

In Québec, co-ownership disputes are piling up, highlighting the limits of a judicial system ill-suited to this growing reality.

by **Caroline Martel**

Faced with delays and the lack of structured support for syndicates of co-owners and co-owners themselves, several voices—including that of Me Yves Papineau—are calling for the creation of a specialized tribunal. This new mechanism would help speed up conflict resolution, standardize jurisprudence, and make justice more accessible.

## **AN OVERLOADED AND ILL-SUITED JUDICIAL SYSTEM**

The current delays in resolving co-ownership disputes are simply unacceptable. For a case as straightforward as the non-payment of condo fees, it takes 18 to 20 months before a decision is rendered. In the meantime, syndicates must cope with lost revenue that can destabilize their finances, especially in smaller buildings.

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Cette 4<sup>e</sup> édition du *Guide de procédure et de fonctionnement des assemblées des copropriétaires* a été préparée en tenant compte des nouveaux textes législatifs, de la jurisprudence et des usages dans les assemblées délibérantes et dans les copropriétés du Québec. Il vise à présenter aux administrateurs de syndicats, aux copropriétaires, aux juristes et aux gestionnaires d'immeubles, de façon très accessible, un cadre juridique pour la préparation et la tenue des assemblées des copropriétaires qu'elles soient tenues en présentiel, de façon virtuelle ou hybride.

Le Guide comporte une première partie qui résume de façon pratique les règles de fonctionnement d'une assemblée, une deuxième partie qui consiste en un règlement commenté sur les procédures d'assemblée et une troisième partie qui regroupe de la documentation relative aux assemblées des copropriétaires par exemple : des avis de convocation, des ordres du jour, des procès-verbaux, etc.

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RBQ-8109-4518-48

## Legal Column

“When you have a syndicate of three, four, or five co-owners, and one of them doesn’t pay, the entire structure is weakened. It’s no small matter,” explains Me Yves Papineau, a lawyer specializing in co-ownership law.

### A PRACTICAL AND PROVEN SOLUTION

The idea of a co-ownership tribunal does not come out of nowhere. Similar bodies already exist elsewhere in Canada—notably in Ontario and British Columbia. They have proven their effectiveness and efficiency.

“What we’re proposing is not impossible. We simply need to look at what works elsewhere and adapt it to Québec. It would be a major improvement for citizens,” says Me Papineau.

### ACCESS TO EXPERTISE AND CONSISTENCY IN DECISIONS

One of the greatest advantages of a specialized tribunal lies in its ability to render consistent and predictable decisions. Currently, the same dispute can be interpreted in radically different ways depending on the judge and the judicial district.

“In some co-ownership cases, concepts such as common portions or private units may require clarification, since this is a highly specialized legal field. Knowledge of these specificities is an asset for the tribunal, as it facilitates the analysis of the issues in dispute,” adds the co-ownership law expert.

### INFORMING AND SUPPORTING CITIZENS

Access to information is another key issue. At present, co-owners are often left to their own devices to understand their rights and obligations. Unlike tenants, who benefit from educational tools and support through the Administrative Housing Tribunal (TAL), co-owners have no equivalent.

“Go take a look at the Housing Tribunal’s website: it’s well done, clear, and accessible. In co-ownership, there’s nothing from the government. Nothing structured, nothing up to date. That’s not normal,” laments Me Papineau.

### BENEFITS FOR THE ENTIRE JUDICIAL SYSTEM

In addition to improving access to justice for citizens, the creation of this tribunal would have beneficial effects on the entire judicial system. By relieving civil courts of thousands of technical cases, it would free up time and resources for more complex disputes.



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Yves Papineau, Ad.E.,  
Lawyer at LJT  
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"It's a win for everyone. We reduce delays and costs, ease the burden on the courts, and, above all, give citizens a service that meets their needs. Why isn't the government on board? That's the big question," says Me Papineau.

### NECESSARY MOBILIZATION TO MAKE THINGS HAPPEN

For more than ten years, Me Papineau and the Regroupement des gestionnaires et copropriétaires du Québec (RGCQ) have been advocating for this reform. Despite meetings with chief justices, letters to the Ministers of Justice and Housing, and concrete proposals, no structural response has been provided to date.

"We're ready to collaborate. We've proposed solutions, forms, even volunteer work from lawyers and notaries. But the response we get is that they'll get back to us... and no one ever does," he confides.

### THE TIME TO ACT IS NOW

With roughly half a million co-owners in Québec, the need for reform is urgent. This is not a marginal demand, but a true societal issue that affects financial stability, quality of life, and the fundamental right to accessible and appropriate justice. "We're not asking for a privilege. We're asking for equal treatment with tenants. It's simply a matter of justice," concludes Me Papineau.

### THE MESSAGE IS CLEAR: CO-OWNERSHIP DESERVES BETTER

This improvement undoubtedly involves the creation of a dedicated tribunal—a concrete, realistic tool already proven elsewhere—through which we could finally break the vicious cycle of long delays, inaction, inconsistent decisions, and inequity.

As co-ownership takes on a major role in Québec's residential landscape, there is no more room for hesitation. We must move from intention to action—for the syndicates, for the co-owners, and for a justice system worthy of today's Québec. □



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# Fraud in Co-ownership: No One Is Immune

Two common types of fraud in co-ownership are embezzlement by a manager or director, and kickbacks in the awarding of contracts. Do you know how to recognize the signs? Have you implemented preventive measures? Is your insurance coverage adequate?

by **Véronique Martel**

## WARNING SIGNS THAT DON'T LIE

Fraudsters don't always match the image we have of them. Some present themselves as pillars of the co-ownership, seemingly devoted and indispensable. This is sometimes referred to as the "hero syndrome": individuals who position themselves as saviors of a financially precarious situation. In a context of disorganized management, this type of profile can quietly take hold without resistance, gaining the trust of others through their supposed willingness to help.

Another common trait is the need to control everything. These individuals involve themselves in every aspect of financial management, gradually making themselves indispensable. They may turn down offers of help, avoid audits, or hinder transparency efforts.

The more tasks are concentrated in the hands of a single person, the greater the risks.

Such everyday behaviors should raise suspicion. Refusing to delegate, avoiding extended vacations, or being reluctant to let anyone access accounting records can be tactics to keep irregularities hidden.

Fraudsters most often operate over the long term, typically over periods of one to five years. It is not uncommon for the amount embezzled to reach \$500,000 in mid-sized co-ownerships!

## IN CO-OWNERSHIPS WITH A PROFESSIONAL MANAGER

Financial and accounting fraud becomes more complex and harder to detect when a co-ownership works with a professional manager. "The external manager is responsible for administering finances, doing the accounting, and coordinating the maintenance of the co-ownership, in whole or in part. Malicious managers may create and pay fictitious suppliers, give kickbacks or bribes to accomplice suppliers, or misuse co-ownership funds through unauthorized withdrawals or suspicious fund transfers," warns Patrick Beauvais, Senior Vice-President, Real Estate Québec, at BFL Canada, insurance brokerage.

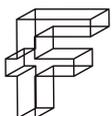
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## Sound Management

### FRAUD IN CO-OWNERSHIP: NO ONE IS IMMUNE

“As professional managers guided by ethical principles, this is something that’s always on our radar and a constant concern! Some oversee hundreds of bank accounts and obviously don’t know each balance by heart. They likely won’t notice if \$5,000 disappears overnight. It can’t be stressed enough: vigilance is essential—for both managers and directors. When relationships are strong, teamwork is a tremendous asset,” explains Hugues Ouellette, property manager and partner at Proximo in Bromont, a firm specializing in co-ownership management.

In large co-ownerships managed by an external professional, dual-authorization mechanisms and restricted access to bank accounts help reduce the risk of errors and fraud.

#### IN SELF-MANAGED CO-OWNERSHIPS

In self-managed co-ownerships, “a dishonest director or manager could embezzle the syndicate’s funds by forging signatures, carrying out unjustified banking transactions, or depositing common expenses directly into their own bank account,” explains Condolegal.com, a leading source of legal information for Québec’s co-ownership sector. Embezzlement is often concealed through the production of fake contracts for work that was never done or inflated invoices.

“Fraudulent managers will change governance rules and deliberately implement opaque management practices to minimize or even avoid financial controls, such as raising the spending threshold that requires two signatories,” adds Mr. Beauvais.

Hugues Ouellette shares a recent case: “In a two-unit co-ownership, the accountant noticed unusual expenses made by one of the two co-owner directors and alerted the other, thinking it was an honest mistake—the use of the wrong debit card. Unable to reach his counterpart, the latter managed to have the account frozen by the financial institution, but the damage was done. In two days, through cash advances with bad cheques and personal expenses like ski tickets and meals at luxury restaurants, the fraudster stole \$15,000. In this case, a complaint was filed, and the investigation determined that the fraudster was a family member of the co-owner director; he had gotten hold of the bank card and PIN.”

## WHAT IS IT ABOUT?

### EMBEZZLEMENT

Serious misconduct committed notably in the exercise of a mandate (director, interim administrator, manager). Acts of embezzlement encompass several types of serious wrongdoing, such as misappropriation of funds, asset diversion, and accounting or financial fraud (e.g., falsification of accounts).

### KICKBACKS, BRIBES, OR REBATES IN CONTRACT AWARDING

Commissions paid by suppliers to managers or directors in exchange for awarding contracts. This practice is particularly common during major work, such as façade renovations or roof replacements, where a manager may choose a contractor offering the highest commission rather than the best value for money. In the most serious cases, some managers even deliberately inflate contract prices to maximize their commissions—always at the expense of co-owners.

Source : Condolegal.com

## IN A CONDO, NOT A HOTEL

Professionals in the co-ownership sector observe that many co-owners are surprised to learn that living in a co-ownership is not like living in a hotel; responsibilities and obligations are numerous.

Hugues Ouellette highlights the importance of getting involved in one’s co-ownership. “In co-ownership, we benefit from not having to take care of every maintenance task ourselves, but directors must remain involved. As managers, it’s the same. We need to stay close to the operations of our syndicates. Reimbursement of expenses incurred by directors and inflated invoices are the two most common and hardest-to-detect types of fraud for us. It is therefore essential that everyone work together while following best practices, such as requesting three quotes to ensure a reasonable price is paid.”

Moreover, one of the greatest advantages of working with a professional manager is their knowledge of the markets and the reputation of contractors in their area, as well as the ethical practices they implement and the wide range of carefully selected tools they use to strengthen the relationship of trust with co-owner syndicates.



**Michel Paradis, Ad. E.**  
Avocat, associé



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At Proximmo, the desire to simplify processes guides the choice of technological tools that ensure the traceability and security of transactions and authorizations, significantly reducing the risk of error and fraud.

“All transactions are now done electronically. We’ve eliminated all bank cards in circulation. Regular payments are pre-authorized to the accounts. Non-recurring invoices, such as unexpected expenses and reimbursements, must be approved by both the management team and the board members. For fraud to happen, it would have to be particularly well orchestrated!” summarizes Mr. Ouellette.

## SIMPLE ACTIONS TO PREVENT FRAUD

Co-owner syndicates can easily implement effective governance and management practices to prevent fraud within the co-ownership.

- Solicit bids from at least three suppliers accredited by their professional association, including by consulting the RGCQ directory; ask for references, check the business registry, and require a written contract.
- Request proof of the professional manager’s liability insurance and errors and omissions insurance.
- Plan for an independent audit of the co-ownership’s financial statements, especially in medium and large co-ownerships—but not exclusively; the sense of community that prevails in many small co-ownerships can also create opportunities for fraud.
- Monitor financial transactions closely.
- Choose credible and recognized online management tools.
- Always, always, always stay involved!

## FRAMEWORKS TO BETTER PREVENT

Given the risks of fraud, legislative oversight of co-ownership managers is essential. The RGCQ has been calling for 25 years for the professionalization of the field, including the creation of a registry and certifications. Better training for co-owners and increased regulation are crucial to protect syndicates, co-owners, and managers who practice their profession in an exemplary manner. □



Pro Tip

## WHAT ABOUT THE SYNDICATE’S INSURANCE COVERAGE IN ALL THIS?



*Patrick Beauvais, Senior Vice-President, Unit Director – Real Estate Québec at BFL Canada, insurance brokerage.*

My advice is simple: check your directors’ and officers’ insurance coverage, and ask your insurer questions.

From one insurer to another, there may be limits regarding fraud in its criminal aspect. It’s essential to verify the scope of the directors and officers coverage in relation to what is meant by “criminal act” and “fraud.”

For example, for more than 20 years, BFL Canada has offered an exclusive program for co-owner syndicates: Protection Condo. We have adapted commercial insurance policies to the reality of Québec co-ownership in order to insure syndicates from A to Z. This program offers insurance coverage of up to \$1 million for embezzlement, including crime insurance, or “employee dishonesty” coverage, which covers misconduct committed by directors and external managers, such as in cases of collusion between them.



Thanks to the RGCQ Documentation Center, improving your co-ownership’s governance is within everyone’s reach.

- In just a few minutes, complete the “Co-ownership Health Check” at your next board meeting, then take the time to discuss the results and the actions to take.

- Implement a “Code of Ethics and Conduct for Syndicate Directors.”  
[rgcq.org/centre-de-documentation](http://rgcq.org/centre-de-documentation)



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# Directors and Officers Liability Insurance

## UNDER WHAT CIRCUMSTANCES ARE DIRECTORS NOT COVERED?

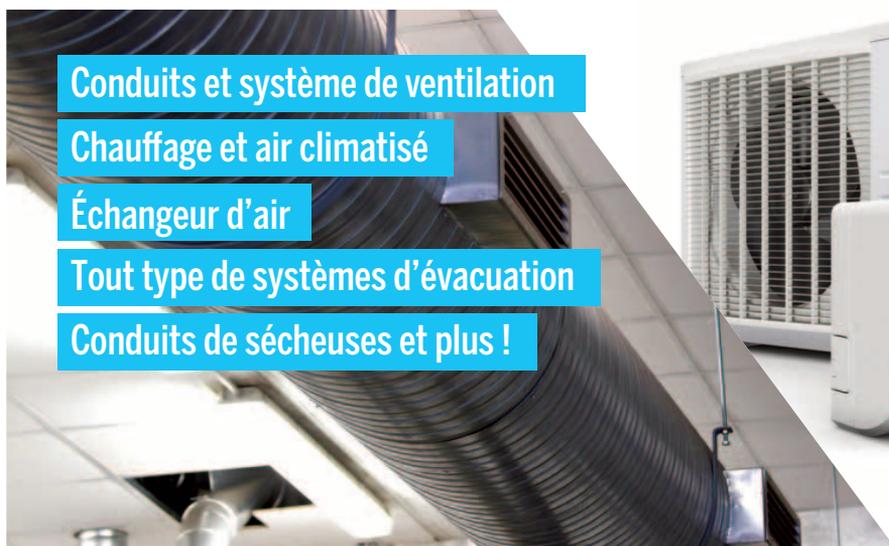
Directors and officers liability insurance protects board members (as well as meeting officers and the manager, where applicable) against the financial consequences of errors or omissions made in the good-faith exercise of their duties.

by **Véronique Martel**

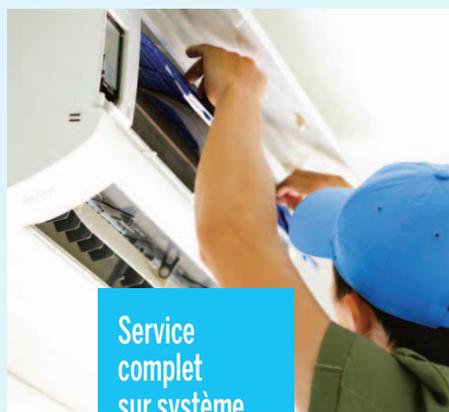
**A**voiding gaps and lapses in coverage is crucial, especially given the scope of the syndicates' duties and obligations, which continue to grow in both number and complexity.

In co-ownership insurance, two types of liability coverage coexist and are also mandatory for the syndicate. The **syndicate's civil liability insurance** protects the syndicate against the financial consequences of damages caused to others (including co-owners) by its own actions or by those for whom it is responsible, such as an employee. This should not be confused with **directors and officers liability insurance**, which provides directors with coverage for damages, settlements, and legal defense costs that may result from formal notices and lawsuits brought against them personally by co-owners or third parties challenging their decisions.

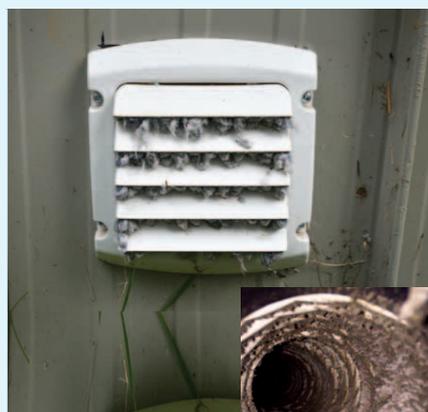
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## Living in Co-ownership

### DIRECTORS AND OFFICERS LIABILITY INSURANCE

#### LACK OF AWARENESS AMONG SYNDICATES

Sometimes, certain syndicates simply don't think to take out directors and officers liability insurance. In horizontal and small co-ownerships, the sense of community can make co-owners forget that their syndicate manages significant assets and that the legal framework still applies.

"The risk simply isn't worth it. Most directors are volunteers, and their good faith is assumed. But no one is immune to mistakes, and syndicates should always obtain directors and officers insurance that meets their needs," advises Vincent Gaudreau, damage insurance broker, president, and partner at Fort Assurances.

#### EXCLUSION IMPOSED BY INSURERS

To guard against double claims, it's important to know that insurers who provide both types of insurance products for the same syndicate exclude from coverage directors and officers liability insurance as well as insufficient coverage under the co-ownership property insurance.

A former board member of the RGCQ - Provincial, Mr. Gaudreau outlines a typical case: "A board underinsures its building compared to its real value—say \$5 million instead of \$10 million. The directors and officers coverage amounts to \$2 million, which is standard. Following a loss, there's a shortfall of \$5 million. The co-owners decide to sue the directors for error and omission. The insurance company would then have to pay out the \$5 million property insurance, plus the \$2 million in directors and officers insurance. To avoid these double claims, insurers exclude from their directors and officers insurance programs decisions related to the co-ownership's property insurance."

Addressing situations of insufficient coverage is, in fact, the reason behind certain provisions of Bill 141 on co-ownership insurance, which came fully into force in 2021. Syndicates are now required to obtain a professional evaluation of the building's replacement value based on the original description of the private portions—one of the conditions for taking out liability insurance.

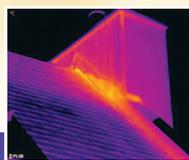


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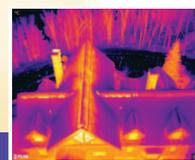
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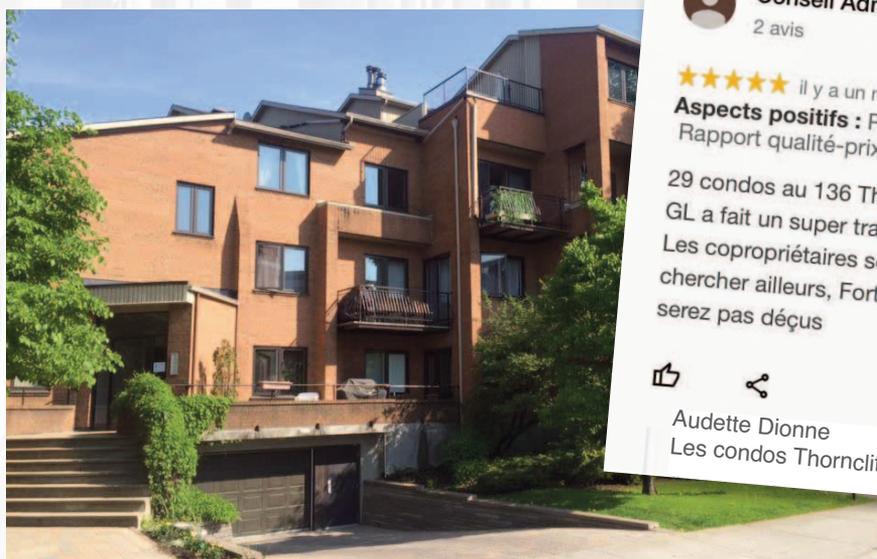


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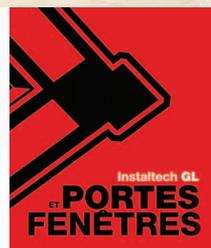
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RBQ 5612-4811-01

## INSURER TERMINATION

The rare cases in which directors are not covered by any directors and officers liability insurance occur when the insurer terminates the policy due to a chronic conflict situation within the co-ownership.

## LAWSUIT WARS AND LEGALIZATION IN LARGE CO-OWNERSHIPS

Disputes between groups of co-owners and directors sometimes take a legal turn when the parties choose to confront each other through formal notices, resulting in an excessive volume of claims submitted to the insurer.

“Lawsuit wars can lead an insurer to withdraw, meaning it continues to honor ongoing claims but refuses to accept new ones. Until the syndicate manages to demonstrate that calm has been restored—for example, through an out-of-court settlement or a change in leadership—it may be difficult or even impossible to obtain directors and officers insurance. It’s comparable to a co-ownership that struggles to get insured due to recurring water damage and must prove it has implemented corrective measures,” warns Mr. Gaudreau, who is also President of the Regroupement des cabinets de courtage d’assurance du Québec.

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## SYSTEMATIC OPPOSITION OR MONOPOLY IN SMALL CO-OWNERSHIPS

This situation is more common in very small co-ownerships, such as converted plexes and new constructions with only a few units. Management problems in such small co-ownerships can escalate into systematic opposition.

Me Raphaëlle Lévesque, a lawyer specializing in real estate and co-ownership law at Dunton Rainville, warns against the consequences of these situations: “Decision-making deadlocks can harm the preservation and integrity of the building—for example, if no decision can be made regarding necessary work, which then brings other insurance coverages into play and puts them at risk as well. In such cases, the bank account is often frozen, either because one party requests it or because the bank notices the opposition. Payments are then blocked, including insurance payments. The syndicate finds itself completely paralyzed.”

In co-ownerships with fewer than five units, systematic opposition can also take the form of a decision-making monopoly. “Article 1091 of the Civil Code of Québec provides that if a co-owner holds, at a meeting, a number of votes greater than half of all the co-owners’ votes, their number of votes is reduced to the total number of votes of the other co-owners present or represented at that meeting, precisely to avoid a decision-making monopoly. It should be noted that in the case of a two-unit co-ownership where a couple jointly owns one unit in undivided co-ownership and together holds the majority of votes, the Superior Court has ruled that this article does not apply. In that case, it was not a single co-owner who held the majority of votes, but two individuals who, legally, exercise their voting rights independently,” warns the lawyer, who also holds an MBA.

Because of this article of the Civil Code, decision-making deadlocks often occur in small co-ownerships. Mediation can then prove to be a viable solution.

“There are ways to avoid these extreme situations. Declarations of co-ownership often contain mandatory mediation or arbitration clauses to resolve conflicts. Focusing on out-of-court settlements helps restore a harmonious climate within the co-ownership more quickly,” concludes Me Lévesque. □



Patrick Mailloux, Co-Founder  
and VP of Technology  
at AkiSens



## INNOVATIVE AND SUSTAINABLE (IoT) SOLUTIONS FOR RISK MANAGEMENT IN YOUR BUILDING

### Who is Patrick Mailloux?

An entrepreneur with more than 25 years of experience in the technology sector, with a specialization in the Internet of Things (IoT), he is a business strategist focused on results, with numerous accomplishments and successes to his name. He has contributed to international solutions and demonstrated visionary leadership.

He has coordinated and led major high-tech projects while building, motivating, and guiding work teams. "We have built one of the best IoT teams in Québec, because we expect that risk-management products will all be connected to our smartphones in the future. We are very proud of our solutions developed here in Québec, which are currently offered in Canada and the United States."

### To contact Patrick Mailloux :

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### AkiSens and Its Values

The AkiSens team applies the same philosophy to its corporate culture as it does to its technology. Both take time to develop and require constant research and development efforts, not to mention major investments. "Just like a product, corporate values are not built in a day. We must continually think about how to make them evolve and reaffirm them so that they remain relevant for our team," says Patrick Mailloux.

In short, we continuously improve our work methods by involving the entire team — engineers, customer service, sales, and management. In doing so, we show that it is entirely possible to create both a product and a culture that encourage transparency, trust, and commitment toward a common goal: protecting buildings from risks!

### Risk Management in Co-Ownership

To keep a building healthy, syndicates of co-ownership must know and track at all times the history of their building, its condition and protection, a log of completed annual maintenance, and an asset-management plan.

## AkiSens



Directors also have a duty to ensure the safety of occupants, to protect the financial capacity of co-owners, and to guarantee the long-term sustainability of co-ownerships. Thus, the government establishes laws that now help promote the maintenance of a healthier co-ownership real-estate stock in order to ensure the continued insurability of a syndicate. Poor maintenance of a building has serious consequences that can lead to various losses and, above all, significant financial damage — as is the case with water damage, which remains far too frequent.

### Risk-Management Platform

AkiCentral is a powerful intelligent platform that allows remote, real-time monitoring and control of your building. All AkiSens systems can be managed using a highly intuitive dashboard. Users can receive alerts via text message, email, or even on a landline phone with a prerecorded message in French or English. These alerts may include water detection, the movement or repositioning of a detector from its base (known as a “risk zone”), a freeze hazard in a room of your condo, or a low detector battery. Above all, the AkiCentral platform allows users to view the status of the system and each of its components. Administrators and managers also have secure access to the building’s global co-ownership platform — all in a



simplified, at-a-glance view, without having to visit each condo! We offer several types of alerts and reports for our users, as well as a specialized platform for each co-owner, for the syndicate’s administration, for property managers, and for owners of multi-unit residential buildings.

AkiCentral is secure thanks to our encrypted servers, and all data are stored in our cloud environment. Your information remains fully protected at all times.

### The Most Advanced Water Detector

It quickly detects water leaks, humidity, temperature, and low battery levels. However, what most sets it apart from our competitors is that AkiSens knows the position of the detector and the exact time it may have been moved from its secure location. You can know whether it is in the right spot — that is, under the designated risk zone. This detector has been carefully designed to consume very little energy, resulting in a battery life of up to ten years.

## SMART WALL-MOUNTED CONTROLLER

The AkiSens smart controller ensures the proper functioning of the components within risk-management systems.

- User-Friendly
- Compatible with the AkiCentral platform for all types of users (co-owners, tenants, managers, directors, concierges, etc.)
- Audible alarm when there is a risk of water damage or freezing
- Secure wireless network
- Continuous monitoring of sensors
- Equipped with LoRa technology

*The complete solution to protect your building from water damage!*

## Automated Valve

The AkiSens system uses an automatic shut-off valve installed on the domestic water-supply line of your unit. When the detectors pick up a water leak, a signal is sent to the smart controller via radio frequency to activate the closing of the downstream water valve, preventing the risk of major flooding.

## Extended Absence from Your Condominium and More

To comply with insurance requirements, when there is no human presence in the dwelling, the insurer requires that the unit's main water valve be closed. To ensure that this condition is met — and to prevent users from forgetting to shut off the water before an extended absence — AkiSens also offers a motion detector that triggers the closing of the main valve when no presence is detected in the condo, and automatically reopens the valve as soon as someone enters the unit. It can even be used as an alarm system with a presence-detection option, since you will always receive notifications about the valve's status. This detector is very popular among snowbirds, in seniors' residences, student housing, and in common areas of co-ownership properties.

## The Flow Meter That Reveals the Secrets Hidden in Your Walls!

It is now possible to detect downstream water leaks that may occur if a pipe breaks inside the walls or ceilings of a specific condo in the building. If it detects an abnormal flow rate, the system will completely shut off the main water valve. There is also an environmental benefit with the flow meter, as it will also close the valve if a

toilet flapper remains open, and the water will be cut off after a certain period of continuous flow. It is also possible to view water consumption (hot and cold) through a simple graphical interface in AkiCentral.

## Secure Local Network

We establish a LoRaWAN network, a long-range, low-power wireless protocol designed to connect smart devices to the Internet — such as our smart controllers — in buildings where traditional cellular connectivity is not possible or is too costly. It is an efficient and durable solution to help buildings become intelligent.

## More Than Three Years of Warranty: Confidence in Our AkiSens Technology

AkiSens offers an extended warranty of an additional two years on its products. In the design and production of water-damage prevention systems, product quality is assessed based on compliance, technical specifications, durability, reliability, and performance. High quality means that the product operates properly, is free of defects and false alerts, and meets the expectations of the clientele for whom AkiSens designed its systems — namely co-ownership properties and multi-unit residential buildings.

## Property Insurance and Prevention of Water Damage

Some insurance brokers now offer substantial discounts on commercial insurance premiums for syndicates, and several other insurers also offer premium reductions on co-owners' home insurance. Add up all these combined savings and subtract the trouble and the loss of time and money involved in dealing with a claim. The cost of a claim for a co-ownership — and

especially the impact on human capital — is far too high to consider that the investment is not worthwhile. Often, the cost of a single claim exceeds the cost of integrating such technology into the units of your building — something worth keeping in mind!

## Growth of AI and IoT

By 2025, there are expected to be 42 billion devices connected to the IoT (Internet of Things) worldwide. This is where artificial intelligence comes into play, enhancing its learning capabilities through the connectivity of Internet-enabled devices. The goal is to transform IoT data into useful information to improve decision-making processes in risk management, among other applications.

## Conclusion

AkiSens aims to be much more than a technology. It is, above all, a year-round service — 365 days a year, seven days a week, and 24 hours a day — that ensures ongoing monitoring of risk management following the installation of AkiSens in a building. Such an investment deserves continual attention to compensate for human error and oversight. It is essential to better monitor and prevent behaviours that could collectively create harmful risks, such as having to endlessly replenish the syndicate's self-insurance fund.

Moreover, AkiSens continues to develop products that will always integrate seamlessly into our platform, allowing us to pursue our mission as a leader in risk management and to protect your real-estate investment. Do not hesitate to contact our co-ownership specialists for support throughout this process!

[www.akisens.com](http://www.akisens.com)

# Virtual Meetings: Preserving the Right to Speak Without Losing Control

Holding co-ownership meetings virtually has become the norm for many syndicates. With this widespread adoption, co-owners' right to speak remains a cornerstone of co-ownership democracy.

by **Caroline Martel**

**B**ut we must now contend with technological constraints, the need to maintain decorum, and a more demanding role for the chairperson. Me Yves Papineau sheds light on the adjustments needed to reconcile citizen participation with the smooth running of meetings.

## **THE RIGHT TO SPEAK: A FUNDAMENTAL PRINCIPLE TO PRESERVE**

Article 1089.1 of the Civil Code of Québec guarantees every co-owner entitled to vote the right to speak orally and immediately at the meeting—whether it is held in person or remotely. However, this right does not equate to absolute freedom of expression without structure.

"Any person entitled to vote may speak orally and immediately at the meeting".

– article 1089.1 C.c.Q.

"An assembly is not meant for chitchat. It's a serious democratic exercise with clear rules," reminds Me Papineau. He emphasizes that



must focus on the agenda, be conducted with respect for decorum, and be guided by the chair of the meeting.

## **THE VIRTUAL ASSEMBLY: A TOOL FOR CONTROL OR FOR DIALOGUE?**

Contrary to popular belief, virtual meetings do not restrict the right to speak—they organize it. "The chairperson doesn't limit speech; they structure its exercise to prevent disorder," notes Me Papineau.

Technology makes it possible to avoid interruptions, control microphones, and channel interventions. Misused, however, it can create an atmosphere of mistrust or a sense of censorship. "Some people miss being able to 'chat with others.' But even in person, side conversations are not desirable during a meeting," he points out.

### **CHAT: CHANNEL FOR EXPRESSION OR PANDORA'S BOX?**

Chat is often used as a complement to oral interventions. It can help rephrase questions, document discussions, and allow participants to vote or propose resolutions.



#### **BEST PRACTICES FOR CHAT**

1. Explain its use at the start of the meeting.
2. Appoint an officer responsible for moderation.
3. Limit chat to questions related to the agenda or to technical/support issues (e.g., sound or video problems).
4. Schedule a specific time to respond to chat questions.
5. Export the chat history at the end of the meeting for documentation purposes and specify whether it will be attached to the minutes.

### **GOOD PRACTICES FOR A SUCCESSFUL VIRTUAL MEETING FOR THE CHAIR:**

- Remind participants of the speaking rules at the start of the meeting;
- Clearly explain how the chat will be used and moderate it if necessary;
- Designate a resource person to provide technical support;
- Ensure compliance with the agenda and speaking times;
- Remain impartial and keep the focus on collective decision-making.

### **FOR CO-OWNERS:**

1. Log in a few minutes early to test sound and video;
2. Ask questions while respecting the speaking order;
3. Use the chat courteously and only for relevant topics;
4. Read the agenda and preparatory documents before the meeting.

**Astuce :** Une courte séance d'essai avant l'assemblée permet de désamorcer les problèmes techniques... et les tensions.

If not properly regulated, it can unfortunately lead to issues such as off-topic exchanges, anonymous remarks, or the inadvertent exclusion of co-owners who are less comfortable with the tool. Me Papineau recommends that syndicates set clear rules in advance: "Chat should not become a parallel microphone where anything can be said without moderation."

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Management Column

## A BALANCE TO STRIKE: PARTICIPATION, RESPECT, AND TRANSPARENCY

Contrary to some concerns, virtual meetings can actually foster a more respectful and orderly atmosphere, with fewer interruptions, more thoughtful interventions, and better time management. That said, equitable participation depends on proper technical preparation and raising awareness among all participants. "Some people say they're not good with computers," concedes Me Papineau. "But there are others who don't drive and can't make it to a meeting room. These are equivalent constraints."

## PERSPECTIVES: CLARIFY THE FRAMEWORK OR CHANGE THE CULTURE?

While article 1089.1 of the Civil Code of Québec sets out clear parameters for the right to speak, its application in a digital context is evolving. Me Papineau advocates for collective accountability rather than legislative reform. "The problem isn't the technology, but sometimes the attitude of those who refuse to abide by its rules."

He encourages co-ownership syndicates to provide proper training to their meeting chairs, adopt clear procedures, and help co-owners understand their role within a structured democratic space.

## FOSTERING DEMOCRACY, EVEN FROM A DISTANCE

In the digital age, the right to speak in co-ownership meetings is far from being threatened – it is transforming. By adapting practices, strengthening guidelines, and fostering a culture of respect and rigor, virtual meetings can not only preserve the essence of co-ownership democracy but also enrich it. By promoting greater accessibility, smoother management of discussions, and increased control over interactions,



## THREE COMMON MISCONCEPTIONS ABOUT VIRTUAL MEETINGS

### Misconception No. 1:

"I can't talk to the others."

**Reality:** The meeting is not a free socializing opportunity, whether in person or online. All exchanges are structured by the agenda and led by the chair of the meeting.

### Misconception No. 2:

"The chat is a free-for-all zone."

**Reality:** Like the microphone, the chat must be moderated. Its purpose is to support the meeting's flow, not to replace structured debates.

### Misconception No. 3:

"Virtual meetings are less democratic."

**Reality:** In practice, virtual meetings often encourage better participation, notably thanks to increased accessibility and higher quorum rates.

virtual meetings can enhance the collective experience of co-owners.

The issue does not lie solely in technology, but in each person's commitment to respecting democratic principles, fostering a spirit of respect and transparency, and maintaining a balance between individual participation and collective cohesion. Ultimately, a successful virtual meeting relies on a compromise between innovation, rules, and a shared willingness to maintain open and constructive communication – essential to the proper functioning of a co-ownership. □

## Living in Co-ownership

What if the key to a well-managed co-ownership lay... in its records? Plans, contracts, reports — each document forms a pillar of the building's collective memory. This article explains why documentation is far more than a mere formality.



# Co-ownership Syndicate: The Documents That Protect Your Investment

by **Caroline Martel**

### AN ESSENTIAL COLLECTIVE MEMORY

In co-ownership management, the administrators' memory alone is not enough. It is the records – well organized, complete, up to date, and accessible – that ensure continuity, transparency, and rigor. Without them, decisions are made blindly, interventions become reactive, and the value of the units is weakened.

Yet too many syndicates still neglect the importance of proactive document management. Lack of time, limited knowledge of obligations, or frequent turnover among administrators often explain these shortcomings – but do not excuse them. Over time, the quality of documentation becomes a marker of a syndicate's overall health..

Réjean Touchette, a professional technologist and contingency fund study specialist, regularly observes the concrete consequences of this negligence: "Out of ten co-ownerships, only three or four are able to provide the minimum amount of information needed for a serious study. And sometimes, even after a previous study has been done, the work carried out since then is not documented."

This lack of continuity in building knowledge stems from several factors: frequent changes of managers, annual turnover of board members, or undocumented departures of key people such as caretakers. "I was once hired solely to extract information from the head of a caretaker who was retiring. He was the only one who knew what had been done over the past ten years."

Mr. Touchette's dream? That we no longer find ourselves in such situations. He envisions a system so intuitive that board members would naturally want to record information. "I'd like it to be possible to know at a glance when each piece of equipment was installed. A numbered register or even a simple label should make it immediately clear." For him, the challenge is to prevent crucial information from being lost every time there's a change in management or personnel.

This break in the information chain has a direct impact on two key tools: the maintenance logbook and the contingency fund study. According to Bill 16, the maintenance logbook must record both what has been done and what remains to be done. For Réjean Touchette, "the maintenance history is just as crucial as the planning because it directly influences the durability forecasts for the building's components."



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## Living in Co-ownership

### CO-OWNERSHIP SYNDICATE: THE DOCUMENTS THAT PROTECT YOUR INVESTMENT

#### A LEGAL OBLIGATION... BUT ABOVE ALL, A STRATEGIC LEVER

The Civil Code of Québec requires the preservation of a wide range of documents: legal, financial, technical, administrative, and safety-related. These requirements protect co-owners' rights and govern the management of common areas. But they also play a strategic role: ensuring continuity and avoiding costly mistakes.

Patrick Ouellet, structural engineer – an essential specialist in the construction field who ensures the safety and durability of structures – sums it up this way: “Documents are the memory of the co-ownership. They prevent you from having to start from scratch with every change in management or administration, and they protect against ill-advised decisions.”

Well-structured documentation also facilitates the relationship with co-owners because it allows decisions to be explained, costs to be justified, and transparency to be demonstrated – thereby strengthening trust in the management.

It also constitutes an essential foundation and a guarantee of rigor for a reliable contingency fund study. “A study relies on the technical information available. If we don't know the installation date of a roof membrane or what has been replaced over the years, the projections are weakened,” emphasizes Réjean Touchette.

#### THE GREAT FORGOTTEN: TECHNICAL DOCUMENTS

While legal and financial aspects are generally well covered, the technical component is often overlooked. Yet, it is crucial for preventive and efficient management.

Original plans, maintenance log, inspection reports, shop drawings, equipment manuals – these documents are far from mere administrative formalities. “Having an operations manual or a plan isn't just about having another piece of paper. It's the key to understanding how the building is constructed, how it works, and how to maintain it efficiently,” explains Patrick Ouellet, Eng. “Without them, we often end up having to open walls to piece the information back together, which is costly and leads to unnecessary complications.”

The importance of the maintenance log is just as crucial: “Without the maintenance log, management is done in crisis mode. And often, by then, it's already too late,” he adds.

Réjean Touchette adds: “Original technical information such as warranties, acquisition costs, or the year of installation is often missing. In large co-ownerships, this can mean tracking hundreds or even thousands of elements.”

Yet, there's no need for specialized software. "Word and Excel are fantastic. They can be used to build an effective and user-friendly archival base. What matters is that it's simple, structured, and easy to update." He also hopes to foster a lasting archiving culture adapted to the volunteers who are often responsible for management.

The traceability of interventions and materials used is therefore essential. Without it, managers risk repeating the same mistakes or overlooking structural issues. In some cases, warranties on certain equipment can even be lost due to a lack of documented proof of maintenance.

The example speaks for itself: "After noticing cracks forming in a wall, a thorough investigation had to be carried out – the absence of plans made it necessary to open up walls and ceilings to reconstruct the structure of an eight-unit co-ownership building. The wall was not designed to be load-bearing, and the cracks were caused by an undersized column installed during construction. Without plans to guide the intervention, a high price was paid just to uncover the source of the problem," explains Patrick Ouellet.

Several structural components made of wood (roof trusses, floor joists...), concrete (prefabricated concrete panels), and steel are designed by suppliers, who hire their own engineers. The design drawings for these elements are called "shop drawings," and they are often missing from the available documentation, even though they are just as essential. "They're the poor relation of documentation. Yet they're the ones that prevent interpretation errors on-site," adds the building structure expert.

## REAL AND TANGIBLE CONSEQUENCES

Neglecting record-keeping can lead to major consequences: insurance refusal, loss of subsidies, legal disputes, or even the inability to prove the compliance of an installation.



### PRACTICAL SHEET: ESSENTIAL DOCUMENTS TO KEEP

Type of Document	Concrete Examples	Main Purpose	Current State
<b>Legals</b>	Declaration of co-ownership, by-laws, register of co-owners	Define the building's rights and rules	<input type="checkbox"/> Available <input type="checkbox"/> Incomplete <input type="checkbox"/> Non-existent
<b>Administrative</b>	Minutes, Contracts, Legal Correspondence	Ensure the traceability of decisions	<input type="checkbox"/> Available <input type="checkbox"/> Incomplete <input type="checkbox"/> Non-existent
<b>Financials</b>	Financial statements, budgets, contingency fund studies, self-insurance fund	Manage resources, plan investments	<input type="checkbox"/> Available <input type="checkbox"/> Incomplete <input type="checkbox"/> Non-existent
<b>Technicals</b>	Plans, maintenance logbook, expert reports, shop drawings	Prevent problems, optimize work	<input type="checkbox"/> Available <input type="checkbox"/> Incomplete <input type="checkbox"/> Non-existent
<b>Compliance and safety</b>	Certificates, compliance reports (elevators, sprinklers, etc.)	Comply with regulatory standards	<input type="checkbox"/> Available <input type="checkbox"/> Incomplete <input type="checkbox"/> Non-existent
<b>Digital</b>	Backups, platform access, filing plan	Ensure the sustainability of information	<input type="checkbox"/> Available <input type="checkbox"/> Incomplete <input type="checkbox"/> Non-existent



**Tip:** "Open the [PDF] files – the file name alone isn't enough; it can even be misleading. Check what each document actually contains." - Patrick Ouellet



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## Living in Co-ownership

**CO-OWNERSHIP SYNDICATE:**

**THE DOCUMENTS THAT PROTECT YOUR INVESTMENT**

With every transition—whether a change in manager or administrators—the risk of information loss increases.

And when it comes time to prepare a contingency fund study, these gaps become obvious. “Poor documentation is like trying to make a household budget without knowing whether the roof is new or at the end of its life. You’re navigating blind,” illustrates Réjean Touchette. He also emphasizes that minutes alone are not enough: “What’s needed are the technical details of the work, not just proof that it took place.”

A document audit can sometimes reveal the extent of the shortcomings. In fact, professional managers often make it a prerequisite before accepting a mandate, knowing that an incomplete file complicates their work and increases risks for the syndicate.

Without a proper document structure, decisions are based on assumptions rather than facts. This weakens not only day-to-day management but also the building’s asset value.

## TECHNOLOGY TO THE RESCUE

Digitization now makes document management easier: cloud platforms, automatic backups, smart filing systems, access logs... The tools exist, but they don’t replace good habits such as updating documents after every event (work, meetings, contracts), performing regular checks, and maintaining centralized archiving.

Réjean Touchette emphasizes: “In 95% of syndicates, it’s volunteers who handle the files. It needs to be simple and intuitive.” He dreams of a true documentary handover between the caretaker, the manager, and the board of directors. “Not just a quick note in an email, but a real transfer of responsibility.”

Although it’s also possible to recover lost documents, the task can be difficult. For newer buildings, architectural or engineering firms can provide electronic copies, usually for a fee. For older buildings, the plans filed

with the municipality when the permit was requested often provide a good starting point. Some managers even go so far as to rebuild a missing maintenance logbook based on a thorough inspection of the building.

## THE DREAM OF A DIGITAL MEMORY

The future may lie in the adoption of evolving digital models, such as BIM (Building Information Modeling). These models integrate all technical disciplines and are updated as renovations take place.

“I dream of an easy-to-consult 3D digital model, passed down over decades and updated with every renovation and replacement. It would be the living memory of a building,” notes Patrick Ouellet.

## PROTECTING YOUR INVESTMENT, ONE DOCUMENT AT A TIME

A syndicate’s documentation is more than just an administrative file. It’s a governance tool, a financial lever, a legal safeguard, and a technical guide. Keeping these records up to date is part of the duty of care owed to today’s co-owners... and it protects both the value of the building and the interests of those who live or invest in it.

Boards of directors come and go. Managers change. But the documents ensure consistency, continuity, and transparency.

In short, establishing a continuous, simple, and accessible documentation culture not only preserves the building’s history but also ensures that each generation of stakeholders can make informed decisions. 

<sup>1</sup> Building Information Modeling translates into French as modélisation des informations de la construction. It’s an innovative project management method in the construction field, based on a three-dimensional (3D) digital model of a building. This approach allows designers, builders, and managers to better understand, coordinate, manage, and maintain buildings throughout their entire life cycle.

# Earthquakes in Québec: Is Your Co-Ownership Truly Protected?

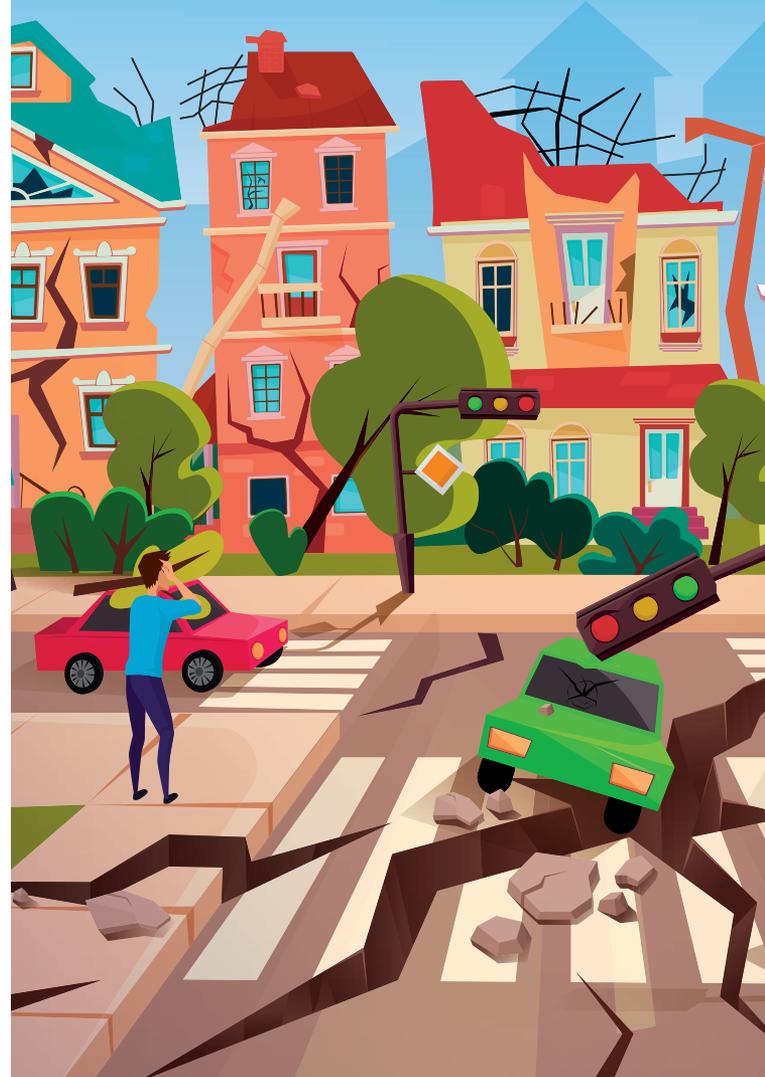
Although Québec is much more exposed to earthquakes than most people think, the majority of co-ownerships don't have the protection needed to deal with a disaster.

by **Véronique Martel**

## THE “EARTHQUAKE” ENDORSEMENT

Few insurance policies for Québec co-ownerships cover direct damage caused by an earthquake. To obtain this protection, an endorsement must be added to the syndicate's insurance policy. It's important to distinguish between two different types of risk:

- **Direct damage** to the building caused by the earthquake (weakened foundations, collapses, etc.), which is rarely covered;
- **Indirect damage** resulting from consequences of an earthquake (fire, explosion, smoke, landslide, subsequent flooding, etc.), which is generally covered.



## QUÉBEC: SECOND HIGHEST SEISMIC ZONE IN CANADA

A little-known fact: Québec is the second most significant seismic zone in Canada, after British Columbia. The three main seismic zones in Québec are:

1. Charlevoix-Kamouraska;
2. Western of Québec (the Ottawa Valley, the region between Montréal and Témiscamingue, as well as the Laurentians);
3. The Bas-Saint-Laurent and Côte-Nord.

Natural Resources Canada estimates that over the next 50 years, there is a 5% to 15% probability that a major earthquake will strike this zone—where 75% of Québec's population lives!

A survey by the Insurance Bureau of Canada (IBC) reveals that 33% of Quebecers mistakenly believe they are covered for earthquakes under their basic home insurance, while only 4% actually have adequate coverage.



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## Insurance

### EARTHQUAKES IN QUÉBEC: IS YOUR CO-OWNERSHIP TRULY PROTECTED?

Paradoxically, about 85% are insured for damage resulting from a fire caused by an earthquake. This is due to a lack of knowledge about insurance products, a low perception of risk, and premiums that are considered expensive. In fact, the deductible associated with this coverage is often much higher than that of standard home insurance—ranging from 5% to 20% of the insured value..

By comparison, in British Columbia, about 65% of homeowners are covered for direct damage caused by an earthquake.

### EARTHQUAKE VICTIMS WITHOUT INSURANCE

For co-owners and syndicates, the economic consequences would be nothing short of catastrophic. The Insurance Portal of Canada estimates that “more than 95% of losses would be uninsured in the event of an earthquake in Québec.”

The syndicate would therefore have to cover all the costs, meaning extremely heavy special assessments imposed on co-owners. On top of that, reconstruction timelines would likely be extremely long due to limited liquidity and the syndicate’s responsibility for managing the work. In the event of major damage, the syndicate’s lack of funds could lead to the demolition of an uninsured building, a freeze on unit sales (no buyer or lender would want to get involved), or a significant drop in the market value of the units.

The first step is to review your current insurance policies. Many co-ownerships are already covered for fires caused by an earthquake, either directly in their policy or through an endorsement. However, few are covered for damage caused by the quake itself.

The IBC strongly recommends adding the endorsement for properties located in Québec’s seismic corridor. In case of doubt, a structural engineer can carry out a technical assessment of the building’s structure and vulnerability to support the syndicate’s decision-making. For example, unreinforced masonry structures (brick, concrete, without reinforcement) and buildings constructed before 1985 are often more vulnerable to tremors, as are buildings built on soft or clay soils.

In short, adequate coverage starts with a clear understanding of the risks. When it comes to earthquakes, it’s better to prevent than to rebuild... at your own expense. □

# Shared Spaces and Community Living: Levers for Cohesion and Added Value in Co-Ownership



Living in co-ownership means sharing common spaces that foster solidarity and social connections.

by **Caroline Martel**

**I**n a context where quality of life and sustainability are crucial, shared spaces play a strategic role. When well designed, these areas not only beautify buildings but also foster mutual support, enhance residents' well-being, and strengthen community dynamics. Moreover, proper management can increase property values. As such, designing these spaces to be welcoming and sustainable is essential to transform a building into a true living environment.

## **THE BENEFITS OF INVESTING IN QUALITY COMMON SPACES**

Well-designed outdoor spaces can increase a building's value by 5% to 20%. Buyers are increasingly attentive to the quality of shared spaces, which reflect the image and management of the co-ownership.

These spaces encourage social interaction, break isolation, and strengthen the sense of belonging. In multigenerational or multicultural buildings, they facilitate exchanges and foster mutual respect.

## Living in Co-ownership

### SHARED SPACES AND COMMUNITY LIVING: LEVERS FOR COHESION AND VALUE CREATION IN CO-OWNERSHIP

#### MANAGEMENT, MAINTENANCE, AND SHARING: A COLLECTIVE RESPONSIBILITY

The success of a shared space project relies on careful, collective management. From the outset, it's recommended to include an annual maintenance plan and define responsibilities within the co-ownership by-laws. Creating a maintenance committee made up of volunteer co-owners helps distribute tasks and ensure regular follow-up.

Some co-ownership syndicates choose to hire professionals, such as horticulturists or specialized companies, to ensure high-quality maintenance of shared gardens while reducing tensions related to collective management.

#### PROJECTS THAT BUILD VALUE AND FOSTER COHESION

Certain types of developments stand out for their ability to generate both value and cohesion:

- **Community gardens:** They promote urban agriculture and offer opportunities for intergenerational learning.
- **Shared terraces:** These relaxing spaces become highly valued gathering places, especially in urban areas.
- **Multifunctional spaces (pavilions, play areas, outdoor work zones):** They meet the diverse needs of residents and foster intergenerational and intercultural interaction.

#### MOBILIZING CO-OWNERS: AN ESSENTIAL APPROACH

Before starting a project, it's essential to secure co-owners' support. Surveys, co-creation workshops, or special meetings make it possible to gather expectations and foster resident engagement.

Calling on professionals, such as a landscape architect or an urban planner, helps turn ideas into realistic, well-adapted projects. Of course, transparency regarding costs, expected benefits, and the impact on common expenses is essential to avoid resistance.

#### LIVING TOGETHER IN A MULTIGENERATIONAL AND MULTICULTURAL CO-OWNERSHIP: A DESIGN AND COLLECTIVE MANAGEMENT CHALLENGE

Modern co-ownerships are home to an increasingly diverse mix of generations and cultures. While this diversity is a source of richness, it also brings challenges in managing shared spaces and maintaining quality of life. Well-designed and inclusively managed shared spaces can be powerful tools to strengthen cohesion and prevent tensions.

#### UNDERSTANDING SOURCES OF FRICTION TO BETTER ADDRESS THEM

Tensions between residents often arise around noise management, the use of shared spaces, and respect for collective rules. Older residents may be disturbed by the more festive lifestyles of younger ones, while the latter sometimes see certain rules as outdated or restrictive.

Cultural diversity adds another layer: differing social norms, language differences, and food or religious practices can lead to misunderstandings or tensions if they're not taken into account in the design and management of shared spaces.

#### INCLUSIVE DESIGN AND COLLABORATIVE MANAGEMENT FOR COMMUNITY LIVING

To turn diversity into a collective asset, it's essential to design spaces that encourage interaction and respect for differences. For example, adaptable multifunctional spaces can be used for both quiet and festive activities depending on the time of day or year. Intergenerational relaxation areas with furniture suitable for all ages foster informal exchanges, while shared gardens or terraces encourage collective projects—such as gardening or neighbourhood parties—creating opportunities for cooperation.

The management of these spaces must also be inclusive, taking into account the diverse needs and expectations of residents. Proactive communication and the organization of tailored community events—such as intercultural workshops or neighbourhood parties—strengthen collective engagement. In addition, periodically reviewing the by-laws to adapt them to the realities of the co-ownership encourages everyone's participation.

By integrating community living into the management and design of shared spaces, co-ownership syndicates can turn the challenges of diversity into opportunities to enhance the building's value and strengthen the social fabric.

#### A KEY TO VALUE CREATION IN CO-OWNERSHIP

Investing in quality shared spaces and fostering community living in diverse co-ownerships are powerful levers for creating harmonious, attractive, and sustainable living environments. By encouraging consultation, collaborative management, and inclusion, co-ownership syndicates can turn these challenges into real opportunities for property value enhancement and social cohesion. 

# Unlimited guidance on co-ownership management



by **Céline Germain**,  
Information and  
Management Advisor  
since 2021

## Outdoor Parking and the Challenge of Managing Its Use

Did you know that the board of directors can adopt a directive or rule and put it into effect as soon as it's adopted? However, a few conditions apply.

The designates outdoor parking spaces as common portions for restricted use. In other words, no one other than the co-owner has the right to use that space, unless they authorize another user to do so.

However, many of you face a lack of cooperation from co-owners and residents when it comes to respecting the use of the building's outdoor parking spaces, despite repeated requests. This situation generates conflicts between co-owners, as well as between co-owners and administrators, and often negatively impacts everyone's quality of life.

### The challenges encountered are numerous, with the most common being:

- Encroaching on a neighbour's space
- Parking in the visitors' space
- Performing maintenance or repair work on the vehicle
- Storing one's vehicle
- Parking on a common portion

Obviously, the police won't intervene since this is private property. So how can you ensure effective management of your parking spaces?

### Several solutions are available to you, including the following:

- Mark boundary lines to clearly define each parking space;
- Park within the designated lines of the parking space;
- Number each space, including those reserved for visitors  
Distribute a sticker showing the parking space number and unit for each co-owner's vehicle, to be placed on the windshield;
- Number a visitor card for each unit, to be placed inside the visitor's vehicle;
- Post a "No Parking - Towing at Owner's Expense" sign (and arrange a contract with a towing service beforehand);
- Install surveillance cameras and a sign informing people of their use;
- Move vehicles out of the parking area to avoid obstructing snow removal operations;
- Prohibit the parking or storage of recreational vehicles, personal watercraft, snowmobiles, and any vehicle not governed by the Highway Safety Code;
- Ultimately, impose the fine provided for in the declaration of co-ownership on any offender.

In the name of the common good (C.C.Q., art. 1039), the board of directors may decide, during its meeting, to immediately implement rules—for example, requiring vehicles to be moved out of the parking area during snow removal.

Furthermore, in accordance with Article 335 of the C.C.Q., the board of directors may decide to immediately install a "No Parking - Towing at Owner's Expense" sign (after entering into a contract with a towing service beforehand). However, this rule must be ratified at the next co-owners' meeting.

In both of the above cases, it is essential that all co-owners be promptly informed of the implementation of these two directives.

In addition, other solutions require a vote at a co-owners' meeting (C.C.Q., art. 1096), such as prohibiting the parking or storage of recreational vehicles, personal watercraft, snowmobiles, and any vehicle not governed by the Highway Safety Code (C.C.Q., art. 1097), or installing surveillance cameras.

It goes without saying that respecting the rules and directives regarding parking spaces allows everyone to enjoy their space freely without infringing on the rights of other co-owners.

For more information specific to your situation, don't hesitate to contact an information and management advisor, available through the RGCQ website. 

**Suggested reading:** Christine Gagnon et Yves Papineau, *Guide de la réglementation en copropriété divisée*, Montréal, Wilson et Lafleur, 2022.



by **Catherine Pépin**,  
administrator, RGCQ – Montréal Chapter

# New Co-Ownership Laws: A Major Impact on the Market Value of Units

**I**n recent years, the Québec legislature has introduced significant reforms governing divided co-ownership, notably through Bill 141 (2018) and Bill 16 (2019). While justified by a pressing need for administrative rigour and financial foresight, these legal changes are gradually transforming the dynamics of the real state market. The impact of these new obligations on the market value of co-ownership units is tangible and merits an in-depth analysis.

## **STRENGTHENING FINANCIAL OBLIGATIONS: SECURITY... AT A COST**

One of the key measures introduced by these reforms is the requirement for co-ownership syndicates to establish a maintenance logbook, conduct a contingency fund study every five years, and contribute adequately to this fund to ensure the financing of major long-term repairs. This increased rigour aims to prevent sudden special assessments which, historically, have led to internal conflicts and the depreciation of certain buildings.

In the short term, however, this requirement has a dual effect on market value. On one hand, well-managed buildings with a healthy contingency fund and an up-to-date maintenance logbook are becoming more attractive. Buyers are looking for financial stability and predictable fees, which gives these co-ownerships a value premium. On the other hand, buildings that are slow to implement these new obligations or are in a financially fragile position experience devaluation, as the market anticipates higher fees or poor management.

## **GREATER TRANSPARENCY AND RISK PERCEPTION**

The new laws also impose greater transparency. Indeed, every potential buyer must have access to a wide range of documents, including the maintenance logbook, meeting minutes, and financial statements. This transparency acts as a filter, revealing which co-ownerships are poorly managed or facing legal disputes, budget deficits, or deferred work. In a market with abundant supply, these factors become elements that drive prices down.

That same transparency, when well managed, works in favour of proactive co-ownerships. A well-structured syndicate that communicates effectively and complies with new legal obligations sends a strong signal to buyers: one of confidence. This can not only protect but also increase the market value of the units.

## **A STRUCTURING EFFECT ON THE MARKET IN THE MEDIUM TERM**

It is clear that, in addition to recent inflation, these obligations lead to higher fees for many co-owners. However, in the medium and long term, they contribute to the sustainability of Québec's real estate stock. They require syndicates to plan, maintain, and preserve assets. This will have a structuring effect on the market, gradually weeding out neglected co-ownerships and enhancing the value of those that apply best practices.

## **CONCLUSION**

In short, the new co-ownership laws, although demanding, establish a climate of professionalization within the sector. Their impact on market value is differentiated: they penalize poorly managed co-ownerships but reward those that adopt rigorous governance. The market, driven by the logic of transparency and risk management, will now place greater value on quality management rather than mere aesthetic or geographic appeal—a trend that is both irreversible and desirable. 

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by **M<sup>e</sup> Michel Paradis**,  
partner at Therrien Couture Joli-Cœur S.E.N.C.R.L.,  
president of the RGCQ – Québec Chapter

# The Decline of Québécois’ Interest in Divided Co-Ownership: A Highly Concerning Trend That Must Be Reversed Quickly

In recent years, there has been a marked decline in Québécois’ enthusiasm for divided co-ownership. While it was once an attractive option for gaining property ownership in major urban centres, its appeal now seems to be eroding in the face of various obstacles.

First, rising co-ownership fees discourage many buyers. These costs—which include not only the maintenance of common areas but also contributions to the contingency and self-insurance funds—have surged recently, particularly due to increased prices for materials and labour. In addition, sometimes rigid management rules and conflicts between co-owners create a tense environment, prompting some to favour more independent options, such as purchasing a single-family home or a multiplex.

Finally, the current real estate market, characterized by high prices and restrictive interest rates, reduces accessibility to divided co-ownership. Many Québécois prefer to remain renters or wait for a more favourable context before committing.

In light of these challenges, it is necessary to consider measures to restore divided co-ownership to its former appeal.

Reviving Québécois’ interest in divided co-ownership clearly requires swift government intervention, which must promptly implement the **regulatory provisions outlined in Bill 16 concerning the contingency fund, maintenance logbook, and building status certificate**. In the short term, these measures will lead to:

1. Better-maintained buildings, which will reduce medium- and long-term costs for the replacement of common areas;

2. More accurate budgets, precisely reflecting the amounts co-owners must contribute each year to maintain their real estate asset;
3. Better planning of work on common areas, allowing co-owners to budget their fee contributions well in advance;
4. Improved management by administrators, in compliance with applicable legal obligations, while poorly managed syndicates will no longer be able to conceal the true condition of their building in the status certificate that must be provided to buyers of their private units;
5. Uniformity in the administrative operation of co-ownerships, where all will be subject to the same operational obligations, and no syndicate will be able to promote itself by claiming to require much lower common fees than others.

I therefore invite citizen co-owners to support the RGCQ in its efforts to convince the CAQ government to act quickly to restore divided co-ownership to the important place it deserves within the province’s real estate landscape. 

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by **Michel Mancini**,  
administrator, RGCQ – Outaouais Chapter

# Co-Owner: A Leading Role

*“The whole world is like a stage... and throughout our lives we play many roles.”*

**T**his quote, taken from the works of William Shakespeare—a prolific and timeless author if there ever was one—invites us to reflect on the roles we have played or will be called upon to play throughout our lives. Whether as a parent or a customer service representative, society expects us to carry out the tasks entrusted to us efficiently and honestly.

So what, in this case, is our role as a co-owner? In fact, it is a multidimensional role due to the many facets it encompasses. At its core, we are co-owners. However, depending on the circumstances, we may hold multiple functions—for example, when we rent out our unit, we also take on the role of “lessor.”

How many roles can we assume in this way? Certainly several. A brief analysis, however, allowed me to identify eight of the most visible ones. I invite you to review them and recognize which ones you currently fulfill, effectively forming your co-owner profile.

**The Co-Owner-Administrator:** As a member of the syndicate, any co-owner can run for a position as an administrator. The primary responsibility of an administrator is to ensure that everyone complies with the clauses of the declaration of co-ownership. As a member of the board of directors, you may also take on one of the following additional roles within the board: president, vice-president, treasurer, or secretary.

**The Co-Owner-Manager:** This person handles the day-to-day administration of the co-ownership. They act as an administrator of another’s property, responsible for routine management. They report to the board of directors, which can replace them if they fail to pay their contribution to the common expenses.

**The Co-Owner-Tenant in Common:** Since a unit cannot be divided, co-owners of the same unit are also called tenants in common. They own an undivided interest in the property according to their share in the co-ownership. A tenant in common who is absent from a co-owners’ meeting is assumed to have authorized the other tenants in common to represent them.

**The Co-Owner-“Legislator”:** As a member of the syndicate, every co-owner is part of the general meeting of co-owners. This is the supreme body of the syndicate. The assembly decides on the major directions of the co-ownership, appoints the administrators, and has the power to amend the building by-laws.

**The Co-Owner-Lessor:** This person owns the unit but rents it to a tenant. They have 15 days to notify the syndicate of the tenant’s name, the lease duration, and the date on which they provided the tenant with a copy of the building by-laws.

**The Non-Resident Co-Owner:** This person has acquired the unit as an investment but does not reside there. They are primarily interested in the financial aspect and are sometimes criticized for neglecting certain responsibilities. Due to their absence, they do not feel a sense of belonging to the community.

**The Lending Co-Owner:** This person owns their unit but lends it to a borrower who resides there. As with a rental, the lender must provide the borrower with a copy of the building by-laws.

**The Resident Co-Owner:** This person owns their unit and resides there permanently. They are required to comply with the building by-laws, respect the rights of other co-owners, and adhere to the intended use of the property. □

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The Regroupement des gestionnaires et copropriétaires du Québec (RGCQ) has been working to improve governance in the co-ownership sector for over 25 years.

It supports sound, responsible, and ethical co-ownership management, whether self-managed or overseen by professionals.

Building on its strong reputation, the RGCQ advocates for the interests of its members and the public to promote best practices and advance regulations in the co-ownership field.

It brings together all individuals and organizations with expertise in co-ownership to acquire cutting-edge knowledge and share it with the widest audience possible.

The RGCQ is the reference point for co-ownership in Québec, ensuring the sustainability and quality of this way of life.

It is a non-profit organization with more than 3,000 members, representing over 97,000 units across the province.

Our mission: to support, train, and represent co-ownership syndicates.

**We warmly invite you to consult the online version of this document by scanning the QR code below, where you will find clickable links to various interviews with our president, Me Yves Joli-Coeur. These discussions clearly illustrate our vision, commitments, and the current issues we face.**



# Becoming a Corporate Member of the RGCQ: A Strategic Decision for Your Business

**A**s a corporate member, joining the RGCQ is much more than a simple membership. It's an opportunity to position your company among the leaders in Québec's co-ownership industry, expand your business network, and benefit from exclusive services designed to strengthen your presence in the field.

## THE BENEFITS FOR YOUR BUSINESS ARE NUMEROUS — HERE'S AN OVERVIEW:

### Showcase Your Business

As a corporate member, your company gains visibility with a broad audience of co-ownership syndicates, managers, and co-owners. You'll be listed in the RGCQ Corporate Members Directory, an essential resource for syndicates seeking trusted suppliers. In addition, you'll enjoy privileged access to our events, with the option to choose from various sponsorship plans offered throughout the year. Whether at conferences, symposiums, or networking cocktails, your participation will allow you to showcase your products and services in a professional setting, strengthen your reputation, and build direct connections with a qualified clientele.

### Grow Your Professional Network

As a corporate member, you have the opportunity to meet other business leaders, share your experiences, and create new business

opportunities. These interactions foster knowledge exchange and collaboration, strengthening your position in the co-ownership sector.

### Showcase Your Expertise

Your expertise is valuable to us. As a corporate member, you may be invited to speak as a panelist at our events, contributing to participants' knowledge and positioning your company as a recognized leader in your field.

### Take Advantage of Exclusive Advisory Services

Corporate members have access to our telephone advisory service for co-ownership management, as well as a 30-minute annual legal consultation with our specialized partners. These services help you stay informed about best practices and legislative developments while ensuring your operations remain fully compliant.

### Enjoy Discounts on Advertising Placement

Increase your visibility with exclusive discounts on advertising placements in our \*Condoliation\* magazine, in the Suppliers Directory, or on our website. These targeted communication tools allow you to effectively reach your audience and strengthen your reputation in the sector.

### Ready to Join the Largest Network of Co-Ownership Specialists in Québec?

Becoming a corporate member of the RGCQ means opening up to new development opportunities and demonstrating your commitment to the co-ownership sector. □



**David Ménassé, Adm.A**  
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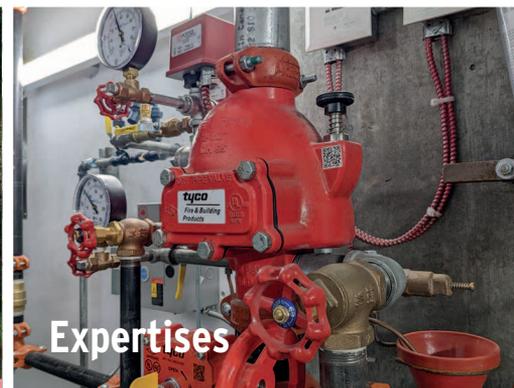
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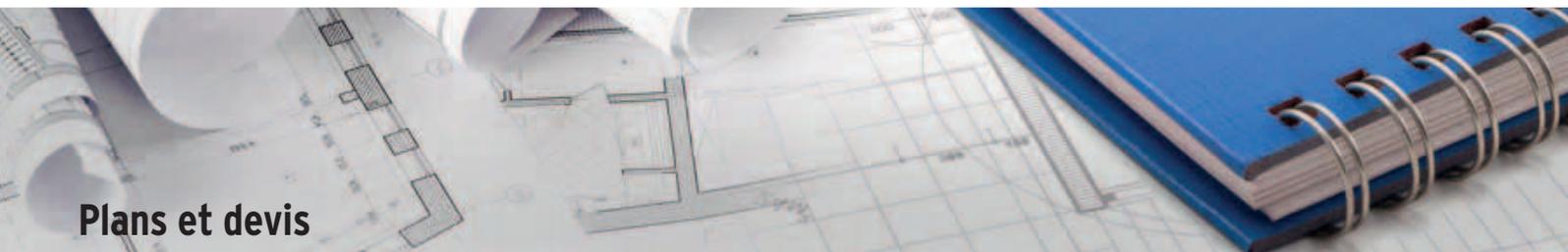
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