



# Records Management for Condo Managers

Creating, maintaining, and accessing records is an essential function in any business or organization. In the condo industry, records enable accountability on multiple levels:

- Accountability of the board of directors to owners, mortgagees, and potential buyers
- Accountability between condo management and their clients
- Accountability between condo management and the CMRAO

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## How legal and ethical obligations related to records management are enforced by the CMRAO

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When considering a complaint about a licensee's actions related to records, the CMRAO may consider the following criteria in determining an appropriate course of action:

The legal and ethical requirements to create, maintain, secure, transfer, or give access to a record.

Whether a record would reasonably be expected to be created or maintained to provide condo management services in the particular circumstances.

The nature of any direction provided by the condo board of directors about records.

The presence and quality of advice and information provided by the licensee in supporting the board's deliberations and decisions about records.

Timeliness, due diligence, quality, and completeness of the transfer of records and any extenuating circumstances that impede efforts.

Contractual requirements between the corporation and management.

## Transferring Records at the End of a Contract

While the General Regulation gives licensees 15 days to transfer records upon termination of a contract, it is often reasonable for this process to begin before the contract is officially terminated.



### Quick Tips for Condo Managers:

- Transfer documents and records to the client no later than 15 days after the termination of a contract.
- If a document or record does not exist at the time of termination, you are required to create, copy, and transfer the record to the client within 30 days of termination.
- If instructed by the client, transfer documents and records directly to the incoming manager/management company.
- In the interest of the client and as a professional courtesy to other licensees, aim for a smooth transition to the incoming manager/management company.

To see the complete guide, **Records Management for Condo Managers**, please visit the CMRAO website.

Condo Management duties regarding documents and records are addressed under section 54 of the *Condominium Management Services Act, 2015* (CMSA), and are further described under sections 34 and 35 of the General Regulation (O. Reg 123/17). The CMSA and the *Condominium Act, 1998* (Condo Act), include provisions regarding mandatory records, access to records, privacy, transfer, and retention periods.

### Professional courtesy:

A general practice of professional behaviour extended between members of the same profession



Condominium Management

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