

CO-OWNERSHIP DESCRIPTION OF THE PRIVATE PORTIONS

PANDEMIC-SPECIFIC PROVISIONS

SYNDICATE'S OBLIGATION TO PROVIDE A DESCRIPTION OF THE PRIVATE PORTIONS

A third paragraph added to article 1070 of the Civil Code of Québec (C.C.Q.) by Bill 141 requires co-ownership syndicates to make available to co-owners a description of the private portions that is sufficiently precise to allow any improvements made by the co-owners to be easily identified. Remember that this syndicate obligation has been in effect since December 13, 2018 for co-ownerships established since June 13, 2018, whereas co-ownerships established before that date have until **June 13, 2020** to comply.

REMOTE MEETINGS

Under article 1097 C.C.Q., amended by Bill 41, the first description must be approved by the majority of the co-owners representing more than half of the votes of all co-owners.

However, given the pandemic and the inability to hold meetings, the approval can now be done remotely using technological means, as per ministerial order no. 2020-029 issued April 26 by the Minister of Health and Social Services. Additionally, the Minister of Justice issued a press release April 27 on the "New Temporary Measure to Allow for Remote Meetings and Sessions."

¹ Our underlining to highlight one of the amendments to article 1073 since May 1, 2020.

SYNDICATE BOARDS OF DIRECTORS

For the same reasons, the Minister of Health and Social Services also issued ministerial order no. 2020-032 on May 5 to enable syndicate boards of directors to establish the description of the private portions. Such a description will be deemed valid until it can be approved by the co-owners at a meeting.

These measures should enable syndicates that have not yet had the opportunity to comply with article 1070 C.C.Q. to do so as soon as possible.

IMPACT OF ARTICLE 1073

On April 15, 2020, the Regulation to establish various measures in matters of divided co-ownership insurance (Regulation) was published in the Gazette officielle du Québec and came into effect 15 days later on May 1, 2020. This resulted in the new version of article 1073 C.C.Q. also coming into effect on May 1, 2020.

The syndicate must take out insurance covering the entire building, except for improvements made by a co-owner to his/her portion "where they can be identified in relation to the description of that portion¹ [...]" as article 1073 C.C.Q. now stipulates since May 1, 2020. The description referred to is the one provided for in article 1070 C.C.Q.

Consequently, since May 1, 2020, a syndicate that has not established the description of its private portions must purchase insurance for the whole building, including the improvements made by co-owners, otherwise the insurance limits for the building might be insufficient.

USEFUL LINKS

➤ [Ministerial order no. 2020-029 of the Minister of Health and Social Services](#)

➤ [Ministerial order no. 2020-032 of the Minister of Health and Social Services](#)

➤ [April 27 press release of the Minister of Justice and Attorney General of Québec](#)