



Office of the Minister
Box 2703, Whitehorse, Yukon Y1A 2C6



COPY

April 10, 2018

Paul Lackowicz
Lackowicz and Hoffman
204 Black St. Suite 300
Whitehorse, Yukon Y1A 2M9
Via Email: plackowicz@yukonlaw.com

Dear Mr. Lackowicz:

RE: Impact of the Coming into Force of the *Condominium Act, 2015*

Thank you for your letter of February 9, 2018. I appreciate you taking the time to write to me and meet with officials of the Department of Justice regarding the *Condominium Act, 2015*.

Bill 16, the *Technical Amendments Act, 2018*, was tabled in the Legislative Assembly on March 7, 2018. One part of that Bill addresses the concern you raised with the Department of Justice in November 2017 regarding amending the *Condominium Act, 2015*. The amendment is with respect to information about proposed condominium plans being provided to purchasers, as condominium plans cannot be completed and registered until the construction of the condominium itself is almost complete. I can advise that as of today's date, Bill 16, has passed first and second reading in the Legislative Assembly.

With respect to the additional issues you have raised with department officials, there has not, as yet, been sufficient time to properly analyze and approve the changes you have suggested to the *Condominium Act, 2015* or regulations.

However, department officials have confirmed to me that the purpose of the *Condominium Act, 2015* was to implement a balanced approach in the interests of all stakeholders in modern condominium transactions. They have also confirmed that it has never been the intention of the Department of Justice in bringing the legislation into effect to create rights of rescission in respect of agreements for the purchase and sale of condominium units that were entered into under the existing *Condominium Act*, which I understand is your concern. You have also advised that such concern has had the unintended effect of actively dissuading financial institutions from providing financing for condominium developments which they would otherwise approve.



Given the above, I want to take the opportunity to confirm that it is intended that the enforceability of contracts for the purchase and sale of condominium units that are signed and delivered by the parties prior to the coming into force of the *Condominium Act, 2015*, will continue to be governed by the current *Condominium Act*.

I hope the above will provide you, other stakeholders in the condominium development process and financial institutions with whom you might share this letter with comfort as to this government's intentions

Yours truly,

A handwritten signature in blue ink, appearing to read 'Tracy-Anne McPhee', with a long horizontal flourish extending to the right.

Tracy-Anne McPhee
Minister of Justice and Attorney-General