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The Residential Tenancies Branch

FACT SHEET

Registering your residential complex as a condominium: What you need to know as a landlord/owner

If you own a complex and want to register it as a condominium, there are rules you must follow. This information will help you make sure you follow all the steps you need to register your complex.

Before you start, you should know that:

- You will have to sign a statutory declaration saying that you haven't given any tenants a notice of termination for any reason, except **for cause** (ex: not paying rent, damaging the unit), in the 12 months before registering the complex .
- If you have given notice for any reason **other than cause** (ex: renovations), you will have to wait **one year** to register your building.
- If you have received an **exemption from rent regulation** because of a rehabilitation scheme, you must wait **four years** from the date the exemption begins, before you can register your complex. The branch places a notice on the title with Land Titles, which prevents registration during the four-year period.
- If you decide to sell the units in the complex, you must offer tenants their units at the same price you would charge to sell them to the public.

You may want to check with your municipality or city to make sure there are no restrictions on condominium conversions in your area or any rules that may affect you.

The Process:

Notice #1 – Proposed Registration of Declaration

You must give this notice to all of your tenants, telling them that you are planning to convert your complex to condominiums. All tenants must receive the notice at least **six months** before the date you plan to register your condominium documents at land titles. You must also give this notice to any new tenants who move in after the notice was given, up until the date of registration.

This notice must contain the following information:

1. the name of the tenant or the person who holds a **right of first refusal** (**Note:** Tenants who get a notice to move out because the landlord is doing renovations to their rental unit have a right to move back into that unit after the renovations are complete. This is called a **right of first refusal**.)
2. the address of the rental unit
3. the address of the residential complex
4. the notice of your intention to register a declaration under *The Condominium Act* for that rental unit and residential complex

5. the approximate date that the declaration will be submitted for registration – must be within the 12 months after the date you gave the first tenant the notice of the proposed registration (ex: if you give the first tenant the notice of the proposed registration January 1, your approximate date for submitting the declaration must be before December 31 of the same year)

You must also include the following wording in your written notice:

Important Information

When a declaration is registered under *The Condominium Act*, your rental unit will become a condominium unit. You have a right to receive this notice at least 6 months before the declaration is registered.

If you are still a tenant or holder of a right of first refusal when the declaration is registered, you will also have a right to receive a notice of that registration. After the declaration is registered, if you are a tenant or if you move back into the unit under a right of first refusal, you will have the right to continue living in your rental unit for

- at least two years; or
- the length of time that you continuously occupied one or more rental units in the residential complex as of the date that you received the notice of the registration; whichever is longer.

If you move back into the unit under a right of first refusal, the period of continuous occupancy will be considered to include the period from when your tenancy was terminated until you received the notice of the registration.

If the owner of the unit wishes to sell it, the owner must first offer to sell it to you at the price at which it is or will be offered to others, and on terms that are no less favourable to the purchaser. If you decide not to purchase the unit, you do not lose your right to continue living in it for the balance of the period described above.

You can find this information in the Condominium Regulation on the Manitoba Laws website at: web2.gov.mb.ca/laws/index.php.

What is the right of first refusal?

Tenants who get a notice to move out because you are doing renovations to their rental unit have a right to move back into that unit after the renovations are complete. This is called a right of first refusal. When you give a tenant notice to move, you must tell tenants that they have this right. If tenants want to exercise this right, they must tell you in writing before they move out. Tenants are also responsible for making sure you have a forwarding address for them while they are out of the unit.

What is a right of tenure?

A right of tenure is the right to stay in the unit after it is converted. It is the length of time a tenant is allowed to live in a unit after it has been converted to a condominium.

For example, if the tenant moved into the unit six years from the date you registered the building as a condominium, the tenant would have the right to stay in the unit for six years after the building is registered as a condominium. While tenants have right of tenure, you can't give them notice to move out during their tenure for any reason except cause (ex: not paying rent, damaging property).

Notice #2 – Registration of Declaration

You must give this notice to your tenants to let them know that you have registered your complex as a condominium. You must do this **as soon as possible** after the registration. This notice tells tenants about their right of tenure.

This notice must contain the following information:

- the name of the tenant or holder of right of first refusal
- the address of the rental unit
- the address of the residential complex
- the date of registration of the declaration
- the length of time the tenant or holder of a right of first refusal will be entitled to continue living in the rental unit after receiving notice of the registration
- a copy of subsections 5(2.8) and (2.9) of *The Condominium Act*

You must also include the following wording in your written notice:

Important Information

If you think you have a right to live in your rental unit for longer than the period shown in this notice, you can ask the Residential Tenancies Branch to decide the period. You can contact the Branch by phone at 204-945-2476 or 1-800-782-8403 (toll-free), by e-mail at rtb@gov.mb.ca or by mail, or in person, at the Residential Tenancies Branch office nearest to you.

If the owner of the unit wishes to sell it, the owner must first offer to sell it to you at the price at which it is or will be offered to others, and on terms that are no less favourable to the purchaser. If you decide not to purchase the unit, you do not lose your right to continue living in it.

During the period in which you have the right to live in your rental unit, the landlord cannot require you to move for reasons such as renovations or because the landlord plans to move in. The landlord can require you to move if you do not meet your obligations under *The Residential Tenancies Act* and your tenancy agreement (for example, non-payment of rent, damage, disturbing other occupants).

If you get new tenants in the complex after your complex is registered as a condominium, you must tell them that it is registered. The branch's tenancy agreement and/or Notice to New Tenant forms have a box you check to let new tenants know that the building is already registered. **If you don't tell your tenants this**, they get a two-year **right of tenure** that starts from the date they find out the building is registered.

If you have questions or need more details, contact your nearest Residential Tenancies Branch, or go to www.manitoba.ca/rtb