

AGREEMENT

CLAIMS SETTLEMENT OF CONDOMINIUMS (DIVIDED CO-OWNERSHIP)

Glossary

Common portions

The portions of the building and land owned by all the co-owners and which serve for their common use. Common portions that serve for the use of only one co-owner, such as balconies, parking areas or garages, remain common portions even if their maintenance is assumed by the user.

(Ref.: Art. 1043 C.C.Q.)

Co-owners of condominium buildings (divided co-ownership)

Individual co-owners of the private portions registered in the Register of personal and movable real rights.

(Ref.: Art. 1042 C.C.Q.)

Declaration of co-ownership

The document registered in the Register of personal and movable real rights includes:

- The constituting act of co-ownership. It defines the destination of the immovable, the private and common portions, the relative value and specifies the nature of the responsibilities and powers of the board of directors and the general meeting of the co-owners;
- the description of the fractions contains the cadastral description of the portions.

(Ref.: Art. 1052 to 1056 C.C.Q.)

The By-laws of the immovable are not registered and contain the rules on the operation and administration of the condominium.

Improvements

This term is not defined in the legislation or the policies. Insurers consider that “improvements made or acquired by the co-owners” referred to in the insurance policies are:

- any improvements made by any co-owner since the condominium was created, more specifically since the date of registration of the Declaration of Co-Ownership in the Land Register; and

- any improvements acquired over time by the co-owners over the years.

This means work carried out or expenses incurred for a property by the co-owner or a previous co-owner which creates **value-added** to the original material, fittings and fixtures. It increases the value in terms of the original value of the property in question, since the original material, fittings and fixtures are replaced by property of better quality or greater value. Thus painting is not part of the improvements, but of maintenance of the building.

Private portions

The portions of the building that are the property of a specific co-owner and that are for his use alone, generally his individual unit.

(Ref : Art. 1042 C.C.Q.)

Syndicate

Name designated under the legislation of the entity responsible for administering the condominium.

(Ref.: Art. 1039 C.C.Q.)

Syndicate's insurance

The mandatory insurance policy held by the syndicate which covers the whole condominium building, namely the common portions, the common portions for exclusive use and the private portions. This policy does not cover improvements made or acquired by a co-owner. Form IBC 4022 - Residential Condominium Corporation is a specimen of this policy.

(Ref.: Art. 1073 C.C.Q.)

Value-added

With respect to **improvements**, this is the increase in the value of the original material, fittings and fixtures of the private portions, as a result of replacement by the co-owner or a previous co-owner with material of better quality or greater value.