



Fall 2024

# Comfort Chronicle

WHY NOT BE COMFORTABLE

IN THIS ISSUE

## Watch for These

The Spring 2023 issue of the Comfort Chronicle discussed the horrific murder at a Vaughan condo and the need for government action to prevent such a horror from recurring.

In December 2023 ACMO/CCI and CAI-C sent a memo to the Provincial Government with its initial recommendation for protecting owners, staff and Boards. This memo also indicated that more recommendations would follow- which has led to a series of five letters to various government agencies recommending changes not only to the Condo Act but also to the Ontario Health & Safety Act, Criminal Code and Building Code.

ACMO's Government Relations Committee also prioritized lobbying for the "enactment of various un-proclaimed changes to the Condo Act" Section 135 (Corporation Initiated Evictions), Section 83.1 (Annual Budget), Section 83.3 (Keeping Unit Tenant Records), Section 84 (Chargebacks), Section 98 (Clarity on Maintenance & Repair), Section 21.1 (Share Agreements) (CM Magazine, Summer 2024).

In addition to the foregoing, many condo corporations have been actively considering what they can do to help manage serious harassment and violence risks. This issue will deal with some (but by no means all) practical suggestions.

In day-to-day living, Boards and Management encounter a great many different differences of opinion, rule infractions etc. This problem can be increased by the close proximity of high rise or group communities. Each corporation must have an established process for dealing with these problems which is familiar to all corporation members and which is applied consistently and fairly. Often when all stakeholders are 'on the same page' and clearly know what to expect when infractions occur, such infractions are lessened.

In short, part of the quiet enjoyment of every resident, as well as employee and contractor productivity, is the knowledge that the corporation is a safe work/living space. Ensuring that safety is the responsibility of everyone involved.

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### IMPORTANT DATES

Labour Day  
Monday, September 2,  
2024  
(Management Office Closed)  
Thanksgiving  
Monday, October 14, 2024

NEW  
ACT  
NEW  
ERA

## Can you Prevent Harassment?

Condominium living can be a double-edged sword. On one hand, close proximity can foster a sense of community but it can also cause conflicts and harassment. How can Managers and Boards minimize the possibility of such harassment? Consider the following suggestions.

Everyone wants to feel heard. Managers and/or Boards should deal with the complaining resident calmly using neutral language. Where possible, switch the conversation to potential solutions which will be agreeable to all parties.

Everyone expects their concerns to receive prompt attention and to be kept current on action being taken or to receive an explanation if no action is being taken. Sometimes holding a meeting of all parties (including a designated Board member) can amicably resolve the issue.

In some cases, however, outside help may be required (such as a member of senior management within the Management Company).



As always, detailed and accurate record keeping is essential. Managers must communicate with all parties in writing wherever possible. If one of the parties insists on communicating via telephone, managers must send an email or paper memo, copying all parties, confirming the contents of this conversation.

This practice not only protects the Managers from 'he said she said' problems but may also get those parties to stop the telephone practice when they see that all parties are being copied on the contents of those conversations.

There are always situations where either the party issuing the complaint or the one receiving the complaint is not receptive to reasonable solution seeking discussions. In such cases the corporation's lawyer should be consulted or the CAO may need to get involved via the mediation and arbitration process.

While disagreements are never pleasant, if the Manager handles them with a calm, positive demeanour, a good number of them can be resolved without permanent problems. When they can't there is always help available. Don't be afraid to use it

## What to do After Harassment Occurs

No matter how hard Managers and Boards may try to deescalate situations, there can always be those that turn into major issues.

If the Manager becomes the victim of harassment, he/she must immediately document it. All incident reports should include the time and date, location/s, witnesses and all details of the harassment.

As indicated above, Managers must also document any telephone conversations or other communications relevant to the harassment as they can become crucial evidence in the event legal action becomes necessary.

Because they are on the front lines, Managers often feel very vulnerable. This is to be expected because harassment solutions do not happen quickly. Boards and Management must assess the potential risk to Managers and act accordingly.

Boards may want to implement/upgrade security components such as installing additional security cameras etc. Managers may need to alter their usual activities until the problem is resolved. As an example, solo building inspections may need to be postponed in the short term or conducted with in-house staff.



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Boards should consult their corporations' lawyer to have a lawyer's letter issued to the source of the harassment requesting that communication with staff be limited to emails and only in case of an emergency.

There have been cases where harassment has escalated into vandalism, theft of corporation property or even physical assault. When this happens, the police must be promptly contacted. Here, all documentation previously created increases the likelihood that the problem will be resolved successfully. In some cases, restraining orders may be the best way to ensure everyone's future safety.

Harassment in condos poses an ever-increasing challenge. As we have seen such instances can range from uncomfortable to dangerous and can escalate at varying rates.

Regardless of the harassment level, each incident requires a joint response from all corporation shareholders and all harassment incidents must be reported and dealt with equally and expeditiously.

## Workplace Violence & Harassment Policy Relevance

On June 15, 2010, Ontario's *Occupational and Health Safety Act* (OHSA) enacted changes regarding workplace violence and harassment to strengthen workers' protection by placing new obligations on employers.

Among other mandates, corporations were required to develop and post their workplace violence and harassment policies and to review same annually. It also mandated that, as employers, corporations take it a step further by developing "procedures and methods to implement and maintain their above-referenced policies.

This process involves assessing the corporation's risk potential for harassment. This component may change significantly with the entrance/exit of specific residents. Results of this assessment must be reported to the corporation's Health & Safety Committee, an appointed Board representative or directly to the workers.

As employers, corporations must provide workers with both information and instruction on their policies and processes for dealing with potential violence and harassment.



Corporations are also expected to take every reasonable precaution to protect workers from injury in the workplace that may result from domestic violence.

The unique condo workplace environment requires that employees and trades enter remote areas unaccompanied. Workers must be allowed to remove themselves from harmful situations if they have reason to believe they are at imminent risk due to workplace violence.

Remember the definition of "workplace harassment" under the OHSA is much broader than that of the *Human Rights Act*.

Generally speaking, the policy should include statements regarding:

- what qualifies as workplace violence
- what constitutes a 'workplace' within a condo
- what people are covered in this policy,
- a step-by-step process for reporting, documenting and investigating incidents of workplace violence and harassment thereby ensuring prompt and thorough investigation
- a zero tolerance for infractions of the Workplace Violence and Harassment Policy
- legal consequences for any infractions of the corporation's Workplace Violence and Harassment Policy

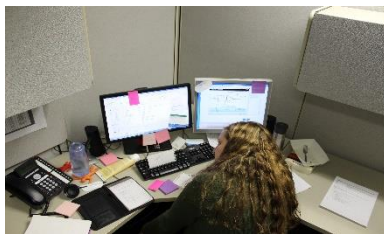
## Protecting your Corporation's Property Manager

Property Managers are front line workers – especially those who are full-time presences within a corporation. While Boards make the decisions, it is the Managers who enforce them. They are also the contact people who field complaints from irate residents.

While most Property Managers recognize the aforementioned is part of the job it is sometimes made more difficult by unrealistic Board expectations.

Most managers spend a few hours physically in each corporation. During that time, they perform inspections, meet with trades and/or residents, perform administrative functions etc. Often they manage more than one corporation so they must plan their time in each management office in order to maximize their effectiveness.

Boards should be mindful of this fact and not set unreasonable expectations. In addition, while Board liaison with Management is essential, having a Board member physically spending an unreasonable amount of time in the Management Office keeps the Manager from performing scheduled operations and is itself a form of workplace harassment.



In many cases setting a specific time for regular meetings with the designated liaison Board member solves the problem.

In this way both parties will be prepared with specific questions, answers and discussion topics and will come away from this meeting having productively spent their time together.

Management companies would be well-served by including a section specifying processes for accommodating Property Manager and Board expectations and interactions.

While harassment of the Property Manager should be reported to the Board if it is emanating from a Board member, Property Managers should report same to their immediate Property Management superior.

Whatever the source, accountability is essential. There must be a clearly defined, communicated and enforced process for dealing with this form of harassment.

## Harassment & Violence Summary

The previous articles have discussed specific scenarios and suggestions. Now it's time to summarize the main points.

Most disputes can be handled by the various de-escalation techniques routinely employed by Property Managers. In such instances no Board involvement is necessary except possibly as an entry in the Property Management report presented at regular Board meetings.

Boards frequently deal with disputes under Management's guidance. However, when basic disputes escalate into potentially dangerous situations, they must immediately seek professional assistance.

The corporation's lawyer will be familiar with steps required to successfully deal with serious problems. By this time Management will have a thorough paper trail of all actions taken by all the relevant parties. If the security threat level is high, Boards and Management should step back and allow the lawyer to manage the process. This allows them to lower the threat level by referring the problem resident to the lawyer who is more than capable of responding to same.

A potentially less familiar resource is the mental health professional. Some situations escalate because the source of the problem involves mental health issues. If done early enough in the process it may be possible to avoid escalation.

Boards and Management may also need to consult a Security expert regarding building installations and processes that could increase resident safety. This may include such things as peep holes in suite doors (may require change to corporation's governing documents regarding alterations to suite doors), security system upgrades etc. Security personnel should also be hired to attend any owners' meetings that have the potential to become contentious.

While professional associations are hopeful for legislative change, we all know that it is not a fast process. In the meantime, Boards can make the best use of the above-referenced professionals to help minimize potential harassment and/or security issues.

### Comfort Property Management

**Comfort Property** Management is proud to announce that we have again passed our ACMO 2000 recertification. This designation recognizes our continuing mission of service excellence. As always, we thank those corporations who have already entrusted their properties to our care and we look forward to a lengthy partnership with you. We also invite any condominium corporations interested in learning more about our unique management philosophy to contact us.



We are excited and proud to announce that Comfort Property Management is celebrating its twentieth year of serving our clients. We thank you for the opportunity of working with everyone and vow to continue growing and learning while we provide the highest quality service at a comfortable price.

7 Director Court, Unit 201  
Vaughan, Ontario L4L 4S5  
Telephone: 905-605-7788  
Fax: 905-605-7799  
Toll Free: 1-877-930-0111

[info@comfortpm.ca](mailto:info@comfortpm.ca)  
[www.comfortpm.ca](http://www.comfortpm.ca)

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