



Spring 2023



# Comfort Chronicle

WHY NOT BE COMFORTABLE

IN THIS ISSUE

## Condo Communities-A New Normal

As we are all aware, an upscale Vaughan condo was the scene of a bad situation gone out of control. According to one news source three board members were killed and the spouses of 2 others were injured.

We at Comfort Property Management offer profound sympathies to all members of the Bellaria Residences community.

Over the years the Comfort Chronicle has sought to help condo communities function at the highest possible level. Most of the time this goal is attainable; however, this delicate balance can be disturbed. Unfortunately, the events of last December vividly showed how extensive such a disturbance can be.

The question then arises 'what can our condo community do to ensure it doesn't happen to us? Unfortunately, the answer isn't easy and requires the meaningful action of everyone.

Documents indicated that the suspect was a resident of the condo and that he had made several complaints.

The Board responded quickly to attempt to remediate any possible source of his complaints.

This did nothing to satisfy the unit owner and the problem went from bad to worse, causing the Board to issue a restraining order against the resident.

After four years of aggravation for the Board, Management and fellow residents; , the end was almost in sight as the eviction of the resident was to be ordered the day after the murders.

In the aftermath of this horrendous event Board members and Property Managers may understandably be wondering why they are doing this? Residents too may wonder if they are safe in their own homes.

While there are no guarantees, there are steps all condo corporation stakeholders can take. Boards must enact harassment rules (see page 2 of this newsletter) to ensure that the entire condo community is aware of what constitutes unacceptable behaviour. Professional organizations have offered their expertise to the appropriate government entities to help protect everyone involved. The government must act and you, the residents must participate in this action (see page 3).

If everyone does his/her part, success is achievable.

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### IMPORTANT DATES

**Family Day**  
Monday, February 20, 2023  
(Management Office Closed)

**Good Friday**  
Friday, April 7, 2023  
(Management Office Closed)

**Victoria Day**  
Monday, May 22, 2023  
(Management Office Closed)

**NEW  
ACT**

## Does your Corporation Have a Harassment Rule?

While the Vaughan condo incident is, obviously, extreme, you would be hard pressed to find a member of property management or a Board who hasn't been intimidated by a resident.

One vehicle to mitigate such intimidation is the passage of a harassment rule (or Civil behaviour Rule). Once passed and disseminated, it will become part of the corporation's governing documents and inform all residents of what is/is not considered civil behaviour. In addition, as a governing document it will be incorporated into the status certificate package thereby sending a strong message to potential buyers about what constitutes civil behaviour and ramifications for

contravening same.

An added benefit to passing a harassment rule is that it facilitates the corporation's ability to recover court costs incurred in either securing the end of the offensive behaviour



or the removal of the offending resident.

One of a Board's main responsibilities is the safety of its stakeholders and their investment. Therefore, devoting the time to liaising with the corporation's lawyer as to exactly what constitutes 'civil behaviour' and what is considered harassment, crafting a rule and disseminating same is essential. Once established, passed and part of the corporation's governing documents, Boards will have the tool necessary to deal with individual contravention situations.

While the process is lengthy, it is an essential tool for removing the cause of a condo community's instability.

## January 1<sup>st</sup> - What Laws Should your Condo Have in Place

Every January we update corporations on the laws/rules that smooth functioning corporations should have in place. Section 56 of the *Condominium Act 1998*, and Ontario Regulation 48/01 state that corporations may pass by-laws for various prescribed purposes. **Some** by-laws that corporations should have in place are as follows:

Standard Unit By-law – helps owners and corporations ascertain their responsibilities to repair damage caused to a unit. “Standard unit” is covered in the corporation’s insurance policy while “improvements” are covered in the unit owner’s policy. By clearly defining responsibility Corporations can keep premiums under control. Passage requires the vote of owners of a majority of the units.

Director Qualification By-law – supplements corporations’ governing documents which usually only contain the minimum requirements pursuant to the *Act* by expanding what qualifies/disqualified board membership. Passage requires the vote of owners of a majority of the units.

E-meetings/E-Voting By-law – preserves for all time the corporation’s ability to use its discretion to hold electronic owners’ meetings and accept electronic and telephonic voting as defined and prescribed in the *Act*. Passage just requires a majority of unit owners present at a duly constituted meeting.

Insurance Deductible By-law – permits corporations to extend circumstances under which repair costs below their deductible may be added to unit owners' common expenses (Section 105(3) of the *Act*). Passage requires the vote of owners of a majority of the units.

Mediation/Arbitration By-law – directly results from the courts' increasing encouragement to try alternate dispute resolution forums. The process for doing same is best outlined in a by-law. It also outlines all parties' responsibilities to the process. Passage requires the vote of owners of a majority of the units.

If your corporation is missing some/all of the above it's time to rectify the oversight.



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## What Can You Do?

As indicated on Page 4 of this issue, the Canadian Condominium Institute (CCI), the Association of Condominium Managers of Ontario (ACMO) and the Community Associations Institute (CAI) are working to “ensure that the condo industry is better equipped to manage safety and security concerns in condo communities”. To this end, they have published an eblast asking for interested volunteers to participate in two committees whose purpose is:

1. To review opportunities for legislative reform to better protect personal safety in condos and educate government agencies about how best to minimize risk for condo communities.
2. To identify and promote appropriate mental health and conflict-resolution resources to support condo corporations in the future.

This may include better educating other organizations about condos’ unique challenges.



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While they are primarily interested in those persons with conflict-de-escalation, police services and/or mental health backgrounds, they welcome all applications as the process may require establishing subcommittees or working groups in the future.

For further information, please contact [info@cci.org](mailto:info@cci.org). Submissions should

include:

1. Nature of your role in the condo industry (e.g. manager, board member, owner etc.)
2. Brief description of your experience working to resolve violence/mental health challenges in condo communities.
3. Summary of what expertise you may bring to committees and any goals you may have in mind on this issue.

In order to find solutions to harassment, mental illness and violence in condo communities everyone must participate. The unique perspectives presented by the various stakeholders can help the government put meaningful procedures and personnel in place to protect the entire condo community.

## Where is the “Protecting” in PCOA-How Can the Gov’t Help?

Although the original intent of the Protecting Condominium Owners Act (2015) likely had nothing to do with owners’ physical safety, recent events would seem to necessitate the Ontario Government give this aspect its full attention.

Boards should consult with the corporation’s lawyer with a view to establishing a policy/procedure for dealing with mentally ill residents. However, while legislation appears to be quite clear regarding what Boards must do to accommodate mentally ill residents it appears to be relatively silent on what that same legislation will do to remove potential danger that may be caused by a mentally ill resident.

Page 4 of this issue includes a press release from three of the province’s most relevant entities offering their expertise to the Provincial government in this pursuit.

Condo owners should also contact their MPP to put pressure on the government to, at least, begin working on a province-wide process to enable Boards to deal with mentally ill residents effectively and expeditiously.

The government must also look into existing policies (or lack thereof) for dealing with potential dangers caused by mentally ill residents. When writing PCOA, all stakeholders were invited to provide input. As seen on page 3 of this issue a similar invitation regarding this problem has been issued. The key, however, is to come up with something in a timely manner so that Boards can disseminate the relevant information as soon as possible.

In conclusion, the safety of Board members as well as residents must be the highest priority. We are all aware of the Board’s responsibilities and qualification requirements. Let’s be similarly diligent in providing safety protocols for those same people.

The New  
Ontario  
Condo Act

Photo Credit: Toronto Condo News

## ACMO/CCI/CAI Joint Statement re Mental Health in Condos

The following is a précis of an e-blast received January 11, 2023.

"The Association of Condominium Managers of Ontario (ACMO), the Canadian Condominium Institute's (CCI) Toronto Chapter and the Community Associations Institute (CAI) Canadian Chapter stand together to offer condolences and deepest sympathies to everyone impacted by the events at the Bellaria Residences in Vaughan, Ontario on December 18, 2002.

Our organizations are leaders in providing education and resources to volunteer board members, condominium unit owners, managers and service providers. When complex issues arise we give our best efforts to support healthy condo communities by ensuring that they have access to needed resources.

Condos are microcosms of society governed by volunteer directors who are legally mandated to enforce the corporations' governing documents and to endeavour to protect all residents within their communities. To do so, they take advice from various professionals while investigating and addressing owners' issues and concerns. Condo disputes are not uncommon and can be particularly complex and challenging to resolve because parties to a dispute must continue to live near and regularly encounter each other in common spaces. In some cases, even when every effort has been made to resolve a conflict, no remedy can be found that leaves all parties satisfied. Litigation is a last resort and condominium evictions are extremely rare and are only pursued when the community is deemed to be at risk.

As a result of the shooting at Bellaria Residences, condominium directors may now fear getting involved in disputes and/or serving on the board. This would be unfortunate as the 12,400+ condo corporations in Ontario necessarily rely on the service of volunteers to provide governance to their communities. Minimizing the risk of personal harm on a condo's property is a critical focus. Unfortunately there are inadequate community resources available to help de-escalate conflicts. Residents, property managers, board members, staff, vendors and professional business partners alike have the right to feel safe within a condominium community.

Our organizations are jointly committed to continue:

- Identifying areas for legislative reform to better protect personal safety in condominiums and educating government agencies about how best to minimize risk for condominium communities.
- Identifying additional appropriate resources relating to mental health and conflict de-escalation to support condominium corporations in the future. This may include better educating other organizations about the unique challenges in condominiums.
- Developing and offering additional educational programming for our members to ensure that the condominium market has the best possible information available.
- Proactively supporting our membership and community through education, networking events, and advocacy.

We call on the Ontario government and industry regulators to implement legislative reform and provide additional resources to better protect all parties within condominium communities and offer the expertise of our organizations to assist in this process."

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.

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