

Is It Fair to Ask Unit Owners to be Directors?

By Gerry Bourdeau

NOTE: The following article is the view of its author and does not necessarily reflect the views of CAI Canada.

In my time as a condominium manager, I've had the pleasure of serving with many excellent directors. This article is absolutely not about whether it is possible to get quality volunteer directors from the pool of owners in a given condominium. It absolutely is possible. Sometimes, unit owners end up being very poor directors. But, in any pool of people, there will always be variation in the abilities and personalities of its constituents. In other words, this piece doesn't argue that there is something wrong with condominium owners as a group, or that condominium owners are not qualified to be directors. That will be true (or not) based on a given individual's abilities. Please keep the foregoing in mind as you read through the rest of this piece.

For some years now, I've believed that many condominiums ought to move to the use of professional directors. It might not make sense to use professional directors in every condominium, but there are a lot of condominiums where it is the only thing that makes sense. Professional directors have many advantages:

1. Without another day job or obligation, professional directors have more time to devote to learning about condominium law and management. It's not that volunteer, unit-owner directors are incapable. It's just an observation about time availability.
2. Professional directors create competition for the roles. Perhaps the preceding would prevent so many boards from being filled by acclamation.
3. Professional directors are, in theory, less biased than unit-owner directors since they are independent. As previously noted in this newsletter, in the business world, it is often the case that independent directors are mandatory.
4. Condominiums are far more complicated to run than they used to be. and it is probably not fair to throw their governance at the feet of part-time volunteers, no matter how capable they are.

Lastly, and maybe most importantly, I've added the following to the list in light of the tragic shooting in Vaughan, but also from lived experience (albeit not as severe as the Vaughan shooting): **it is, at least, socially awkward to govern one's neighbours and, at worst, dangerous.**

Condominiums are not a place where everyone gets along. Not even close! Condominiums have a lot of people living close together by design. Condominiums often represent the greatest single investment a person will make. Further the condo is often home, so there is a heightened sense of personal ownership and an intuitive expectation of control. Condominiums also have various rules and other governing laws, some of them seen as more intrusive than others, and they can drastically affect people's lives. Condominium corporations have the right and duty to lien units, go to power of sale, evict tenants, get into compliance disputes with anti-social people, and make decisions that directly affect the well-being of unit owners. **Condos are serious business, and they become more serious by the day.**

In my time as a condominium manager, I've been personally threatened and repeatedly shouted at and accosted, and so have most (if not all) of my colleagues. That said, at least we managers do not live in the same building as the people that threaten or accost us. At least we do not have to be accosted on the way to our vehicle in the morning for a chargeback or lien that happened. At the very least, it takes more effort to do that to us.

I am very concerned not only for the managers in our industry, but particularly concerned for the well-being of our volunteer directors who, in the course of performing their duties (which are not always easy or popular), are more exposed than others to repercussions by disgruntled and anti-social owners.

It's not a secret: the condominium industry needs to take a long look at itself. It straddles the line between being a homey environment where people live, and being a serious corporate environment. The preceding means that business is personal a lot of the time. The condo industry needs to pick a lane. Perhaps the more buffers there are between corporate decisionmakers and the extra-professional repercussions of those decisions, the better it is. With a little distance, maybe the industry would become less heated and more objective.

During the Covid pandemic, it was considered in poor taste for protesters to show up at Premier Ford's personal residence. This, despite the security the Premier is afforded. Our directors have no such security and are somewhat expected to be reachable, despite taking decisions that cause intense effects on the lives of the people around them. Condominiums are sometimes informally referred to as the fourth-level of government – a label that is becoming truer as more condominiums are built. Often, e-mails I receive about condominium fees or compliance matters betray that many owners psychologically *feel* like they are dealing with a governmental entity. As long as that notion exists, and especially when stressors are high outside of condominiums, we can expect intense reactions from some unit owners.

The only reasonable solution to the foregoing that I can think of, though it comes at a monetary cost, is to use professional directors. As long as condominiums are in the business of regulating interactions between neighbours, liening units, dealing with anti-social personalities, and levying sometimes large special assessments (and this list is not exhaustive), condominiums should be wary of leaving volunteers exposed.