



Date: January 17, 2024

Attention: The Hon. Doug Ford, Premier of Ontario
The Hon. Doug Downey, Attorney General of Ontario
The Hon. Todd McCarthy, Minister of Public and Business Service Delivery

Re: **Safety and Security in Condominium Communities**

Gentlemen,

Further to our letter dated December 15, 2023, we are writing on behalf of the **Association of Condominium Managers of Ontario (ACMO)**, the **Toronto & Area Chapter of the Canadian Condominium Institute (CCI-T)** and the Canadian chapter of the **Community Association Institute (CAI-C)** to present further recommendations related to safety and security in Ontario Condominiums.

Our first recommendation, attached as Exhibit 1 to our December letter, focused on privacy related to condominium owner and director's address information.

The attached Exhibit 2 discusses other possible changes to the Condominium Act for your consideration.

We would welcome the opportunity to meet with you to discuss these important concerns.

Signed,

Eric Plant, President, ACMO

Lyndsey McNally, President, CCI-T

Sally Thompson, Vice-President, CAI-C

Encls. Exhibit 2

cc. Marit Stiles, Leader, New Democratic Party of Ontario; Leader, Official Opposition
Bonnie Crombie, Leader, Liberal Party of Ontario
Mike Schreiner, Leader, Green Party of Ontario



Joint Safety and Security Legislation Committee

Exhibit 2:

RECOMMENDATION RE: *Condominium Act* – Potential Amendments

This document identifies updates to the key current Condominium legislation and regulations that would improve safety and security in condominiums. The Condominium Act is consumer protection legislation. Therefore, it makes sense for some protections to be incorporated into the statute for condominium directors, managers, and owners.

There has been a noticeable reduction in civility leading to harassment being more prominent in condominium communities. Society has also become more cognizant, or alternatively, has become increasingly aware of mental health issues. The current statutory framework provides little or no options to Condominiums. Thus, it is important to be proactive and find solutions to this growing and extremely serious problem. Revisiting and modernizing the current legislation governing condominiums plays a key role. We recommend the following revisions to the Condominium Act be considered:

Reason for Records Requests:

One of the unfortunate lessons learned from the horrific Vaughan shooting is that further protection is required to promote the safety and privacy of owners and board members. An easy mechanism is to move away, in certain circumstances, from the current legislation whereby owners are not required to disclose why any records are requested from the Corporation.

To strike a balance between an owner's right to records and an owner's right to privacy, Ontario Regulation 48/01 can be amended at Section 13.3(2) requiring owners who request an owners list to provide a reason for the request and a condition that the Corporation is not required to produce the owner's list unless the owner's reason is in relation to the purposes or objectives of the Condominium Act, 1998.

In the case of dispute, it may be appropriate to make decisions about the appropriateness of the request. This could fall under the jurisdiction of the Condominium Authority Tribunal.

Violence, Harassment and Communication Policies

Another enhancement to the current statutory regime could include broadening the language of Section 117(1) of the Condominium Act, 1998 whereby all condominiums across the province must have written violence, harassment and communication policies to protect the corporation's directors, owners and any employees or contractors, who may or may not be covered under the current language of the Occupational Health and Safety Act.

Standards policies could be set out in the legislation which would be automatically adopted by all condominium corporations across the province unless they have their own policy in place that goes beyond what is set out in the statute. In this way, the Condominium Act would create a baseline standard that condominium corporations can later choose to build upon on their own.

The Condominium Act could also be amended to explicitly confirm that officers and directors of the corporation are also covered by the Occupational Health and Safety Act (OHSA). We will be making a request to the Ministry of Labour to make corresponding changes to the OHSA.

Section 117 of the Condominium Act, 1998 could also be extended to include mandatory harassment and communication policies that extend to the unit owners and residents in addition to the directors and officers. The legislation could also address how disputes between owners, where one owner is harassing another owner, are dealt with so that Corporations across the province have clear guidelines as to their responsibilities. The updates to the legislation could include determining the jurisdiction of such disputes. For example, an owner harassing an owner scenario would become statutorily required to proceed via Alternative Dispute Resolution, which can be achieved by way of an amendment to Section 132 the Condominium Act, 1998 or captured by the jurisdiction of the Condominium Authority Tribunal. The legislation could also explicitly address whether the condominium corporation has an obligation to commence a proceeding on behalf of parties or clarify their level of involvement in such a proceeding, if it becomes aware of an owner harassing another owner.

Training:

Since the Condominium Act currently requires directors to conduct training within 6 months of their election, the curriculum should be expanded to include safety and security training so that all directors are better prepared to carry out their obligations.

Other considerations:

There are other changes to the Condominium Act, 1998 that can be considered to promote the safety and security of officers, directors, owners and the Corporation's agents such as:

- i) Costs (including reasonable legal costs) related to the Corporation's enforcement under Section 117 of the *Condominium Act, 1998* should be added to the contribution to the common expenses payable for the owner causing the condition or breaching the provision. This will strengthen the ability of Condominium Corporations to take enforcement action and assist with deterring inappropriate behaviour of owners, tenants, occupants, guests, and other invitees.
- ii) Assert that a Condominium Corporation has the inherent jurisdiction to undertake the process of obtaining peace bonds on behalf of its directors, officers and/or agents using a time-effective process.
- iii) Expand the powers of a Condominium Corporation to include the Board's ability to apply to the Court for an order to obtain a capacity assessment of a unit owner to determine whether a litigation guardian or the office of the public guardian and trustee is required to act on their behalf when there is an issue that impacts that owner's interests in their unit or common elements or compliance with the corporation's governing documents. The suggested standard to meet is if the board, acting in good faith, has concerns whether an owner is incapable of handling their own affairs and the Court is satisfied that the application was made in the best interests of the parties involved. Such an amendment would benefit owners, directors, and managers because it can help ensure that owners who are not capable of handling their own affairs receive assistance to ensure that a small issue does not escalate or become unduly prolonged and costly. It also provides an added layer of protection for the condominium corporation and its managers that they are working with someone who can appreciate the consequences of their actions and/or omissions.