

Is Your Condo Kid-Friendly?

By Michael Clifton, BA, LLB

SO MUCH of what we do, write and say about condominium law and management issues focuses on adults – adult interests, adult issues, adult residents – that we seem to forget that, stereotypes notwithstanding, many condominiums today are homes not just for retired couples and childless urban professionals, but for full families complete with kids of all ages. This article is especially for condominium communities of the latter, not the former, description.

In the condo law business, whenever we hear about kids in condos, it tends to be bad news: vandalism, property damage, noise, accidents, parties, dangerous play, etc. But is that all that kids do? Are kids in condos simply another kind of interference with the kind of idyllic communities that condominiums promise to be? Unfortunate as it seems, that is not far off what appears to be the prevailing attitude. Children and teens in condominiums seem to be more tolerated than wanted – and don't think they and their parents don't know it. No wonder they can sometimes become problems on the property: how many of us are inclined to behave well where we know we're not welcome?

So, how can you help to ensure that your family-oriented condominium is really kid-friendly?

I am not going to pretend to know all the answers, and some of the following suggestions may be trite while others might turn out to be insufficient or arguable, but here are a few of the thoughts that occurred to me when I briefly took off my lawyer's hat, remembered that I am also a dad and was formerly someone's infant son, and put my mind to this question.

■ Thought No. 1 — Make or Identify Play Areas and Suitable Activities

I remember growing up amongst the highrises of Toronto. Not all of them had facilities suitable for kids. In those circumstances, laundry rooms, hallways, locker areas, parking lots and underground garages suddenly converted into playgrounds, where danger, dirt and exciting opportunities for misbehaviour abound.

Many condominium communities are the same. Even those that have supposedly been designed for young families have little more recreational space than a solitary patch of grass, maybe with a gazebo. You can hear the collective cheer of chil-

dren everywhere, right?

If your condominium has kids, and encourages family residence, then it might be good to ensure that you also have suitable recreational space where kids can let loose and play. Party rooms, playgrounds and sports areas are ideal. Alternatively, if the condominium doesn't have space or money to set up a suitable recreation space within its property, it shouldn't take too much trouble for the board, or a committee, to undertake to locate and inform the occupants (i.e., by newsletter or bulletin board) about what is available for kids' entertainment and activity in the surrounding community.

A truly family-oriented community could also take advantage of the networking abilities of the condominium structure (the board, newsletters, owners meetings, etc.) to plan and organize activities that kids can enjoy. This would be no different than those seniors' condos that organize shopping and day-trips. Of course, such events needn't be spectacular, complex or costly. A community barbecue and baseball game or a simple picnic or party will likely do the trick, so long as the activities are (for once) focused on what the kids in your condo will enjoy.

The point is that kids need to have room and opportunities to have fun, and a community that attempts to disregard or deny this will be anything but kid-friendly. However, it must also be noted that merely showing interest in kids and providing for play won't guarantee that they don't get into the places or conduct they shouldn't; but it could help and would certainly make them feel like their community cares about them, which might make some think twice about their neighbours' comfort and careless treatment of property.

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■ Thought No. 2 — Have and Enforce Fair and Reasonable Rules

Now we're talking grown-up language again: RULES. As we get older, we seem to love rules; that is, so long as they are restricting someone else from doing whatever bothers us.

In the condo field of experience, rules are the godsend for the griper; and griping, it sometimes seems, is what condo living is all about. I can hardly tell you how many times a call from our clients will begin with, "can we make a rule against..." I don't think I've ever received a call where someone says, "we want to do something fun for the community; is there any reason we can't do..." That would be a welcome difference once in a while.

In any event, there are rules, and there need to be rules; and the *Condominium Act, 1998*, tells us those rules must be reasonable. But are they really? It would be a good idea for the condominium that wants to welcome families to consider whether its rules are kid-friendly or overly restrict what children can do.

Of course we have to give our best efforts to prevent accidents, property damage and prohibit dangerous play, but rules that, for example, prohibit playing "anywhere on the common elements", might not be truly reasonable in every community. If the space is there for safe and enjoyable play, why not let the children enjoy it?

The issue is also in the ways that rules are enforced. A rule against noise should never be employed to attempt to silence usual playful expressions. Rancorous rock and roll at midnight should certainly be silenced, but a little childish yelling in the backyard at noon should be acceptable, even if the neighbours do work at night. That is simply the kind of ordinary disturbance that living in a multi-residential family-oriented community should allow.

This is also a good point at which to remind the grown-ups that being older does not give us an entitlement to treat children with disrespect. Unless you are their parents, you don't take away their toys just because

they end up in your backyard or balcony; you don't threaten them, swear or yell at them or do anything else purely intended to exert your aged willpower against their inexperience. In other words, just as I am suggesting that kids in condos be allowed to be kids, it is also very important to a kid-friendly condominium community that grown-ups be grown-ups.

■ Thought No. 3 — Involve Them

In most condominium communities, the keys to peace are communication and participation. A condominium board that fails to be open and obvious in its actions, that refuses to answer questions and discuss issues with the unit occupants or that fails to invite input and involvement, will usually soon find itself under fire. The same holds true of the relationship the community has with its children.

Even older children and teenagers might not always be able to analyze the needs and concerns of the condominium in the way that the rate-

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paying and condo fee paying adult owners can, must and do, but this is no reason not to seek their opinions and even their involvement in some of the activities and programs of the community.

Can children be members of the board? No. But can they be involved on committees, participate in newsletters, or help plan, organize or carry out events? Yes, they definitely can. Can they speak at owners' meetings? Why not? Can they make presentations to the board about issues that affect them? It would certainly be reasonable in many cases not only to allow but to encourage this.

Am I suggesting that kids run the condo? Not at all. Such involvement need not be overly extensive, and certainly should not relate to matters that are clearly outside the ken of the child or youth in question; but I believe that the invitation for the community's younger members to become participants in its development and management need not be extensive in order to

have good effect.

If nothing else, it could create exceptional opportunities for the adult members of the community to teach the children about the importance of respecting the rules, residents and property of the condominium. For anybody (child or adult), there is no better teacher than someone who has shown you they like you and care who you are.

The point of this suggestion, as is the point with all of those I have made in this article, is that kids in condos should not simply be ignored. They are not part of the furniture in the unit: they are fixtures of the community. For a condominium that purports to be family-friendly (noting, of course, that not all of them do or should), to disregard them is simply not to care enough about the kind of community you are creating. ■

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