

commentary

Compliance matters

With thousands of condo developments throughout the province, condominiums are one of Ontario's fastest growing modes of home ownership. And every condominium seems to have not only its own characteristic features, but its own character formed by its community rules.

In fact, in my experience working with hundreds of condominiums over the past ten years, it seems that making and enforcing rules occupies the majority of every condo board's time and attention.

So, what happens if a unit owner just doesn't bother to understand or comply with the condo rules or even the provisions of the Condominium Act, 1998? Well, in the absolute worst case, the owner can lose his or her home (i.e. by Power of Sale). At the very least, he or she can be forced into legal processes — mediation, arbitration or court action — that can cost a substantial amount of time, energy, and money.

The number of ways that an owner can fail to comply with the Act and condominium documents are many; but it is easier to be protected if some basic principles are kept in mind:

1. CONSIDERATION

Condominium living is almost always about living in close connection with other people. Maintaining an ordinary level of polite consideration for the comfort, feelings, and needs of your neighbours is essential, especially

if you hope to be treated with the same consideration yourself.

2. COMMUNICATION

Condominium disputes typically centre at some point on the issue of communication. Did the unit owner share his or her wants, interests or concerns with the board? Was the board listening? Did the board or manager effectively explain the rules and the consequences of non-compliance? Effective communication amongst owners, directors, and management is a key ingredient for a successful and happy condominium community.



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CONDO 101

3. COMMON INTEREST

In a condominium, you are not the king or queen of your own domain. Your ownership interest is not separate and distinct from the interests of others — it is shared. This means that you can't simply do what you want with your unit or the common elements. Many uses, alterations, and even decorations, require permission from the condominium board or other owners. An owner making changes to the property without permission is a typical basis for many legal disputes in condominiums.

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