

“If we know that a group of people has the power to do something, it is natural to think that each of the members of the group, to some degree at least, has the power to do it.”

So says the moral philosopher, Peter French, in *Responsibility Matters* (University Press of Kansas, 1992), and so it seems to be in condominiums: That many condominium unit owners believe that because the board of directors has power to direct the condominium, to grant its permissions, to make its decisions, and to perform its acts, that each board member also has that authority. Whether or not that is true in some places, it is not the case in Ontario.

In Ontario, the law states,

- “Upon registration of a declaration and description, ... a condominium corporation is created,”
- “The objects of the corporation are to manage the property and the assets, if any, of the corporation on behalf of the owners,”
- “The corporation has a duty to control, manage and administer the common elements and the assets of the corporation, [and]... to take all reasonable steps to ensure that the owners ... comply with this Act, the declaration, the by-laws and the rules,”
- “A board of directors shall manage the affairs of the corporation,” and
- “the board of a corporation shall not transact any business of the corporation except at a meeting of directors at which a quorum of the board is present.”

(*Condominium Act, 1998*, sections 2(3)(c), 17(1), 17(2), 27(1), and 32(1)).

What all this means in relation to the power of individual directors is that, as individuals, they have none. The only time that members of a board of directors of a condominium corporation can do anything to direct the condominium, is when they do it together, in a properly called, properly constituted and properly conducted meeting of the board.

In practical terms, this is the basis for the advice frequently given to condominium unit owners: That they should neither rely on the words of individual directors, nor seek to accost or bother them for decisions or approvals outside of board meetings. Encountering a director in the parking lot to ask if it is okay to build a garden, install a hot tub, use visitor parking, book the party room, delay paying common expenses, or whatever it might be, is neither effective nor right. Unit owners need to exercise the discipline and practical wisdom to make requests to, and seek to persuade, the board collectively, usually in writing, or in whatever means the board, as the ultimate manager of the corporation, has established.

Having said all that, in many cases the biggest problem is not unit owners’ confusion about the power that directors wield, but board members who think that somehow, just because they managed to get themselves elected or appointed to this position in their community, they are what is commonly referred to as “hot stuff”. The condominium board member who thinks that he or she possesses special power, is somehow above other owners, and has a right to exercise control over them without the review, consideration, cooperation and authorization of fellow board members, is not merely acting improperly, but also is acting illegally, in the sense that such attitudes and conduct are contrary to the principles and provisions of the *Condominium Act, 1998*.

Where a condominium director is afflicted by that kind of confusion about their role, it might do them some good to think of their power this way: Condominium board membership does not put you in a *position of authority*, so much as it puts you in a *position of responsibility*. That responsibility includes, among other things, the obligation to submit your individual intentions, agendas, and ego, to the collective decision-making power of the board as a whole.

The author, Robert Jordan, once said, **“You can never know everything, and part of what you know is always wrong.”** A condominium director who acts in honesty and good faith, as required by the *Condominium Act, 1998*, s. 37(1), will always keep this principle in mind, and will strive for consensus and cooperation, rather than control.