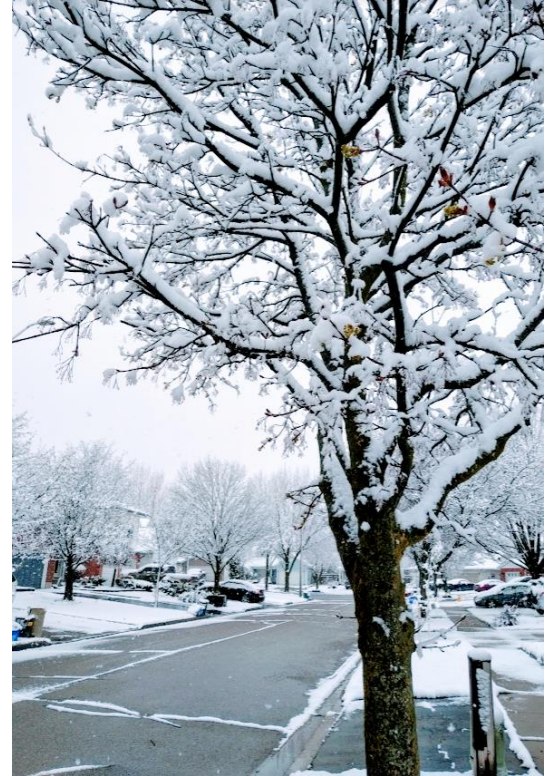


“The only constant in life is change” – Heraclitus (ca. 500 BC).

A May snowfall is a good reminder that things change, and nothing is ultimately entirely predictable. This is true of life generally, and true of everything we are engaged in specifically, including the work of condominium boards. Therefore, one aspect of being the best board is being flexible, adaptable and resilient.

A lot of what condominium boards are called upon to do rests on the illusions of constancy and predictability:

- Reserve Fund studies and plans seek to predict the timing and cost of major repairs and replacements of the common elements and assets up to thirty years into the future. Money is set aside based on those predictions.
- Budgets are made annually, projecting the year’s coming costs and collecting contributions from each of the owners in advance with the intention of adequately covering them.
- Conditions, restrictions and other provisions are written into condominium declarations, by-laws and rules to help define, for all time purportedly, the preferred character and conduct of the community.



Yet anyone who has served on a board of directors for even a short time knows that each of these things is subject to significant change. Law firms like ours make their ‘bread-and-butter’ based on that. A year doesn’t pass by without us having made some condominium’s or another’s new declarations and rules, revised its agreements, and advised about variations to the repair and replacement schedules set out in its Reserve Fund plans. In addition, owners sell their units, occupants move, people’s financial circumstances change, utility costs may increase, weather events and other things can drastically impact the condition and care needs of the property, new technology (like electric vehicle charging systems) can present new opportunities and new challenges, and so on.

While it is always important to try to preserve what works and benefits the condominium community, a condominium board cannot afford to be too stodgy and resistant to change. Refusing to uphold or practice the qualities of resilience and flexibility as a condominium director will result in just one thing ...well, make that two things: frustration and conflict.

It is possible that we don’t think often enough of these more ‘human’ sides of the standards of care of directors that are set out in section 37 of the Condominium Act, 1998. That standard states,

- 37 (1) Every director and every officer of a corporation in exercising the powers and discharging the duties of office shall,
- (a) act honestly and in good faith; and
 - (b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

Can we said to be acting in good faith and honesty in the fullest sense, or even applying reasonable care, if we willfully, or stubbornly, subscribe to the false idea that nothing should ever change, that condominium rules are not open to review and reconsideration, that budgets and Reserve Fund plans are not just that – *plans* – and that we might have to change them to suit the new circumstances of any given day, or that the kinds of decorations and designs that people want for their units and the common elements at one time might not become out of date, unattractive or inconvenient at another?

One difference between a commonplace condominium board and a good one, is that the latter possesses an openness to change – not an insistence on it, but the ability to withstand and adapt to it when appropriate – which in turn invites greater communication and consideration both within the board and within its community generally.