



***“The important thing is not what they think of me,  
but what I think of them”***

**– Queen Victoria**

One thing that almost every director of a condominium corporation has in common is that they were elected to their positions, and all of them (even if they were first appointed to the role) will need to be elected if they want to continue in the job. A condominium is not a monarchy, but a democracy. Despite this, the quotation above from Queen Victoria (queen of the United Kingdom from June 20, 1837, to January 22, 1901) rings true for any director who wants to be truly effective in his or her role.

A significant problem with democracies (all of them) is the risk that, instead of being a system whereby the most committed and capable are chosen by their peers to be their leaders, elections become nothing more than popularity contests, where a slick speech will overcome intelligence, and charismatic charm will outrun genuine concern. As individuals wanting to be members of the board of your condominium community, you need to avoid being that kind of candidate. You need, in effect, to not care about being elected.

When people in leadership are more worried about their electability than their responsibilities, the organizations they lead will suffer. They can be too easily manipulated by whoever complains the loudest, and may be too intimidated by popular opinion to make decisions that really matter. Being a good condominium director often (though, of course, not always) means deciding and doing things that some – potentially many – of your “constituents” – i.e., the unit owners and occupants – won’t like; however, what it also, and always, means, is doing and deciding upon things that are right and good for them as a whole. So, as the great queen suggests, what matters most is not what your unit owners are thinking of you, but what you are thinking of them; or, in other words, are you making your best efforts to act in their best interest?

The best interest of unit owners is not always defined by those who complain the loudest, or even by the preferences or demands of those who constitute the actual majority. Rather, a condominium board acts in the best interest of owners by, first, striving to comply closely with the *Condominium Act, 1998*, whether the owners like it or not, and by, second, applying their discretion – when discretion can be applied – thoughtfully and objectively, being careful to balance owners’ expressed desires with whatever will produce or protect the general good of the condominium.

This second principle is affirmed in a variety of cases out of Ontario courts. As long ago as 2003, for example, the Superior Court of Justice noted in [McKinstry v. York Condominium Corp. No. 472](#), that “the Board is charged with the responsibility of balancing the private and communal interests of the unit owners, and [the Board’s] behaviour must be measured against ...[its duty] to the ownership at large.” Quoting that case, the court in [Wu v. Peel Condominium Corporation No. 245](#) in 2015, agreed: “In carrying out its duty, the corporation must act in the best interests of all the owners and endeavour to achieve the greatest good for the greatest number.”

The courts also continually affirm that the work of balancing individual and collective interests has to be carried out in compliance with the *Condominium Act, 1998*, including in compliance with the Board’s most fundamental duties under section 37(1). So, in its 2016 decision in [3716724 Canada Inc. v. Carleton Condominium Corporation No. 375](#), the Ontario Court of Appeal not only stated that elected condominium boards are responsible to “balance” and “make judgments about [unit owners’] interests,” but also affirmed “the first question for a court reviewing a condominium board’s decision is whether the directors acted [per s. 37(1)] honestly and in good faith and exercised the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.” If they did, the court affirms that “the board’s balancing of the interests” will almost always have been fair and reasonable, and will attract the court’s support.

Doing the right thing just because it is the right thing might not always be popular or result in getting re-elected, but it will always be a consistent characteristic of a condominium corporation’s best board.