

One Year Later





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# Happy Anniversary!

## Reflecting on changes to the Condominium Act

As much as Goldview Property Management Ltd. enjoyed attending ACMO's luncheons and seminars in preparation for the legislative changes to Ontario's condominiums – because, let's be honest, who doesn't love time out of the office, a delicious lunch, name tags and awkward conversation – we were eager to see how the condominium industry would be affected. Enough about the theory, time to see these changes in practice. It has now been nearly a year since the changes were rolled out and while condominium owners appear to be better protected, directors better educated, and their managers better regulated, there are still some kinks to work out.

Here's a complete shocker: many condominium board members have been reluctant or forgetful when it comes to the newly introduced mandatory direc-

tor training. While most of our board members have completed their training, we have been reminding the stragglers that if they do not complete their certification training within the specified time frame, then they immediately cease to be board members. Fittingly, the majority of directors who have already completed their training expressed a sense of accomplishment upon completion.

The legislative changes have translated into several new challenges for property managers and the property management companies who employ them. Although we were proactive and prepared our staff by holding in-house workshops and seminars, unsurprisingly, there still remains an industry-wide learning curve given the many new forms to navigate, such as the information certificates and the new Annual General Meeting forms, which

includes the new proxies. With an increase in the amount and frequency of information that needs to be delivered to owners, comes an increase in the costs of inputting, tracking, updating and distributing that information within the prescribed manner and timelines. We don't recall a slide on that at the luncheon seminars! So, on top of the fees charged to the individual manager personally and the fees charged to the management company, there is the additional labour cost, as additional staff is often needed to be hired and trained.

Some of the additional administrative duties now required of management companies include: the filing of the separate annual returns for each of the managed condominiums, the filing of any notices of change for each property (i.e., change in board member), the issuing of information certificates (i.e., change

in insurance deductible amount) and the issuing of periodic information certificates twice per year. The full extent of this additional work could not have been accurately predicted until the legislation was rolled out and implemented. Needless to say, it was not less than we expected. As more time passes and new systems are integrated, hopefully, these costs can become more efficient financially.

Our management was also anxiously waiting to see how the newly minted Condominium Authority Tribunal (CAT) would operate and whether it would help provide access to records for condominium owners and help alleviate the strain that access to records disputes have left on Ontario's court system. While the tribunal is still in its early stages, some of their decisions have been instructive. The advantage to having these decisions is that the CAT is beginning to establish a clear and public framework for the what, how, when, why, and at what cost, a condominium's records can be accessed. We are still in the early stages, and the CAT will need to be consistent in their decision-making for owners and condominiums to truly benefit from the precedent created by their rulings.

Like everyone else in the industry, we are waiting to see how the CAT's dispute resolution powers may be expanded beyond their current application, which is limited to only accessing records disputes. Our hope is that in situations where there is a dispute between an owner and the corporation or an owner and an owner, rather than see matters escalate, or be put in the position of having to try and explain the nuanced and often legally based limitations that may have an impact on owners' expectations, the CAT can be relied on to intervene. We look forward to the day when condominium corporations and owners will be able to rely on the CAT for an accurate and impartial application of the condominium's Declaration that can be applied and accepted by all parties before issues are escalated and irreversible ill will is established. It almost sounds too good to be true, but we are keeping our fingers crossed.

When it comes to the changes to the *Condominium Act* and the other newly introduced statutes, like all new legislation, its use, scope and application remains a work in progress. Nonetheless, as the intent and focus is to better serve the consumer, then it would appear

that Ontario's condominium owner has more information, better access to information and the knowledge and peace of mind that their condominium managers must be licensed and their board of directors must have basic knowledge in performing their duties. ■

**Michael Goldrich** founded Goldview Property Management Ltd. in 1985. Goldview is an ACMO 2000 certified company and is proud of its contributions and leadership role within the condominium management industry. Michael has developed Goldview into one of Toronto's premier condominium management companies, now providing condominium management services to over 100 condominium corporations throughout the GTA.

**Justin Goldrich** serves as in-house legal counsel to Goldview. Justin obtained his law degree from Queens University in 2014 and was called to the Ontario Bar in 2015. Justin is proud to represent Goldview and to assist its clients by providing the expertise of an in-house solicitor specializing in real estate and condominium law. [goldview.ca](http://goldview.ca)

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