

Conflict resolution can cost money. Sometimes lots of it. Learn how to be smarter with your financial outlay.





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# The Cost of Condo Conflict: Forever in Blue Jeans

A simple truth about addressing conflict is that it can be expensive.

Plenty of examples can be found in case law to evidence this. Whether it is the cost of “lawyering up” or the unfortunate financial consequences for everyone when self-represented unit owners apply misdirected, home-made interpretations of the law, there does not appear to be a cheap way of proceeding to court, even if you win. Being right at law and recovering the cost of the journey to prove it are two entirely different things.

That said, there is a long road between an issue arising for discussion at a board meeting and a judge deciding how much of what you have

spent on it you might be allowed to try to recover. The approach, tone of communications and overall strategy for addressing the issues that naturally and inevitably arise in the condominium setting all impact how much you will ultimately spend and the likelihood that you will need to try to recover substantial costs.

## **Penny Wise, Pound Foolish**

Condominium communities are increasingly being encouraged to proactively address emerging issues in the early stages. Unfortunately, some boards focus too much on the cost involved in those early steps and shoot themselves in the foot by altering their underlying

purpose to chase nickels and dimes.

Consider an attempt to amicably address an issue similar to preventative maintenance, where you invest a little bit now to avoid a larger cost later. When it comes to condominium conflict management, that cost is not just financial, but an investment into a tone of communication and strategic approach to promote good community relations. Including in an initial, friendly attempt to address an emerging issue a request to be reimbursed a couple of hundred dollars contradicts the spirit of the approach and all too often leads to thousands of dollars being spent, which are ultimately not going to be recoverable in the long run.



## Association of Condominium Managers (ACMO)

**This program has been developed specifically for individuals working in the condominium field. It is designed for new entrants or experienced individuals who are seeking formal accreditation.**

Condominium management is a growth industry throughout the province. Participants will learn how to deal with people, buildings and record keeping. A combination of theory and practical problems are incorporated into all courses providing opportunities for participants to develop their knowledge, skills and abilities in planning effective condominiums.

In cooperation with ACMO, Mohawk College offers the following Association of Condominium Managers Program courses online:

- Introduction to Condominium Law (LAWS CDM01)
- Physical Building Management (MGMT CDM02)
- Financial Planning for Condominium Managers (FINC CDM03)
- Condominium Administration and Human Relations (MGMT CDM04)

Participants require regular access to a computer with an internet connection. This program is a valuable education step in the process of obtaining the Registered Condominium Management (R.C.M.) Designation.

**Visit [ce.mohawkcollege.ca/acmo](http://ce.mohawkcollege.ca/acmo) for future registration dates.**

**Contact:**  
[ceskills@mohawkcollege.ca](mailto:ceskills@mohawkcollege.ca)



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## Document, Document, File Away

Lawyers will tell you to document, document, document an issue, because keeping good records is important – particularly if you need to prove your position to a judge. Unfortunately, in our increasingly litigious society, such records are often brought out far too early and serve only to escalate issues. Save your detailed records for if they are truly needed.

The principles of mediation and similar conciliatory approaches are not to determine who is right and who is wrong, but instead focused on how a situation can be improved for everyone impacted – including others in the community who are not directly involved in the matter. Bringing out an incident log or witness testimony when there is not a judge or arbitrator present to make a ruling often only guarantees that a judge or arbitrator will be needed to address an issue – at increased cost to all involved.

## Take Off the Tie, Unbutton the Top Button of Your Shirt

Put yourself in the shoes of a condominium resident just learning that noise complaints are being made about them.

Imagine learning about the issue by receiving a cold letter in the mail that cites several incidents, implies many of your neighbours do not like you, and states that you simply cannot continue living your life as you have. Then consider learning about the issue through a casual conversation that contains no threats or bully-like promises of consequences. The discussion ends on a positive note where you are ensured that there is desire for you to live happily in the community and that a letter will follow to confirm the conversation, and the joint efforts that will be made moving forward to help everyone do so comfortably. Do you think that your reaction to the two approaches would differ?

Many property managers and lawyers have template cease and desist letters to address the common types of issues that emerge in condominium communities. The issuance of such letters should not be the first communication sent in attempting to address an emerging issue if your aim is to hold onto your money, even if the letter calls for money to be sent your way by the recipient. Sometimes, it can be tempting to send them because of time constraints or because

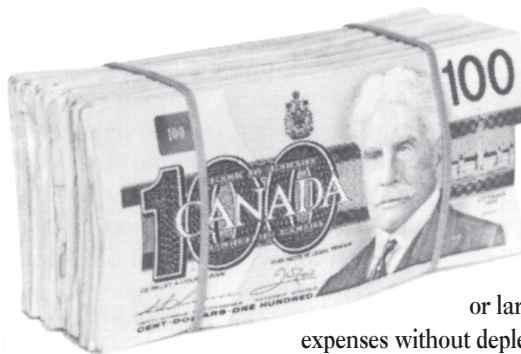
a systematic approach to every situation can seem easier; however, putting in some time upfront to consistently ensure that emerging issues are clearly understood and to encourage everyone involved to work together to try to improve a situation can draw out information and options that would not have been considered and which can ultimately save everyone money.

When it comes to condominium conflict management, the cost consideration is not simply how much you spend. The consideration should include

how much you save. You cannot put a dollar value on community harmony. ■

**Marc Bhalla** is a leading mediator in Ontario's condominium community. He holds the Chartered Mediator (C.Med) designation of the ADR Institute of Canada, heads Elia Associates' CONDOMEDIATORS.ca team and manages MarcOnMediation.ca, a website focused upon his semi-annual newsletter. Marc's mediation practice concentrates upon condominium conflict management.

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