

Can't We All Just Get Along?





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# “Breaking Bad” in Condos Won’t Keep the Peace

In a perfect condominium, all that live on the property abide by the Rules and there is no need to issue violation letters or to verbally remind people of said Rules. We all know perfection does not exist, but perhaps working towards that objective can greatly improve and contribute to the goal of harmonious living among residents on a property. So, how do we improve Rule abidance in the condominium? How do owners know the Rules to be able to abide by them? And what about that board member that always parks overnight in visitor parking? How do we tell them that Rules exist for all in the corporation and that there are no exceptions? Finally, what does a manager do when all else fails and what options exist to address owners that just want to break bad? Luckily you are reading this informative article that discusses all of these things!

The Rules of a condominium are commonly referred as ‘house rules.’ Their purpose is to help owners get along with

one another, to protect the condominium property and its assets, but most importantly to protect the owners’ right of quiet enjoyment within their respective units. Each condominium comes with its own set of Rules which differ from property to property. The Rules are initially created by the developer and submitted with the disclosure statement prior to the condominium’s registration. Moving forward, the board of directors can decide to change, remove or modify a rule granted the rule is not contested through a requisitioned meeting of owners.

## **Communication is the Key to Success**

A common complaint among owners who are singled out is “Well I didn’t know I couldn’t do that” which is also commonly followed by “Would you mind giving me a copy of the Rules?” In my experience, not many owners review their Rules before moving into a condo.

Questions I am asked frequently usually involve pet restrictions and not necessarily whether Hibachi barbecues are allowed on the balconies since they don’t have a propane tank attached to them.

Wouldn’t it be great if someone explained the Rules to owners verbally? Perhaps going over them point-by-point? One idea to communicate the Rules is to host an annual info session where a manager can go over the Rules of the condominium and answer or clarify any concerns people may have, as well as explain why certain rules exist. This type of exercise serves more than one purpose as it assists in the creation of a community environment on the property, supports a common ground between the manager and owners and (let’s face it) can certainly eliminate some work for managers. For even more community involvement, managers can also ask a resident that knows a different language to perhaps assist in these sessions so that a larger audi-



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ence can be included. Rules can also be communicated within newsletters, bulletins, friendly reminder mass emails, posted on the condo community website as well as other methods of mass media available.

### The Rules are for Everyone

It seems every time I address a violation with one owner I am told of other violations by other owners, building staff, visiting vendors and sometimes even board members. The times a manager hears of board members not abiding by the Rules can be most awkward as directors are the ones that should certainly know better. In addition to the obvious, a board member that consistently breaks the Rules without repercussions can be perceived as having preferential treatment. This is never a good perception. Letters should be issued to all owners in violation of the Rules and are routinely done as a three-step process. The first letter advises and cites the violation to the owner and perhaps gives a date of compliance. The second letter reminds the owner of the violation again, and refers back to the previous letter that was sent coupled with the communication of a more aggressive compliance date. Finally, the third letter does not offer a compliance date but a note that should the corporation receive yet another complaint, the matter will be brought to the corporation's solicitor to deal with and all costs involved will be the responsibility of the unit owner. It is important for managers not to forget to issue violation letters to board members as well, to further drive home the point that the Rules are for everyone and that board members are only such within board meetings. Once a board member leaves a meeting, she or he is an owner just like everyone else.

It is also imperative that a manager stresses the importance of the Rules with other people on site such as building staff, the superintendent and other people that the community is involved with every day. Leading by example is

condominium community; often this is an opportunity for everyone to hear each other's perspective on the issue and to resolve the situation in its entirety.

To live harmoniously is not always easy in the best of situations. Amplify that by

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one of the best forms of non-verbal communication too, so the better staff and vendors know the Rules the more they will be able to communicate them.

### Effective Enforcement

If three letters have been issued, the solicitor has become involved, and the owner continues to violate a Rule that consistently disturbs other owners on the property, the last option that the corporation has is to go to mediation. Mediation and/or arbitration is mandatory under the *Condominium Act*, 1998 with respect to disagreements between owners and the corporation when it comes to the declaration, bylaws and rules. The purpose of mediation is to eliminate any confusion and provide clarity among the parties, to address the concerns of each party and put into consideration the situation as a whole and suggest resolutions that all parties can agree upon. This statutory process begins, usually with an informal meeting with all the respective parties, but could become complicated (and costly) if people act unreasonably. The point here is that there is a process that must be followed by all members of a

living on a property with strangers that come from all different backgrounds, beliefs and life experiences as well as having their own internal set of rules that are perfectly fine in their own minds. Some days managers can feel as though they're herding cats as they try to manage the building and staff as well as owners that are disrupting the community. At times where managers can become exasperated, it is helpful to know there are systems in place that can ultimately address the issues and provide a direction for when property management needs to take care of owners that are hell bent on breaking bad. ■

**Rosemary Sangiorgio** has been working in the property management industry since 2006 and became an RCM in 2017. While living in Toronto she managed several new condominium developments from the occupancy stage to registration as well as managing older, more established condominium communities. Rosemary now manages a portfolio of condominiums and rental pool associations with Gateway Property Management Corporation in Cambridge. [gatewaypm.com](http://gatewaypm.com)



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