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# Proxies & Information Certificates

## Impact on managing and managers

There was considerable discussion and speculation on the impact of the new forms under the amended *Condominium Act* leading up to their release on November 1, 2017. As over a year has now passed this is a good time to reflect on how the new proxy form and information certificates have directly impacted managers and the management of our communities. While we would all likely agree there has been a need for universal and mandatory documentation for clear and consistent communication and improved efficiencies, this ideal has been encumbered by

poorly designed and onerous forms that do not meet this objective.

With the launch of the new forms there was no advance information detailing their contents until they were viewable on October 31. To further hamper this process the forms were only viewable with Microsoft Internet Explorer rather than other more commonly used browsers that resulted in further delays to accommodate this unanticipated limitation. As a result of a void of information and direction, managers had to “learn as they go” that has resulted in a

multitude of varying and often costly professional opinions to determine how to interpret and complete the forms, contradictory to the purpose of the standardization and simplification. To minimize inefficiencies caused by ongoing debate over the intent of many aspects of these forms, the time and resources dedicated to their creation and to remain consistent with the original objective, it would have been beneficial to provide advance baseline training seminars and/or instruction manuals to all managers (which was recognized and addressed



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comprehensively on the website for the Condominium Authority of Ontario in late 2018).

### Proxy Forms

One of the first forms to receive critical and immediate attention was the new proxy form. At launch this form, coupled with the changes in the *Condominium Act*, was disruptive for managers. Very little time was given to ensure the new requirements and form were executed correctly for previously scheduled owners' meetings, which could have been avoided with detailed advance instruction or forewarning of their contents. As we have moved forward, managers have become increasingly familiar with the form and its requirements including various improvements introduced in May 2018. The familiarity we have gained is not shared by many owners as they are often confused and intimidated by the maze-like presentation of the form.

A negative spinoff from the new proxy form has been a decline in attendance by proxy at owner's meetings, a detrimental impact on the operation of a community. This can be seen where historical attendance to Annual General Meetings in person is often low, resulting in higher costs and additional time for the management team to plan and attend repeat meetings that would have largely been avoided in previous years with quorum met by proxy.

Due to the confusion caused by the new proxy form, online options for proxy gathering are now more widely used. This approach is highly effective but requires approval from the corporation as this comes at an additional cost and generally outside of the scope of standard management agreements. In summary, until the form is simplified further, managers will continue to struggle with how to assist a corporation in obtaining properly completed proxies without stepping over the line and soliciting proxies, which of course is prohibited.

### Information Certificates

The Information Certificates were developed to provide ongoing, clear and consistent communication to ensure owners are confident they are being well served, but after one year we have determined they do not meet

this objective. As with the proxy form the Information Certificates were released with no clear direction on how to ensure they are properly completed, resulting in many discrepancies between documents as there are multiple ways one can interpret them. The production of these documents has also proven to be burdensome for managers and costly for management as resources had to be rapidly dedicated and systems developed to effectively manage the requirements for PICs, NOICs and ICUs.

Even with the most effective systems, managers are required to closely scrutinize the information, redirecting them from other critical tasks, to ensure the forms are accurate. Furthermore, additional expertise is also required at times to address legal matters. Feedback from owners has been interesting as questions should stem from the contents of the forms, but rather the majority of questions have been directed at why we are providing this information and the forms' overall user-unfriendly format. Unless these forms receive significant enhancement to their content and clarification, they will continue to have minimal value relative to the costs involved for their oversight and production.

The overall objective for the introduction of legislative changes is understood, and safeguarding all owners is a welcomed approach by property management firms. That being said, many of these concerns could have been avoided with broader range industry consultation and advance beta testing prior to implementation. Despite the challenges encountered (and barring any changes in the immediate future), we hope it is recognized there is opportunity to streamline and improve the forms and processes to ensure that objective is better met. In the end, such changes will serve and inform condominium owners with clearer and more concise forms. ■

**Thomas Kortko** is a vice president at Maple Ridge Community Management – An Associa® Company where he has worked since entering the industry in 1997. Thomas draws experience from a diverse personal and work history and oversees the management of industrial, low and highrise residential properties. [mrcm.ca](http://mrcm.ca)



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