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The Rights, Responsibilities, Obligations, and Interests of Property Managers

When asked to describe what a property manager actually does on a day-to-day basis, it's hard to explain the myriad of roles and versatility required. The daily duties of the position are difficult to put down on paper, and preparing prospective managers for what is, without a doubt, a demanding, time-consuming career, is something that the CMRAO have also recognized in their new mandatory licensing preparatory course, *Excellence in Condominium Management*, the gateway course to a career in the ever-evolving world of property management. As stated in the course's blueprint, one of its goals is to "ensure awareness of the realities of the condominium management role

before beginning the full program." The reality is that the job may require a chameleon-like approach to challenges. Do you have the stamina? Are you an email ninja? Can you speak about the property's financial position and explain each of a condominium's by-laws in one breath?

Interests

Above all else, perhaps the most essential trait of all is the ability to maintain a cheerful, positive attitude, no matter the number of emails, phone calls and face-to-face meetings you've got lined up.

Adaptability is important, but responsibility—first and foremost—lies with the property manager

themselves. The first step of responsibility is achieving their licence; the second is continuing to update that education through seminars, conferences, reading industry magazines, etc.; and thirdly, commitment and dedication to the role.

The ACMO Code of Professional Ethics states, "The Condominium Manager is instrumental in moulding the nature of the condominium community and the living conditions of its people." The pledge following this statement summarizes the condominium manager's role, pledging honesty, integrity and 'diligent study.'

With constant changes happening in this industry, 'diligent study' and continued education is something we





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must never fall short of. Whether it's the onset of a pandemic, new legislation, advances in technology or financial deficits, each condominium property carries different challenges which require research, exploration, and discussion with our peers.

Condominiums in Ontario are often a homeowner's first purchase or a homeowner's last residential purchase as a result of downsizing. Condominium construction has overtaken apartment building construction; many units are now owned by investors whose primary interest is financial gain. As a result, the property manager's responsibilities cover a kaleidoscope of ownership needs and desires from a broad range of sectors.

Responsibilities

Property managers are responsible for maintaining and enhancing the physical building and financial assets of the condominium corporation as dictated by the corporation's governing documents and the *Condominium Act*.

Contrary to the opinion of many owners, the property manager is firstly responsible to the board of directors, acting as advisor, mediator, and conduit for the maintenance needs of the condominium. The manager must manage the expectations of the board, unit owners and stakeholders through accurate and frequent communications while navigating, mediating and negotiating their way through emer-

gencies and service requests, educating owners along the way.

Rights

A property manager has the right to say "no" when instructed to contradict the condominium corporation's governing documents and/or the *Condominium Act, 1998*; this is also why education is so important. In extreme instances, boards may urge the manager to conduct business contrary to the Act, even when advised that their request jeopardizes the board and manager. If this situation arises, it is vitally important that a manager has a secure peer network with which to discuss challenging issues and that they understand the legal ramifications of going against the *Condominium Act*. This is where a skilled property manager will communicate effectively to redirect the board's way of thinking. Failing that, a condominium lawyer can step in to assist with educating the board.

Any discussions held with the board should be covered in the minutes. Properly documented minutes, including conversations where the manager has had to educate the board on such matters, are vital and can act as security in the unfortunate event that a matter moves to legal proceedings.

It is now common for owners to threaten to 'call the CMRAO' when matters aren't falling in their favour. Although this threat may be irksome,

there are many reasons that led to the creation of the CMRAO given this industry was not adequately overseen for many years. The lack of prior management in the management industry has created mistrust, with stories of fraudulent managers stealing millions of dollars from Ontario condos in some cases. The impact of this kind of criminal activity takes years to repair, as well-intentioned, properly qualified property managers step in to delicately heal the wounds and rebuild relationships with boards and owners.

As property managers, we each have a duty to our clients, our owners and ourselves to abide by the code of ethics of our profession and to ensure we are not tempted to 'cut corners' or look away when boards request unscrupulous measures. We must stand tall. Only through working towards the common goal of excellence in condominium management can we collectively strive to keep this profession clear of mistrust and misinformation. ■

Greg Fraleigh, RCM, is President of The Enfield Group Inc., a third-generation industry leader providing professional and ethical property management and consultancy services for clients in the Golden Horseshoe and beyond. The Enfield Group Inc. is an ACMO 2000 Certified management firm.
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CONDO LAWYERS

Lawyers: Robert Mullin • Chris Mendes • Danielle Marks • Eric Kerson • James Cockburn • Kevin Thompson & Fiona Burnett (Student at Law)
Clerks: Terra Telford • Bailey Langford • Sarah Conway • Dani Mrkovic • Rebecca Klingspohn • Shelley Felhaber • Gloria Cooney • Mariann Jagnjic • Marissa Drake

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