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Diversity and Inclusion in Condominiums

The many advantages of condominium living mean that this lifestyle is appealing to a variety of different individuals. This diversity of condominium owners and occupants has the potential to create wonderful, well-rounded communities, but it can also present challenges, particularly when there is a lack of understanding about differences between the various populations.

Whether the diversity in your condominium comes in the form of race, religion, ethnicity, age, family status, ownership status (owners vs tenants), or other factors, there are best practices that need to be followed to help the different parties understand each other and live in harmony.

Communication, transparency, and consideration of differences are some of the most important strategies in dealing with any strife at a condominium. These strategies will help to prevent most misunderstandings or to resolve those that do arise.

Consideration of Differences

For example, in a condominium where a portion of the owners celebrate a holiday that requires certain strict adherence (e.g. no travelling or electricity, or being at the place of worship for the holiday time), making sure not to call owners' meetings on those holidays can go a long way to ensuring that those individuals feel that they

are included. On the other hand, calling owners' meetings on those holidays would send a message (intentional or not) that those owners are not valued, and their input is not desired.

There are many other frequently seen examples, which you have likely encountered at one point or another. When there is a difference in family status, where some owners are retired older individuals, and others are families with young children, there can be a divide between the older individuals wanting peace and quiet, and young children needing to run and play and expend energy. Or when owners from different cultural backgrounds are cooking traditional dishes, the

odours of which may not always be palatable to their neighbours (particularly in high-rise condominiums or others with shared hallways). And of course, the tension between owners who reside at the condominium, and tenants who rent from landlord owners is something that many of us working in the condominium industry have experienced.

In these cases, when there are complaints, communication can make all the difference. Sometimes simply reminding owners of the different needs of their neighbours and fellow owners can help to resolve the matter. If not, an informal meeting – with the property manager and/or board members there to assist – between the different parties to discuss their perspectives may help. If that does not resolve the matter, or if the disagreement has escalated to the extent that an informal meeting will not be a good idea, a professional mediator can be a great resource for getting parties to meet, express their views, and figure out a compromise that they all can live with.

Another tool that may be helpful is a ‘town hall meeting,’ where the owners and occupants can get together and learn about each other, perhaps even share food and other aspects of their culture. Often frustrations arise from simply not understanding something that is ‘other’ than what we are used to, and communication and understanding our differences can help to see where the other person is coming from.

The Human Rights Code of Ontario

On a more serious note, it is important for the board and property manager to keep in mind potential human rights matters. The Human Rights Code of Ontario (the “Code”) protects individuals from discrimination on 17 different personal attributes, or ‘grounds’ as they are referred to in the Code: citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, gender expression, receipt of public assistance (for housing), and record of criminal offences (for employment). The Code does apply to condominiums and will

take precedence over a condominium’s Declaration, By-laws, and Rules. This is why certain provisions in a Declaration, such as prohibiting students for example, are not valid. This has been found to be discrimination on the basis of age and/or family status.

When disagreements between owners, occupants, and/or the condominium arise relating to any of the grounds protected by the Code, it is essential that the board and property managers are mindful of this when proposing or instituting any resolution. Referring back to the above example of holding owners’ meetings on days where a certain portion of owners cannot attend due to religious reasons, this could certainly potentially a violation of the Code on the ground of religion, particularly if the situation were to occur more than once. When addressing a complaint or proposing or institution a solution, the board should consider whether there are any potential Code issues involved, and how the potential solution might impact or affect the rights protected under the Code.

If you have questions or are not sure of the proper approach, consult the condominium’s legal counsel to make sure that the board and management are protected and are respecting the rights of the condominium’s owners and occupants.

The more diversity that exists in a condominium community, the more potential there is for disagreements and misunderstandings, but there is also more potential for a vibrant and exciting community where different perspectives come together to make the community the best that it can be. By respecting and honouring differences and working together to overcome disputes, your condominium community will be better and healthier than ever before. ■

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