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# Are You Dealing with Owner Complaints Effectively?

Condo managers know this truth – some owners can be professional complainers and are the most frequent visitors to the management office. Should you lock the door and close the blinds? The CMRAO lists “responding to owner complaints” as a typical example of a condominium manager’s responsibilities. As a manager, you would not want an unresolved complaint or unaddressed owner inquiry to be escalated as an ethics violation to ACMO or the CMRAO complaint process. This could result in severe reprimand and, worse case, your licence or ACMO designation being revoked.

### **Management Agreement – Your Go-to Source**

Management agreements are legal documents that set out the expectations of the hiring condominium corporation for the duties and obligations that the manager/management company is expected to perform. They include a comprehensive

list of the responsibilities related to the management of the affairs of the condominium corporation on behalf of the board of directors for a set period of time. Semi-regular reviews of the management agreement are recommended to reinforce the manager’s duties and, importantly, what the board is required to do to enable a manager to carry out their duties.

In addition to a host of managerial responsibilities, a well-defined management agreement will often include a section that details the expectation that the manager deal with all owner requests, inquiries and complaints in a timely fashion and then document these owner requests in writing and forward to the board, such as:

#### **Sample 1:**

#### **Relations with Owners and Residents**

a) The manager shall promptly and courteously deal with all reasonable requests or complaints by the board, any Owner or resident or any

mortgagee of a unit relating to the management of the Property or the duties or obligations of the manager pursuant hereto, and record in writing any such requests or complaints and the eventual disposition thereof;

b) The manager shall maintain business-like relations with owners and residents whose service requests relating to the common elements shall be received, considered and recorded in a systematic fashion in order to show the action taken with respect to each request. Complaints relating to common elements, the maintenance and repair of which are the responsibility of the corporation, shall be attended to by the manager in as prompt and diligent a manner as possible; and

c) The manager shall acknowledge the receipt of a request or complaint within one (1) business day.

From time to time, complaints or inquiries can be dealt with at the manag-

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er's discretion and may not require escalation to the board. These may be issues such as why the elevator is still not working after day 2 of onsite repairs. Or, too many non-visitor cars use visitor parking spaces without proper approval. In general, a manager should be able to deal with some common element complaints related to repairs and maintenance without involving the board.

Complaints that are more serious should be appropriately investigated and documented. Boards must be kept apprised of critical issues regarding noise, smoke and odours, harassment, records, pets etc. Conscientious condo managers will also offer recommendations to the board in dealing with serious unit owner complaints.

### Is There Ever a Reason to Disregard an Owner Complaint?

On occasion in a manager's career, the board of directors may advise you to disregard an owner's complaint. This presents a challenging situation that could become fraught with conflict. When a board gives instructions contrary to your specific obligation under the management agreement and against the responsibilities set out by the CMRAO for the licence you hold, it would be wise to get legal counsel to advise on your next steps. It may be as simple as sending a reminder letter to the board.

In any case, condo managers should take all complaints seriously, even those that may seem frivolous. Make time to meet with the unit owner and tell them you will look into the matter. Respond in writing, telling them your next steps. If you fail to investigate an owner complaint, you are failing to manage the corporation as outlined in the management agreement. You may even be costing the corporation money if an actual common element repair is needed to satisfy the complaint and/or if the unit owner pursues legal action against the corporation. Furthermore, ignoring a complaint could jeopardize your hard-earned condominium manager licence.

### Level Up on Your Owner Communication

Thorough management agreements will also address the communication to owners as the condo manager's responsibility. In addition to the distribution

of electronic or print newsletters and other pertinent information sheets and packages, it would be beneficial to include, from time to time, articles that outline the manager's responsibilities in carrying out the duties of the corporation, including the complaints investigation and response process. Educating owners about the manager's role and responsibilities is a good thing and helps them understand the working relationship between the board and the property manager.

#### Sample 2:

##### Communication to the owners

- Forthwith, after their enactment, communicate to all owners any implementation or changes to the By-laws or Rules or amendments thereto. Forthwith, after notification by the board, arrange the location of all general meetings of owners and undertake the preparation and distribution of all notices for the meeting, agenda and proxy forms together with minutes of the previous meeting, and any other material or reports pertinent to the agenda for the meeting and arrange for ballot boxes and other meeting essentials.

- Without limiting the generality of the foregoing, at the expense of the corporation, prepare and deliver Periodic Information Certificates, Information Certificate Updates and New Owner Information Certificates, as required, in accordance with Section 26.3 of the Act and as prescribed by the regulations.

- The manager shall respond to owner inquiries in a timely manner.

In conclusion, people will be who they are. While some complaints can be trivial, address them all in a detailed manner, and you can rest assured that you have fulfilled your duties as set out in the management agreement and under the CMRAO and ACMO. ■

**Natalia Polis**, BA, JD, is a lawyer at Lash Condo Law. Prior to attending law school, Natalia grew up working at her family's condo management company, where she developed a keen interest in everything condo. She offers a unique perspective and understands the difficulties managers often face. Natalia uses this perspective to provide her clients with practical and cost-driven results. [lashcondolaw.com](http://lashcondolaw.com)



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