



Canadian Condominium Owner Bill of Rights©

Edition 1 as of January 1, 2018

prepared and presented by

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Are you a disenchanted Canadian condominium owner? Do you worry about your condo board actions; property repairs; condominium maintenance; and the financial management and security of your condominium investment? Have you hesitated to ask questions of your condo board or condo manager for fear of retaliation from them or others in the condo industry?

Currently, condominium legislation is a Provincial responsibility. We believe many condominium owners have been ignored and abandoned by their Provincial Government. In the absence of realistic, pro-active and forward-thinking condominium consumer protection, we propose it is time for Canadian condominium owners to band together and raise this far reaching issue to the Government of Canada.

The absence of a Canada wide Canadian condominium owner Bill of Rights, has enabled some condominium industry insiders, and that includes condominium boards, to exploit and maintain their:

- **POWER** over condominium owners
- **PRIVACY** to conduct secretive, self-serving, backroom “deals”
- **and PROFITS** generated on the financial backs of condominiums owners and their families.

Since 2011, I and in time, my informal, grassroots, group of condo owner volunteers and other interested parties, (ACAT) have worked to:

- lessen the imbalance of power between us as condo owners against condo industry insiders, and that includes condo boards.
- dispel the myth that condominium owners are “the problem”.
- make all Canadian condominium legislation more inclusive, fair and balanced to those of us who:
 - pay all the condo complex bills, including special assessments
 - contribute to the pay, perks, and pensions of many condominium industry insiders
 - are the economic engine behind all condominium industry successes
 - are the single largest stakeholder group of all condo related stakeholder groups across Canada.

We are all for private enterprise; however, when private enterprise overrides, violates, and vandalizes democratic and consumer rights, that’s when we have a problem.

That’s why we created this preliminary edition of a “Canadian Condominium Owner Bill of Rights©” (CCOBR) and why we will be launching a national appeal to Prime Minister Justin Trudeau, other Federal Leaders, and Members of Parliament to address our issues.

We believe our preliminary edition of this Bill of Rights is the start of a necessary nation-wide condo conversation and the foundation upon which all legislation must be written.

As our Bill of Rights evolves, the conversation expands, and condo owners from across Canada become aware of our initiative, we expect to add or modify the Rights identified in this document.

If airline passengers can have a Bill of Rights when they have a few thousand “leisure” dollars invested, why can’t we have similar consumer protection considering the trillions of “investment” dollars we have invested, nation-wide, in our condominium units that most of us call “home”?

We want to be clear: we know there are “good” condo boards and condo managers in Canada. We also recognize, having been on condo boards ourselves that being a condo board member can be a challenging, emotional, and difficult job. We believe our Improvement Ideas will not only help condominium owners, but they can also help those well-intentioned, hard working condo boards and managers.

We are confident our Bill of Rights will:

- ✓ make many condo boards and the overall Canadian condominium industry more accountable, open and transparent
- ✓ inform, include, and more fully involve condominium purchasers and existing condo owners.
- ✓ improve the quality of condominium management while reducing condominium conflict to better protect the trillions of dollars condo owners have collectively invested in this expansive, and expanding, industry.

LAST: we, as condominium owners, deserve more comprehensive, consistent, inclusive, fair and balanced condominium consumer protection than we are receiving.

If you agree that a national, consistent condo owner Bill of Rights is required in Canada, please take the following action steps:

- read the topics we have identified in the following Bill of Rights
- sign our petition to Prime Minister Justin Trudeau to show your support of our proposed Bill of Rights https://www.change.org/p/prime-minister-justin-trudeau-time-for-a-federal-canadian-condominium-owner-bill-of-rights-we-think-so/share_for_starters?fromManage=true&utm_source=petition_manage
- have your family and contacts sign the petition (because one doesn't have to own a condominium to want reasonable, inclusive, fair and balanced legislation)
- visit www.albertacondominiums.ca to learn about our work and join our network to receive our newsletters and updates
- For now, send your questions and respectful feedback to info@albertacondominiums.ca. (Once we have raised some money, we'll create a new Canadian website, but for now our Alberta website will have to do!)
- join our Facebook page at "Canadiancondoconversations" so we can start the conversation. Here's the link: <https://www.facebook.com/Canadian-condo-conversations-551965931811038/>
- circulate, using whatever social media you are familiar with, our efforts on behalf of all Canadian condominium owners.
- and last, let's work together to make this Bill of Rights a high, actionable priority in the next election! Thank you for your support.

To be continued ... and thank you for reading this document; the Bill of Rights listed below; and for your support!

June A. Donaldson

PS: You don't have to agree to every point raised in our Bill of Rights to support what we are attempting to do – and again, that is to lessen the imbalance of power that exists within the condominium industry against condominium owners AND make our national condominium legislation more inclusive, fair and balanced to condominium owners.

This document is the start of a national conversation to make that happen because we need to start somewhere! Please help us to help you by supporting our action items made above. Thank you.

DISCLAIMER FOR DR. JUNE DONALDSON: I am a non-conflicted, unpaid, VOLUNTEER Alberta condo owner advocate. I am not a lawyer nor am I a paid lobbyist. My, and our, information is for information purposes only and it is not to be considered as legal, or any other kind of, advice.

All information provided in any aspect of my condo related work and/or activities is based on our personal opinions, experiences, observations and current knowledge that comes from decades of condo ownership, condo living, condo landlady, condo board member, and condo board president experiences.

I do not claim to be a condominium law expert OR to act for all condo owners OR to identify all topics of concern to condo owners. I am not responsible for how my/our work or opinions are interpreted or acted upon by others. Obscene, offensive or threatening communications will either be ignored, publicly disclosed, or reported.

Participants may unsubscribe from the website, www.albertacondominiums.ca, our email list, or condo work at any time.



EDITION 1 – January 1, 2018

CANADIAN CONDOMINIUM OWNER BILL OF RIGHTS©

Overall, Canadian condominium owners, who are registered on a Canadian condominium title, have a right to:

- A. be represented by a democratically elected condominium board of directors who will voluntarily contribute, in an unpaid and/or uncompensated manner, as a condominium board member.
- B. live free of threats, harassment, oppression, or prejudice by condo board members, condo neighbours, or any other condominium industry insider group (condominium managers, lawyers, developers, builders, maintenance and/or service representatives).
- C. live in a condominium complex built and/or maintained according to current building codes and architectural standards.
- D. live in a safe, clean, peaceful, law abiding condominium complex.

Specifically, titled Canadian condominium owners, have a right to:

- 1. be represented by an ethical and competent condominium board of directors, all of whom have received condo board governance training AND who have signed a **Code of Ethics and Conduct** that is registered with either the Provincial or Federal Government within thirty (30) days of becoming a board member.
- 2. receive, within ten (10) days of the date of a condo owner **GENERAL request** to the condo board and/or manager, a specific response to their condo related inquiry from the condominium board
AND
receive, within forty-eight hours of the date and time of a condo owner **SALE/LEASE OR RENTAL** request to the above parties, a specific response.

3. ban **proxies** thereby requiring “in person” confidential, written voting protocols to become the nation-wide standard as this is in keeping with democratic principles afforded to us in all other Federal, Provincial and Municipal vote protocols.
4. receive all **bylaw** changes, additions, and deletions individually described in point form and not in a format where owners are only entitled to ONE vote for, or against, ALL the proposed bylaw adjustments

AND have all bylaw restrictions, exceptions, limitations, clearly stated at the END of the pertinent bylaw, not stated WITHIN the bylaw

AND receive copies of proposed bylaw changes/amendments and advance notice of motions distributed to all owners thirty (30) days before the vote deadline.

5. Participate in the establishment of **Rules and Fines**. Specifically, Governments must provide a definition AND purpose of condominium “Rules” in their legislation

AND Governments must clearly define the difference between “Rules” and “Bylaws”

AND condo boards must publish “Rules” and related “Fines” within ten (10) days of them being created.

AND condo boards must gain 75% ownership approval of their “Rules” prior to their Rules being implemented.

AND condo boards must gain 75% ownership approval of their “Fines” prior to their Fines being implemented.

6. ban “show of hands” **voting**

AND have paper and/or electronic votes retained for twelve (12) months from the date of vote and available for review by interested condominium owners.

AND have written disclosure made to owners, within ten (10) days of the vote, of the YES, NO, and NO VOTE/ABSTAINED responses along with the final decision/outcome (a tellers’ report).

7. receive sixty (60) days **Annual General Meeting (AGM)** “Save the Date and Time” meeting notice to owners.

AND receive fourteen (14) days prior to the meeting the agenda, financial documents and other related documents.

AND that fourteen (14) days after the AGM, or any other type of condo related meeting organized by the condo board and/or condo manager, the DRAFT meeting minutes are released to the ownership for their review

AND mandate that condo boards advise the ownership in the “Save the Date and Time” notice if they are hiring lawyers, condo managers, condo consultants, etc., to organize, attend, conduct, or participate in any paid way, and what the estimated costs will be.

8. know that the condominium **corporation board meetings** are being held, at a minimum, once a quarter and if a board meeting is not required, the condo board president records that decision in the minute book, along with the names of the board members supporting the decision

AND know all condo related meetings are written according to industry related meeting minute protocols (IE: Roberts Rules of Order).

9. know that if a condo owner originally purchases in a **pet friendly building**, as long as they own the condo unit, they are entitled to have a pet in their unit and that even if the condo complex becomes non-pet friendly, the owner can maintain what they purchased which is the right to have a pet in the building. (Grandfathering of pets should be to the owner, not the pet).
10. obtain timely, reasonably priced, independent, unbiased, arms-length **conflict resolution** and/or assistance when facing a condominium conflict of any kind.

British Columbia (BC) has created an internationally recognized condo dispute mechanism known as the “Civil Resolution Tribunal”. BC has been consulted by entities from England, Ireland, Australia, Singapore, Utah and Ontario as organizations have learned of their model and wish to know more.

It is likely not a “perfect” system but it is the best we know of in Canada and better than condominium owners having nowhere to take their issues for attention or resolution other than our legal system which for many is beyond their financial reach.

11. have, if they made a request in writing, have all condo letters, newsletters, updates, notices, etc., delivered to them via electronic transfer (i.e. email or whatever method evolves in future) done at the time of traditional mail distribution to all the other owners.
12. obtain condominium **documents free of charge** from the condo board, condo management company, condo document seller, etc.
13. know all **condo owner correspondence** sent by a condo owner to a condo board, that requires condo manager re-routing, is delivered to the condo board contact, by the manager, within forty-eight (48) hours after receipt.

AND that the condo manager confirms, to the condo owner sender, that their document has been forwarded to the condo board contact within forty-eight (48) hours after condo manager receipt

AND that the condo board contact must deliver ALL correspondence to ALL other board members within forty-eight (48) hours after receipt.

14. know that organizations who **sell our documents** on line, or in person, are required to disclose who provided them with the condo documents they are selling.

AND know that, upon written request by a condo owner or condo board, the condo document seller must disclose, within 14 days, the financial and/or contractual arrangement they have with the condo management company or document provider who provided them with the condo corporation’s documents.

15. have the condo board and/or condo manager and/or condo supplier provide **condo owner invoices** that separate the fees paid for the product(s), services(s), installations(s), fees/commissions paid to condominium companies and/or managers.
16. know that condominium management companies are not able to download and/or offload their **errors and/or negligence and/or insurance costs** to our condominium corporations and in turn to us as condo owners.
17. know that condominium boards must advise the ownership, within fourteen (14) days of receiving an **Inspection Report** over a certain dollar amount (IE: \$10,000.00 ?) from a qualified, licensed Inspector, of Inspection Report deficiencies.
18. be advised of the **condo board member names** and their contact information and have this information available to owners within thirty (30) days of the Annual General Meeting OR the volunteer assignment of a board member.
19. know that only condo owners who are registered on title, or those individuals with a Power of Attorney, are permitted to serve on the condominium board.
20. know that if a **tenant fine** is levied money may only be taken from the condo owner tenant deposit if proof of tenant bylaw violation is provided

AND condo boards must pay interest to condo owners who pay a tenant deposit.

21. know that prior to a condo board seeking legal advice, or paying condo manager consulting fees, about an alleged “**problem owner**”, the condo board must advise, in writing, the owner of what the alleged issues are ten (10) days before seeking legal or consulting advice on them

AND that any legal fees arising from the situation, for both the condo board and the alleged “problem owner” are paid by the condominium corporation.

22. lodge a condo manager complaint DIRECTLY to the condo manager licensing organization and that there is no requirement for the condo owner to route their condo manager concern through their condominium board and/or condo manager or their company

AND self-managed condominium boards are subject to the same licensing, regulation, and education

AND **ALL** condominium managers, of any type, are subject to licensing, regulation, and education.

23. have ALL condo meetings held in either one of **Canada’s official languages** – English or French – and the ownership votes on their language of choice.

24. know, within thirty (30) days of a **conviction**, via Government websites and traditional media, of any condominium board member who engaged in proven illegal conduct

AND who will not be permitted to serve on any Canadian condominium board for a period of five (5) years from the date and time they received the Court judgement

AND who have resigned with paperwork finalized by the condominium board and/or condominium manager on their resignation

AND who have been removed from a Board.

25. be notified, a minimum of one hundred and twenty days (120) in advance should the Government plan to **change or add** to their Condominium Property Act

AND to solicit condominium owner feedback on their proposed updates, additions and/or deletions
AND to disclose their implementation plan, or workplan, to condominium owners
AND to disclose external organizations and/or associations who will be involved with Government on the above activities.

26. know all condominium corporation minutes and/or any other condominium documentation is truthful and complete

AND that a **redaction ban** is clearly stated, applicable to ALL the above condominium corporation documentation, with regard to any condominium events, issues, actions, and decisions

In closing, we know our Improvement Ideas are reasonable, workable, best practices that are easy to implement if the political will exists to act on them. We also know we can't "win them all" but at least this first "edition" is a starting point that, as far as we know, has never been attempted before.

We firmly believe that implementation of our Improvement Ideas will not only help Canadian condominium owners, their families and their finances but they will also help maintain condominium industry successes.

We also believe that if improvements, as we propose in this document, (and there could be more to come) are not responsibly acted on by our Federal and Provincial Governments, Canadian condominium ownership and living could quickly evolve down a path of:

- condominium board abandonment by condominium owners
- condominium corporation bankruptcies, and
- many condominium corporation complexes becoming the new Canadian slums.

Be sure to sign up at our website, www.albertacondominiums.ca, to receive our newsletters as we are sure our Bill of Rights will be fine-tuned as we move forward in making our Canadian Condominium Owner Bill of Rights a reality.

Also, please sign our petition to Prime Minister Justin Trudeau at https://www.change.org/p/prime-minister-justin-trudeau-time-for-a-federal-canadian-condominium-owner-bill-of-rights-we-think-so/share_for_starters?fromManage=true&utm_source=petition_manage

There's much to discuss and we look forward to doing that in a forthright, constructive, respectful, manner. Thank you for your support and your specific, observable, measurable action.

All the best in 2018!

June A. Donaldson, (MBA, EdD, Mediator, Arbitrator, Best-Selling Emotional Intelligence Author, Unpaid, volunteer, Alberta Condo Owner Advocate and Founder of the Alberta Condo Act Team (ACAT)