

## CONDO MANAGEMENT

# OPINION DIVIDED ON THE CONDO OFFICE

Because greater protection is required for professional athletes in team sports these days, the powers-that-be are making significant changes, and in rapid-fire fashion.

The National Hockey League, for instance, has been dishing out suspensions on a near-daily basis this season to players who deliver dangerous body hits that for decades went unpunished. There's been a similar situation in the National Football League. And even in Major League Baseball, where tradition has perpetually hindered progress and perhaps even common sense, decision-makers now plan to eliminate those all-too-familiar home-plate collisions.

All of which strikes me as wise steps, relatively quick and increased reforms designed to provide deterrents and greater protection to human beings. In sports, thankfully, administrators have decided the fewer people who get hurt, the better.

I see a parallel in the condominium industry at this point. In Ontario, for example, the government, as noted in this space a few times in 2013, is in the process of completing an important, thorough investigation designed to improve the 16-year-old Condominium Act and offer greater protection to the one-million-plus condo dwellers in the province. Just like the aforementioned sports leagues, however, the intentions, changes and decisions in the condo business are producing questions, second-guessing and, yes, even some controversy.

While few stakeholders — none I know of, in fact — disagree that the antiquated Condo Act is in dire need of updating and upgrading, there are differences in the ways those in the industry would like to see this achieved. The government's plan to create a Condo Office, for example, has produced a notable division of opinions. The Condo Office will be responsible for licensing and regulating property managers.

But who should run this Condo Office? Experienced condo types have been providing different views on this issue during their sessions with the government. Shlomo Sharon, CEO of Taft Forward Property Management Group, thinks the Association of Condominium Managers in Ontario (ACMO) should continue to be responsible for overseeing condo operations in the province but must be given more strength and authority so that it can standardize property-management regulations and rules and be empowered with the ability to discipline wrongdoers.

But Robert Buckler, Condominium Consultant for Beredan Management & Consulting Inc., believes a brand new body is required. Buckler is a member of ACMO, and has taught condo law for ACMO for several years, but he contacted Condo Life to

voice his concerns about keeping the organization around to supervise property managers in the future.

"Keep in mind that the real estate industry went through the same debate about 15 years ago, prior to the establishment of the Real Estate Council of Ontario (RECO), which is the delegated administrative authority that now regulates realtors and brokerages in Ontario," said Buckler, who also is a member of RECO. "RECO turned into a strong regulatory body that simply disallows any breaches. Realtors have a body that oversees day-to-day activity. Every form and every agreement gets monitored. There are disclosure requirements. The burden is there but benefits are there as well, and the same sort of benefits must exist for condominium owners."

Buckler has concerns about ACMO partly because membership has not been mandatory for Ontario property managers in the past and partly because contractors have been welcomed as members. "The majority (of Ontario property managers) has not been associated with ACMO," Buckler said. "In addition, you can't be independent if you're involved with trades."

In the past, Buckler said, property managers have at times been prohibited from carrying out their responsibilities by condos' boards of directors, who sometimes seek delays on important items such as Annual General Meetings, audited financial statements and reserve fund studies. "Managers don't generally want to say to their boards, 'Sorry, our license is in jeopardy if we don't do what we're supposed to do,'" Buckler said. "It's not the managers' faults. They'll just get fired and replaced if they tell the boards that what they're requesting is wrong and unacceptable. So, in many cases, the managers simply don't say anything — which means there's been no real protection for the (condo) owners at large, and that must be changed. A new, independent regulatory body can certainly change this and I think this must be pointed out to your readers in the interest of balanced journalism and coverage." **CL**



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