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Mental Health

Condo STRESS – It’s Real and It’s Happening to a Condo Near You!

My Name is Joy, But I Ain’t Happy

I’m stressed – and I know you are, too! But I don’t have the kind of stress everyone talks about – I’m talking about “Condo Stress”. It’s different. It only affects those who live, work, or play in condos. Please note that I’m not a physician, nor do I purport to be one. My undergraduate degree in Kinesiology doesn’t help much, either (except with personal training programs), so take my thoughts accordingly, but Condo Stress is real.

As a condominium lawyer, I hear stories – lots of them. In mid-March 2020, the stories were fresh, now in September 2020, the stories are getting old. People call me with their problems and that’s what all condo lawyers are used to. However, since the global viral tsunami of COVID-19, the stories are layered with anxiety and stress, the likes of which I have never experienced. Indeed, no one has.

As condo lawyers we hear these stories, which, over time, become familiar and are replicated in numerous condos across Ontario. Unfortunately, each condo community is insulated from each other in silos since they don’t talk to each other. Therefore, the

purpose of this article is to share the idea that we are not alone. On that note, I want to give a quick shout-out to initiatives such as CCI CondoSTRENGTH and CCI Information Sessions, which are wonderful opportunities to connect with like-minded condo individuals.

Stress is real and does damage, physically and psychologically. Although Condo Stress is not a clinical diagnosis as of yet, there are clear signs of it. Condo Stress increased significantly when the government forced people to self-isolate. Compounding this problem is that some of the old standard ways of relieving stress are no longer accessible to residents within condominiums such as – the gym? a movie? a walk? (unless it is around your 500-foot condo?!) It is clear that the things we used to do to release stress now create stress.

Since misery loves company, I share the top condo (stressful)-stories and perspectives that I have heard over the past several months, weaving them into three separate themes – the condo board director, the condo manager, and the condo owner. Although each perspective is a bit

different, I’m sure that you will see how Condo Stress affects us all.

A Condo Director’s Story – Condo Stress of Governing a Condo *“I didn’t sign up for this!”*

Running for the unpaid, time-consuming, thankless job seemed like such a great idea pre-COVID... what were you thinking, again? Now that you are literally making decisions that involve a risk assessment analysis which considers death as a real possibility, I’m sure that you would rather be watching this story on Netflix instead of being its main actor and a mini-version of the provincial government during public announcements.

Condo directors are faced with the statutory obligation in accordance with Sections 17 and 37 of the Condominium Act, 1998 (the “Act”) to control, manage, and administer the affairs of the condominium corporation on behalf of the owners while exercising the care, diligence, and skill that a reasonably prudent person would exercise in comparable circumstances.

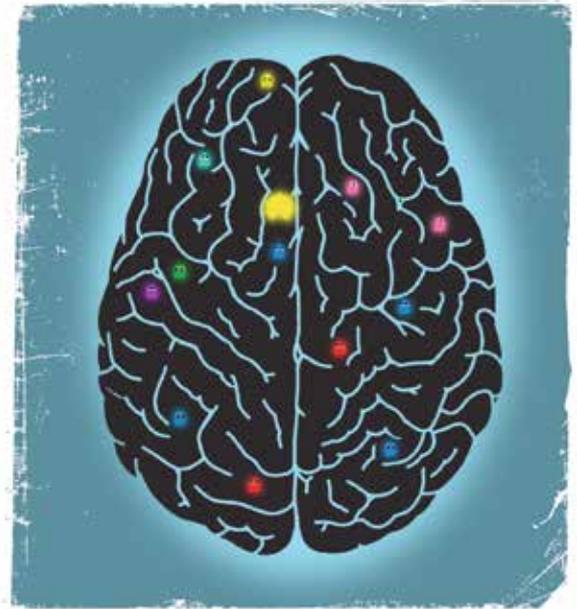


ILLUSTRATION BY JASON SCHNEIDER

A couple of examples of the Condo Stress affecting directors during COVID-19 include the decision to open/close amenities, and when/how to call their annual general meeting. The risk assessment analysis is relatively similar for both circumstances and involves a combination of factors including: requirements under the Act, the Occupiers Liability Act, and the Employment Standards Act to provide a reasonably safe environment for owners, residents, staff, and basically anyone entering the property; ensuring that any contractors who attend on-site have sufficient internal proactive safety protocols; consideration of using waivers to reallocate risk; maintain recommended physical distancing of two (2) metres; and having the resources to ensure sufficient cleaning. When a board works well together, the heavy weight of making decisions is effectively shared. Board member burnout is also real and magnified during COVID-19, resulting in Condo Stress.

A Condo Manager's Story – Condo Stress of Working in a Condo

“Umm, I can't hear you through the door! Speak up, please!”

Being classified as an essential service was awesome! Or was it? Although many boards were flexible with on-site hours, permitting managers to work remotely for the majority of the week, some managers were required to attend on-site. Keeping the door closed was likely part of every manager's dream pre-COVID-19, but only in this new normal would they need to still somehow get work done, providing the specialized connection with owners through a door.

“Wear your mask, man!”

The City of Toronto recently amended its by-laws to make it a requirement that masks must be worn on common elements of condos. However, show me the word “policy” in the Act, then we can talk about how a condo board is supposed to “adopt” one – how can you adopt something that you cannot create? Hmmmm. . .I'll let the government figure that one out. I digress.

The Condo Stress for managers that was created with the mask policy frenzy wasn't about the rationale behind it, as it's obvious that it helps create a culture of proactive protection, but the implementation of the policy in a particular condominium community is difficult. There are different types and designs of condos in Ontario – one size [d policy] definitely doesn't fit all.



So you think that if the condo board believes it is in the best interest for your condo community to close the amenities, then that's fine, except you decided that you're not going to pay your maintenance fees... that's a bad idea

Townhouse condos are probably the only type of condos that, given the design, were less impacted by this policy. Do you have to wear a mask while working out in the gym (provided it was open)? Well, is your condo in Toronto or outside? Difference municipalities, different by-laws. Some managers work in several condos which are located in different municipalities – keeping track of every change, in every city, and advising their respective boards has indeed been time consuming and stressful.

Furthermore, the broad grounds for exemptions available to owners and the uncer-

tain enforcement added to the Condo Stress. Exemptions from mask policies are based on Human Rights Code grounds. If you have trouble breathing, you don't need to wear a mask. Condo managers are also being pressured by both board members and other compliant owners to enforce the policy against non-compliant owners. However, with such broad exemptions, enforcement is not straightforward except in the most egregious cases.

And, let's not even start with harassment of managers by non-compliant owners – classic Condo Stress.

An Owner's Story – Condo Stress of Living in a Condo

“If I can't work out, I'm not paying my maintenance fees!”

Why are you even here, Mr. or Mrs. Condo Owner? You wanted to live alone, do ya' own 'thang, remember? The freedom of condo ownership is sharing amenities like a swimming pool, workout gym, theatre, party room, massage room, reading room, and “whatever else-room” that the developer may have enticed you with so you would pay your 5% deposit. It was also a bonus to not worry about making repairs or maintain the property – that's not your problem anymore (see director Condo Stress above).

Elevator Politics – “Should I or Should I Not Enter: That is the Question!”

The Condo Stress affecting owners has exponentially increased by forcing people to self-isolate in their units (read: small boxes) – oh yeah, without any amenities open and taking another small box called an elevator to get to your own box doesn't help. A party of one, eh? Yeah. . .I don't know what to say on this point. I have been avoiding my office building since March because I really don't get the marked laneways or the “stand here” stickers in elevators. What happens if someone is in the wrong lane? Or does not stand in their marked spot? Everything screws up. I feel like the ant in the Disney movie ‘Bug's Life’ when a leaf falls and he can't see the next ant in front of him – his world is lost!

Use it or Lose it – Maintenance Fees, That Is!

So you think that if the condo board believes it is in the best interest for your condo community to close the amenities, then that's fine, except you decided that you're not going to pay your maintenance fees. . .that's a bad idea. “Self-help” remedies of not paying common monthly expense payments is a breach of Section 84(3) of the Act, which provides that no owner is exempt from their obligation to contribute to common expenses for any reason, even if the owner has a dispute with the corporation. If an owner does not pay, then the corporation would have no choice but to effect its lien remedies in accordance with Section 85 of the Act, which would attract additional significant costs – more Condo STRESS.

Condo STRESS Relief – New Coping Skills Required

A common thread emerges in all these condo stories in that we are all people

struggling to get through this moment. The social and economic uncertainties in our new condo world has resulted in increased levels of stress! New stress management techniques are needed by all and, frankly, not enough is being done in our condo community. We are an effective information-based condo community, but not as good when it comes to experiential issues and concerns like workplace and living stress.

That said, there are lots of positive changes that are emerging out of this new nor-

mal – for instance, technology has become a modern-day saviour. “Zoom” is both an electronic platform for virtual meetings and an adjective describing the speed of them! The virtual space has decreased the need for lengthy meetings, gas, “condo commandoes” (a.k.a. another type of gas), traffic, and other types of stress we all used to complain about pre-COVID-19.

There is no right answer to resolve what I am referring to as “Condo Stress”, and things are indeed changing constantly, but the stress is real and we need to talk

more about it. One technique I adopted in this article was to share stories in an effort to personalize problems that are affecting us all in the condo industry. I am also mindful that as I write this article, the government is teetering on another lockdown, a second wave, so I have no idea what kind of world exists while you are reading this article. I can only hope that if we focus on our collective concerns, we will be better positioned to manage our individual experiences of Condo Stress.

Thanks for reading – stay safe. **CV**

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