



DIFFERENT STROKES
BY: MARC BHALLA
MAY 2014

I recently mediated a condominium dispute involving an individual who happened to be a long standing condominium director and who took great pride in his responsibilities to his community. While the director was not participating in mediation as a member of his Board, he spoke of staying late at community social gatherings and owners' meetings to field questions and greet people, as it was important to him to be accessible.

Interestingly, much of the ill will that emerged between this gentleman and the party with whom he found himself in conflict surrounded an incident where the party knocked on the director's door. While not much was said in the course of the brief exchange that followed, and voices were by no means raised, the director found such action to be audacious, a violation of his privacy and entirely inappropriate. His view of his neighbour was profoundly negatively impacted as a result of "the knock", as the director felt that communication through security would have been appropriate and in line with the community norm.

The party who knocked on the director's door did not intend to act inappropriately. He himself had been a member of the community for a number of years and did not anticipate that his action would result in the escalation of the conflict or even appreciate after the fact that it had.

Ironically, the neighbour regretted not communicating through security as his actions did not result in the third party record (security log) that would serve as his evidence if the matter escalated. The neighbour viewed the knock as having been detrimental to his own position and a benefit to the director. He did not appreciate what the director saw as acceptable or share the same view as to the community norm.

In contrast to the circumstance shared, it is possible to envision a reverse situation applying - where communicating via security as opposed to knocking on a neighbour's door could land as an offensive action that sparks conflict. In condominiums, it can be difficult to know what is appropriate. Status Certificates and welcome packages do not typically disclose if the condominium is the type of community where it may be acceptable to ask a neighbour to "borrow a cup of sugar". In many ways, this may be due to there not being one specific right answer or generally acceptable behaviour.

Over the years, I have had discussions with condominium residents who find themselves pushing the 'door close' button in an elevator if they hear a neighbour approaching, as they would prefer to ride alone than have to interact with someone who literally resides a few steps away from their home. They expect their neighbours to do the same and will happily wait for the next elevator in reverse circumstances to, in their view, respect their neighbours' privacy.

I have also come across people who advocate for welcome baskets and forcing meetings upon new community members as an introduction. Such measures are viewed as a way of making those new to the community feel at home and to proactively avoid any misunderstandings as to protocols of importance.

While these are differing views of neighbourly interaction, both of the opposing sentiments expressed risk offending, creating discomfort and potentially instigating conflict based upon the perspectives of those involved and their view as to what is appropriate behaviour. We should not generalize the culture of condominium living or make assumptions about condominium communities and those who make them up. Each condominium community is unique, as is each relationship within it.

This may offer something for politicians to consider as they campaign for the provincial election taking place on June 12, 2014.

Section 118 of the *Condominium Act, 1998* provides that:

No corporation or employee or agent of a corporation shall restrict reasonable access to the property by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly or an office in a municipal government or school board if access is necessary for the purpose of canvassing or distributing election material.

While campaigning politicians have a legal right to gain entry to condominium communities and go door to door, doing so many not always serve their best political interests. When one considers how the director who took part in my recent mediation felt about a neighbour – a member of his own community – knocking on his door, it is not difficult to imagine a community outsider making a negative impact in the course of trying to win over votes.

Rather than simply exercising a legal right of entry in the course of canvassing, politicians may be wise to consider each unique condominium community in their riding and reach out to property management and/or the Board to determine the most appropriate approach to connecting with the community. However, there is not much time to do so with the provincial election a mere six weeks away!

Marc Bhalla, Hons. B.A., Q. Med. has serviced the condominium industry since 2002. He holds the Qualified Mediator (Q. Med.) designation of the ADR Institute of Canada.

Marc holds an Executive Certificate in Conflict Management from the University of Windsor's Faculty of Law (Stitt Feld Handy) and earned an Honours Bachelor of Arts at the University of Toronto (Trinity College). He actively manages condominium conflict and advocates for mediation in the early stages of condominium disputes.

Marc brings unique insight in mediating condominium conflict through the knowledge and experience he has gained as a condominium director, resident and law clerk. His mediation practice is focused on condominium disputes.

Marc sits on the Board of Directors of the Toronto & Area Chapter of the Canadian Condominium Institute and is a member of the ADR Institute of Ontario; the ADR Institute of Canada; the Toronto & Area, Golden Horseshoe, Huronia and London & Area Chapters of the Canadian Condominium Institute; the Association of Condominium Managers of Ontario and the Institute of Law Clerks of Ontario.



 facebook.com/condomediator

 twitter.com/condomediator

 ca.linkedin.com/pub/marc-bhalla/27/731/b47



E-mail: mbhalla@elia.org

Phone: Toll-Free: 866.446.0811, extension 811

CONDOMEDIATORS.ca

All of the information contained in this article is of a general nature for informational purposes only, and is not intended to represent the definitive opinion of the firm of Elia Associates on any particular matter. Although every effort is made to ensure that the information contained in this article is accurate and up-to-date, the reader should not act upon it without obtaining appropriate professional advice and assistance.