

**NADLAN-HARRIS**  
PROPERTY MANAGEMENT INC.

[www.nadlan-harris.com](http://www.nadlan-harris.com)

**AN ACMO 2000 COMPANY**

**NADLAN-HARRIS PROPERTY MANAGEMENT INC.**  
**SPRING, 2021 NEWSLETTER**

**In This Issue:**

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**Message from the President:**

Dear Board Members,  
Spring is finally here. The weather is still wintery, but here we are already into the end of March. As the Covid-19 Pandemic continues to affect our city and has changed millions of people lives, Nadlan-Harris would like to take this opportunity to express our deepest sympathies to all those affected by the impact of Covid-19. We Thank everyone for their continued efforts in keeping our community safe. In times like these, hope can be a powerful source of Reassurance. Please read through our Spring issue of the Newsletter & enjoy the articles we have chosen for you in hopes that some of these ideas will prove useful.

Stay Safe and Healthy.  
Happy Spring!



Liron Daniel  
President R.C.M., P.P.L., B.E.S

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***Company News***

*We encourage all residents to log into your community website and use the fantastic features, as it is a great means of connecting with the community. **NEW features such as mobile access and consent to receive electronic communication have been implemented.** The platform will allow Nadlan-Harris Property Management Inc. to facilitate better communication, increase efficiency and allow residents an opportunity to provide their valued feedback. We look forward to connecting with you.*



## **One Year into the Pandemic<sup>1</sup>**

COVID-19 was officially declared a pandemic on March 11, 2020. During this challenging time, on March 17, 2020, the Government of Ontario has taken exceptional measures to ensure the safety of Ontarians and issued an emergency order under the Emergency Management and Civil Protection Act, to protect the health and safety of communities across the province. The declaration identified condominium managers and administrative authorities, such as the CMRAO, as essential services. It required that these businesses and organizations put in place as many measures as possible to safeguard the well-being of their employees and the communities they serve.

The CMRAO recognizes and applauds the efforts of condominium managers and management provider businesses that played an essential role in keeping communities safe during this exceptionally challenging and constantly evolving situation.

## **The CMRAO Discipline Process – What to Expect**

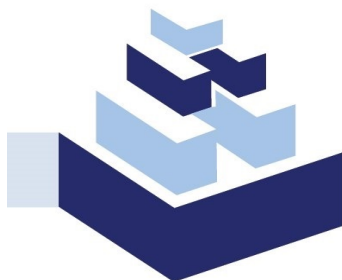
The CMRAO has recently received inquiries regarding its discipline process, including questions about how a case is referred to the Discipline Committee, how the hearings process works, and when decisions are published. The Registrar of the CMRAO is responsible for handling complaints against CMRAO licensees, as well as complaints about unlicensed condominium managers and condominium management provider businesses. In handling a complaint involving unlicensed practice, the Registrar may refer the matter to the CMRAO's Statutory Director, who oversees investigations and prosecutes cases in provincial courts. Similarly, the Registrar can propose to suspend or revoke a licence, and the licensee can appeal that decision to the Licence Appeal Tribunal.

In making decisions about complaints, the Registrar can address the allegations in several ways, including referral to CMRAO's Discipline Committee. Like a court or tribunal, the CMRAO's Discipline Committee is an independent adjudicative body established under the *Condominium Management Services Act, 2015* (CMSA). The Discipline Committee hears cases involving licensees referred by the Registrar of the CMRAO. The Committee serves a specific function: determining if a licensee has failed to comply with the Code of Ethics.

When the Registrar refers a matter to the Discipline Committee, they will give notice to the licensee that the matter has been referred to the Committee and will provide the licensee with a statement of allegations, outlining the conduct that led to the referral, as

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<sup>1</sup> <https://myemail.constantcontact.com/CMRAO>



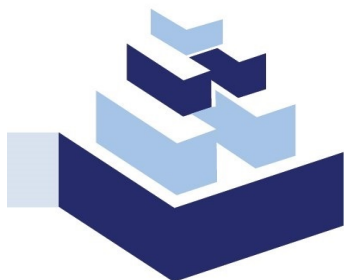
well as the specific sections of the Code of Ethics that the licensee is alleged to have violated. The CMRAO will also notify the Chair of the Committee of the referral.

Prior to a Discipline Committee hearing, there will normally be pre-hearing conference, which is chaired by a member of the Committee and attended by the licensee and the prosecutor representing the Registrar. The intention of this pre-hearing conference is to:

- discuss the details of the case on a without prejudice basis (discussions at the pre-hearing conference cannot be used against the licensee at a subsequent hearing)
- determine if there are facts that can be agreed upon by all parties
- identify the possibility of a settlement for the case
- look at past cases and settlements as examples of why a proposed settlement might be reasonable
- discuss scheduling for a hearing if it appears a settlement will not be reached

If a settlement cannot be reached, then the case will proceed to a hearing. If the case is referred to a hearing, the Chair of the Discipline Committee will assign a panel of three or more committee members who will hear the case and make a decision based on law, evidence, and caselaw (past decisions made on similar CMRAO cases, cases from other regulatory authorities, and court decisions). This is done to ensure consistency and fairness with how decisions are made. The decision could include monetary penalties and/or an order to take educational courses. Once a decision has been made, the panel will write a decision and send it to the licensee and CMRAO prosecutor. If the Committee finds that the licensee violated the Code of Ethics, then the licensee will have 30 days to appeal that decision to the Appeals Committee. If after 30 days the licensee has not appealed the Committee's decision, then the CMRAO will publish the decision.

The CMRAO publishes decisions of the Discipline and Appeals Committees on its Website, and updates the Public Registry to ensure that the public has access to information about licensees who have violated the Code of Ethics. Transparency is imperative for public protection, and through effective regulation the CMRAO helps to strengthen the condominium management profession and give consumers confidence in the people and companies that manage their important investment.



## **Meetings Held Electronically May Now be The New Standard in 2021.<sup>2</sup>**

The pandemic has forced all of us to make dramatic changes in our personal and professional lives and condominium corporations are no exception. Board members, managers and unit owners have been forced to fundamentally change how they go about conducting business in their communities-holding meetings in person is no longer feasible, nor is expecting owners to cast their votes in person. Both activities are simply too risky in our current pandemic state. One of the major changes that occurred last year was the move from in-person owners' meetings to on-line virtual meetings. The transition to virtual meetings has, for the most part, been successful, with increased attendance, participation and smoothly run meetings.



### **Virtual meeting and electronic voting bylaw**

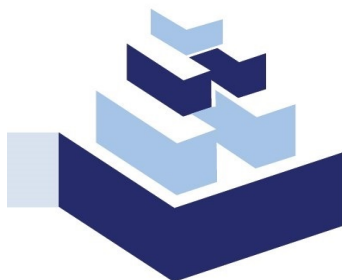
Up until May 31, 2021, condominium corporations can hold virtual meetings and use electronic voting, without a bylaw. However, after May 31, 2021, those corporations that do not have this bylaw will be permitted to hold only in-person meetings with paper ballots and proxies. Many corporations are adding this bylaw to the agenda for their AGMs or holding special meetings prior to May 31, 2021 so that at least there is the option of holding owners' meetings virtually in whole or in part or using electronic voting with an in-person meeting.

The bylaw itself should contain provisions dealing with the process of nominations, advance voting, adjournments, and proxy use.

**Telephone voting** Coming in January 2021 there will be more ways for owners to have access to voting without attending the meeting. For those owners who do not have email addresses to receive electronic ballots and do not have access to a smartphone, tablet or a computer, voting can now be done through telephone voting.

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<sup>2</sup> <https://www.reminetwork.com/articles/future-virtual-meetings-2021/>



## **Mental Illness in Condos Amid a Pandemic<sup>3</sup>**

In Canada, nearly half the population will experience some type of mental illness by age 40 and, in any given year, one in five people is living with mental health problems. Fears and anxieties of COVID-19 are likely to have a greater effect on individuals who have pre-existing conditions. Pandemic impacts are affecting people differently. For some, there is a real worry they may be “catastrophizing and magnifying the effects with their anxiety disorders. Others, with a paranoia or social anxiety, are managing a little better because they are isolating at home. The potential for economic harm appears to be of the utmost importance. Also referred to as a fourth wave, the mental health community started bracing for a potential echo pandemic. Canada is now experiencing a second wave. If a bad economic wave hits because of job losses and reduced government funding, mental health issues can worsen.

**The role of the corporation** - The role a condo corporation plays in the life of a resident struggling with mental illness can often be a delicate matter, particularly if the resident lacks a family support system to help de-escalate troublesome behavior. Corporations are required to have “good faith conversations with residents to determine their needs, collect relevant information, and consider different options for accommodation,” however they must also “apply accommodation plans for the resident and conform to the policies in a non-discriminatory fashion.” this duty to accommodate is only up to the point of undue hardship, and, in the process, documentation is key, including all correspondence, verbal conversations, and meetings, is essential in the process.

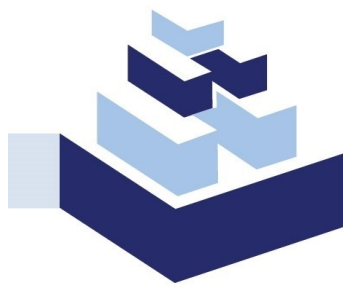
***It is normal to feel anxious and afraid while we deal with the effects of this pandemic. We know this situation is stressful for everyone; people living with mental illness and addictions may be finding it especially difficult to cope. If you or someone you know is struggling, the resources on this site are here to support you. Remember: no matter where you are or what you are going through, you do not have to go through it alone.***

***If you are experiencing a mental health crisis, please contact 911 immediately or present to your nearest emergency department.***

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<sup>3</sup> <https://www.reminetwork.com/articles/mental-illness-amid-pandemic/> .<sup>3</sup>





## Unique ways to be (somewhat) productive during continued lockdowns.<sup>4</sup>

### Build healthier habits - Exercise Every Day

Most of us are constrained to our houses, doing minimal activities. We are inclining towards a lethargic lifestyle that can affect our physical as well as emotional well-being. Exercise not only helps you break a sweat but refreshes your mind, pacifies depression, it triggers the release of endorphin, a chemical that promotes a positive feeling in your body. Make sure you take at least half an hour of your day to do Yoga or any basic exercise for that matter. You will see that it makes a whole world of difference the next time when you sit down to work.

Remember, a healthy body and mind are key to productive work.



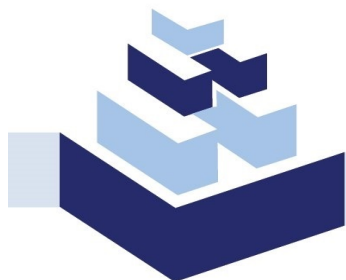
**A helping hand is of essence** - Put a smile on someone else's face. Help people whose livelihoods were affected by the lockdown. Be kind to one another. We are all in this together.

*"However difficult life may seem, there is always something you can do and succeed at"*

– Stephen Hawking.



<sup>4</sup> <https://www.marsdd.com/magazine/10-ways-to-stay-somewhat-productive-as-social-isolation-becomes-the-new-normal/>

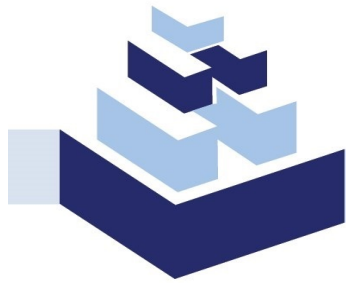


## **Color-Coded Response Framework:<sup>5</sup>**

- **Shutdown or “Stay-at-Home” Zone (Stage 1) - One (1) unit representing one (1) household** may use an open indoor amenity at one time.
- **Grey Zone – Lockdown (Stage 1) - One (1) unit representing one (1) household** may use an open indoor amenity at one time.
- **Red Zone – Control (Stage 2) - Up to (5) people** may use an open indoor amenity at one time, provided that each person can maintain a physical distance of 2 meters from anyone not in their household.
- **Orange Zone – Restrict (Stage 3) - Up to (10) people** may use an open indoor amenity at one time, provided that each person can maintain a physical distance of 2 meters from anyone not in their household.
- **Yellow Zone – Protect (Stage 3) - Up to (10) people** may use an open indoor amenity at one time, provided that each person can maintain a physical distance of 2 meters from anyone not in their household.
- **Green Zone – Prevent (Stage 3) - Up to (10) people** may use an open indoor amenity at one time, provided that each person can maintain a physical distance of 2 meters from anyone not in their household

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<sup>5</sup> <https://www.srcondolaw.com/newsletters/2021/2/22/ontario-returns-to-colour-coded-response-framework>



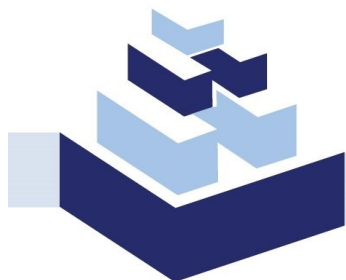
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	<b>Orange and Yellow</b>	<b>Red</b>	<b>Grey</b>
<b>Rules for Public Gatherings</b>	<b>Social Gatherings:</b> 10 people indoors 25 people outdoors <b>Events:</b> 50 people indoors 100 people outdoors	5 people indoors 25 people outdoors	No indoor gatherings 10 people outdoors
<b>Workplace Health Screening Questionnaire</b>	Required.	Required.	Required.
<b>Wearing Masks in Indoor Workplaces and Public Spaces (common areas)</b>	Required.	Required.	Required.
<b>Gyms</b>	Face covering required, except when exercising. - At least 3 meters distance between users. - Entry by appointment only. Contact information must be provided (for contact tracing and kept for at least one month). Written safety plan.	All measures from orange/yellow, plus:  10-person maximum occupancy (or fewer if the size of your gym does not permit at least 3 meters between occupants). No personal fitness training.	Closed.
<b>Real Estate Showings</b>	Permitted, including open houses (unless it is prohibited by your condominium corporation's rules).	No open houses. In-person showings by appointment only.	No open houses. In-person showings by appointment
<b>Squash Courts and similar facilities</b>	Can be opened, but with modified rules that prohibits physical contact between participants.	Closed: " <i>Activities that are likely to result in individuals coming within two metres of each other</i> "	Closed.
<b>Short Term Rental</b>  <b>Swimming Pools</b>	Can be opened (together with associated locker rooms and washrooms), but <b>not</b> steam rooms saunas, or hot tubs.	Can be opened (together with associated locker rooms and washrooms), but <b>not</b> steam rooms saunas, or hot tubs	
<b>Short Term Rental</b>	Permitted.	Permitted.	





## **General Rules, what is most relevant to condos?** <sup>6</sup>

### **Legal Responsibility of Condominium Managers and Boards of Directors:**

Condominium's managers and boards of directors are legally responsible for ensuring that the common areas, amenities, and other parts of the property that are controlled by the condominium are operated in compliance with these rules. This does not include owners' units.

- Face masks continue to be **required** in all indoor common areas.

**Physical Distancing:** Everyone on the common elements must maintain a physical distance of at least two meters from every other person, except from their caregiver or from members of the person's household, unless certain exceptions apply.

**Short-Term Rentals:** Short-term rental accommodation (less than 30 days) may only be provided to "individuals who are in need of housing" (i.e., no tourism, travel, vacation rentals).

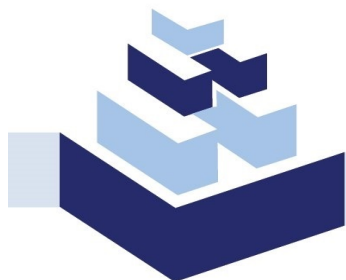
### **Businesses That May Open, what is most relevant to condos?**

#### **The Following "Essential" Services are Permitted to Remain Open:**

- Snow clearing and landscaping.
- Security services for residents, businesses, and other properties.
- Domestic services that support children, seniors, or vulnerable people, including housekeeping, cooking, indoor and outdoor cleaning, and maintenance.
- Moving and delivery.
- Temporary staffing.
- Home childcare.
- Real estate agents are permitted to show a property in person by appointment (but no open houses).
- Property management, as well as property maintenance and repair services.
- Residential renovations, if the construction work started before January 12, 2021.

Although the rules for common element repair projects are not entirely straightforward, it appears that any construction work related to residential condominium buildings is permitted. Compliance with the "heart and purpose" of these laws, in the absence of specific legislation, would mean that residential condominium buildings could continue with required repairs, but cosmetic renovations should be postponed.

<sup>6</sup> <https://www.toronto.ca/wp-content/uploads/2021/01/95fd-Medical-Officer-of-Health-Letter-of-Instruction-to-Workplaces-Jan-4-21.pdf>



## **What amenities should currently stay closed? or That are Subject to Conditions, what is most relevant to condos?**

### **The following outdoor recreational amenities may remain open (subject to compliance with additional rules):**

Landscaping, parks, tennis, basketball, and other similar sports courts, playgrounds, outdoor fitness equipment.

#### **Outdoor Recreational amenities that remain open must ensure that:**

- -Two-meter physical distance is maintained (and no games are played where participants are likely to come within two meters of each other).
- -No team sports.
- -Locker rooms are closed, but public washrooms may remain open.

#### **Public Gatherings, what is most relevant to condos?**

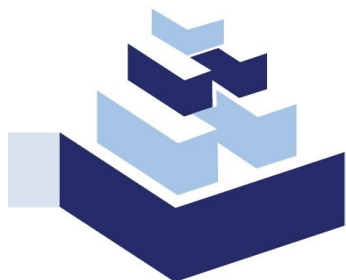
- No indoor gatherings.
- **Exceptions:** People who live alone may gather indoors with the members of one other household. The prohibition on indoor gatherings does not apply to businesses that can be open.
- Outdoor gatherings limited to five **(5)** people.

#### **Entering Units?<sup>7</sup>**

Understandably, individual unit owners may be more hesitant to allow managers and contractors into their units during these difficult times. This puts managers in a challenging position as they must balance the need to treat owners fairly, while ensuring that they continuously act in the best interest of the condominium corporation.

- The unit owner has been provided with reasonable notice and given a fair opportunity to prepare themselves for when you will attend the unit.
- You and the owner maintain a safe distance from one another.
- You use your personal protective equipment (PPE) to protect yourself and the owner
- You are following any other rules and guidelines issued by the government and Chief Medical Officer of Health

<sup>7</sup> <https://www.cmrao.ca/resources/covid-19-resources/covid19guideforcondomanagers.pdf>



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## **MORE QUESTIONS AND ANSWERS?**

### **Can visitors be asked questions or made to take protective measures before entering the building?**

Yes. In a building with a concierge, a visitor can be asked to identify whether they have recently travelled out of the country or are experiencing a fever, cough, or shortness of breath. If the visitor answers “yes” to any of those questions, or refuses to answer, then access to the building may be prohibited. Everyone entering the building should be asked to make use of available hand sanitizer and wear a mask.

### **Can access to the amenity areas be restricted or prohibited?**

Yes, and it is recommended. In the COVID-19 pandemic, boards are justified to restrict or prohibit access to amenity areas (gyms, theatre rooms, boardrooms, pools, guest suites, etc.) and cancel any bookings indefinitely. Taking steps designed to limit the possible spread of COVID-19 is consistent with a condominium corporation’s obligations under section 117 of the Condominium Act to not permit a condition to exist or carry on an activity that is likely to cause injury to an individual.

### **Is there a benefit to passing an electronic meetings by-law?**

Yes. For condominium corporations that wish to hold electronic meetings of owners after May 31<sup>st</sup>, 2021, an electronic meetings by-law will still be required.





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### **Nadlan-Harris Property Management Inc. Quarterly Seminar**

We recently had our quarterly Team Seminar, which as everything in our lives has tuned into a virtual gathering.

Our team was grateful to all our presenters for providing their time and their knowledge. Our presenters were our very own Kelsey Laton, who presented a virtual covid screen app, which we recommend for all buildings to implement. As well as our Regional Manager Robert Buckler, who provided some great tips and trick while using Word and Excel software.

We would like to thank Brian Horlick and his team for taking the time to present to our team. Brian and his team precented on the following topics:

- Privacy Law In Condominium Buildings
- Best Practice for Common Expense Collection, Len, and Chargeback Deadline
- Religious Accommodations and Avoiding Discrimination Complaints
- Best Practice for “Re-Opening” Condominium Buildings (COVID-19)



Thank you to everyone for all your support!



Condominium

|

Residential

|

Commercial

|

Rental



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500 Champagne Drive, Toronto, ON M3J 2T9

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**We are a team of dedicated experts, specializing in professional property management of:**

- High-Rise/Low-Rise Condominiums
- Residential/Commercial/Industrial
- Town Home Condominiums
- New Condominium Development Consulting
- Customized Community Websites
- Shared Facilities



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