

NADLAN-HARRIS  
PROPERTY MANAGEMENT INC.

AN ACMO 2000 COMPANY

## NADLAN-HARRIS PROPERTY MANAGEMENT INC. WINTER, 2020 NEWSLETTER

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### Message from the President

Dear Board of Directors,

As we approach the end of 2020, I cannot help but look back with both sadness and pride. Sadness for the people we lost to this ruthless pandemic, but pride for the way we have handled this difficult situation. We have tried our best to keep the communities we serve as safe as possible by implementing the best safety procedures, using renowned experts and high-quality products and providing as much information as possible, hoping to stop the spread of COVID-19. May this Holiday Season be filled with joy, health, and love for all. Please enjoy the selection of articles we have picked for you.

Sincerely,

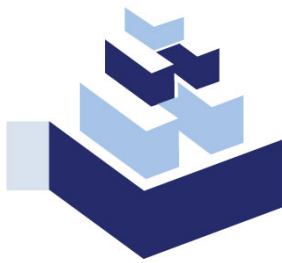


Liron Daniels  
President  
R.C.M., P.P.L., B.E.S.

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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.*



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## ONTARIO MOVING REGIONS TO NEW LEVELS WITH STRONGER PUBLIC HEALTH MEASURES<sup>1</sup>

Actions is being taken to stop the spread of COVID-19 and protect vulnerable people.

### Effective December 14 at 12:01 a.m.



**Moving to Grey-Lockdown:**

- WINDSOR-ESSEX COUNTY HEALTH UNIT
- YORK REGION PUBLIC HEALTH



**Moving to Red-Control:**

- MIDDLESEX-LONDON HEALTH UNIT
- SIMCOE MUSKOKA DISTRICT HEALTH UNIT
- WELLINGTON-DUFFERIN-GUELPH PUBLIC HEALTH



**Moving to Orange-Restrict:**

- EASTERN ONTARIO HEALTH UNIT



**Moving to Yellow-Protect:**

- LEEDS, GRENVILLE AND LANARK DISTRICT HEALTH UNIT



TORONTO — The Ontario government, in consultation with the Chief Medical Officer of Health, local medical officers of health, and other health experts, is moving seven public health regions to new levels with stronger public health measures, including Windsor-Essex County Health Unit and York Region Public Health moving into Grey-Lockdown. These steps are being taken to stop the spread of COVID-19 in order to keep schools open in the regions where in-class learning is permitted, safeguard health system capacity, and protect the province's most vulnerable populations. The regional levels and specific public health measures are set out in the *Keeping Ontario Safe and Open Framework*.

"Moving a region into Grey-Lockdown is not an easy decision, but it is one we needed to make in order to help stop the spread of the virus and safeguard the key services we rely on," said Christine Elliott, Deputy Premier and Minister of Health. "As we enter the holiday season and as the province prepares to receive its first shipment of COVID-19 vaccines, it remains crucial for all Ontarians to continue adhering to public health advice and workplace safety measures to reduce the spread of the virus and keep each other safe."

Based on the latest data, the following public health regions will move from their current level in the

framework to the following levels effective Monday, December 14, 2020 at 12:01 a.m.:

- Grey-Lockdown
  - Windsor-Essex County Health Unit; and
  - York Region Public Health.
- Red-Control
  - Middlesex-London Health Unit;
  - Simcoe Muskoka District Health Unit; and
  - Wellington-Dufferin-Guelph Public Health.
- Orange-Restrict
  - Eastern Ontario Health Unit.
- Yellow-Protect
  - Leeds, Grenville and Lanark District Health Unit.

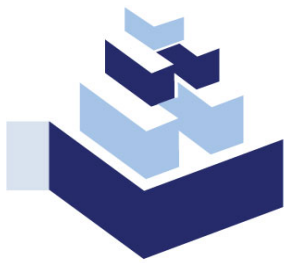
All other public health regions will remain at their current level. Please visit [Ontario.ca/covid](https://ontario.ca/covid) response for the full list of public health region classifications.

"Over the last week, public health indicators in the York and Windsor regions have continued to trend in the wrong direction and it is evident additional measures are needed to help limit the spread of the virus," said Dr. David Williams, Chief Medical Officer of Health. "By making this difficult but necessary decision we can help to ensure that hospitals in these regions can work to provide patients with the care they need when they need it, including the performing of scheduled surgeries and other important procedures."

For long-term care homes, visitor restrictions apply to those homes in the public health unit regions that are in the Orange-Restrict level or higher. In addition, long-term care homes must implement recently enhanced testing requirements.

Trends in public health data will continue to be reviewed weekly to determine if public health units should stay where they are or be moved into a different level. Public health units will stay in their level for a minimum of 28

<sup>1</sup>Ontario (2020) <https://news.ontario.ca/en/release/59603/ontario-moving-regions-to-new-levels-with-stronger-public-health-measures>



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days, or two COVID-19 incubation periods, at which time, the government will assess the impact of public health measures to determine if the public health unit should stay where they are or be moved to a different level. The government and the Chief Medical Officer of Health will continue to consult regularly with local medical officers of health on local context and conditions to help inform the classification of their public health unit region.

As we approach the holiday season, the government is urging all Ontarians to continue to follow all required public health measures and public health advice. This includes the following:

- Stay home if you have COVID-19 symptoms, even if they are mild;
- Maintain two metres of physical distancing from anyone outside your household;
- Avoid social gatherings and limit close contacts to your household or the people you live with;
- Adhere to the restrictions in your region on public and private gatherings;
- Wear a face covering indoors and wear one outdoors if physical distancing may not be maintained or if wearing one is required;
- Wash your hands thoroughly and regularly;

- Cover your cough;
- Get tested if you have symptoms compatible with COVID-19, or if you've been advised of exposure by your local public health unit or through the COVID Alert mobile app;
- Individuals and families from higher transmission regions should avoid travel to lower transmission regions, except for essential reasons; and
- Download the COVID Alert mobile app.

No matter where you live in the province, the safest way to spend the holidays this year is by only celebrating in person with the people you live with and celebrating virtually with everyone else. People who live alone may have exclusive close contact with one additional household to help prevent feelings of isolation and mitigate against negative mental health impacts.

The Ontario government is now providing \$600 million in property tax and energy cost rebates to support eligible businesses required to close or significantly restrict services due to enhanced public health measures, doubling its initial commitment of \$300 million made in the 2020 Budget, Ontario's Action Plan: Protect, Support, Recover. To apply for this funding please visit Businesses: Get help with COVID-19 costs.

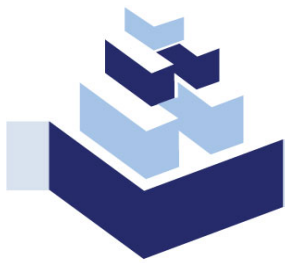
## **FUTURE-PROOFING CLEANING FOR THE NEW NORMAL<sup>2</sup>**

*The present is painful for property and facility managers and it's made future-proofing cleaning more important than ever.*



COVID-19 is a health tragedy that is likely to become even more tragic than the 1.2 million global deaths so far. However, businesses must find ways to safely re-engage during the pandemic with a focus on future-proofing cleaning, or else economic disaster will exacerbate the pain of illness and loss of life. Property and facility managers are at the forefront of that push as they operate the buildings that businesses live in. This operational burden brings even more concern as unknown legal liabilities may fall onto property and facility managers in the future, leaving them to ask just

<sup>2</sup> Scott, R. (2020). *Future-Proofing Cleaning for The New Normal-The present is painful for property and facility managers and it's made future-proofing cleaning more important than ever.* The Remi Network.  
<https://www.reminetwork.com/articles/future-proofing-cleaning-for-the-new-normal/>



how much and should be done to protect occupants from COVID-19 inside buildings?

### **The purpose of cleaning has changed**

On March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic. Almost immediately, lockdowns and stay-at-home orders began everywhere.

From that point in time, the world changed for property and facility managers: Traditional cleaning of buildings metamorphosed into cleaning for the health and safety of occupants. It has been a colossal challenge to slow infections because evidence shows the SARS-CoV-2 virus that causes COVID-19 can spread more easily than the flu. And while everyone awaits vaccinations and new therapeutics, behaviours have not modified enough to flatten the curve of infections; the virus rapidly spreads. Property and facility managers are now the frontline to prevent contagion from shutting down their buildings - and cleaning for occupants' health is their new charter.

### **Opportunities to future-proof cleaning**

The cleaning requirement of the moment is to fight COVID-19. The opportunity of the moment, born of tragedy, is to future-proof cleaning against the next pandemic. Now is the time to do both.

For property and facility managers, there are several key areas to focus on (short of becoming a "Disease Detective" in the CDC's Epidemic Intelligence Service), such as:

- Reconfiguring cleaning specifications for health and safety
- Validating competencies: technical expertise and individual skills

### **Reconfigure cleaning specifications for health and safety**

Future-proofing cleaning against pandemics means altering specifications in a number of ways. Some are subtle, and some have the potential for unintended, negative consequences.

The following, though not an exhaustive list, outlines considerations where cleaning specifications can be better used to fight this and future pandemics.

### **Recognizing disinfection is a 2nd step after cleaning**

Prior to this pandemic, disinfecting surfaces was a standard specification when cleaning sensitive spaces, such as healthcare facilities, food production, cleanrooms, etc.

Now, with COVID-19's spread, disinfecting surfaces have been added to virtually all buildings regardless of their pre-pandemic need. Office properties, retail buildings, public transit, arenas, convention centres, etc. are now including disinfecting in their cleaning specifications.

This new disinfection reality adds a second step to the cleaning process. And this brings challenges that can be overcome but only by addressing them with cleaning contractors/in-house teams before revising cleaning specifications.

For example, if cleaning staff are not properly trained in safe disinfection procedures, they can easily use the wrong chemistry, causing unsafe chemical reactions (e.g. harmful vapours) and surface damage to fixtures and finishes (e.g. bleach used on leather furniture). Also, when adding disinfection tasks, cleaning costs rise, demand for PPE skyrockets (gloves, N95s, gowns), and disruptions/delays can occur in disinfectant and equipment supply chains.

### **Increasing disinfection frequency and visibility**

The most common cleaning response to the pandemic is to increase the frequency of disinfecting common areas (e.g., lobbies, restrooms, elevators, etc.). Typically, this is done during business hours by cleaners wiping touchpoints (door handles, elevator buttons, handrails, etc.) with disinfectant. Disinfecting has also been moving from a weekly to a daily cadence, often several times a day, to become an almost continuous activity.

Besides reducing surface contamination and the potential spread of illnesses, daytime disinfection provides a visual signal to building occupants that property and facility managers are making their workplace safer.

Other frequency adjustments can include increased nighttime fogging and/or electrostatic application of a disinfectant. This high-volume application can cover larger areas faster, reach further into spaces, and coat multiple sides of touchpoints, objects, and fixtures.

This disinfection must be done at night or non-business hours to avoid the risk of occupants inhaling disinfectant. Cleaners are protected during this disinfectant





application by wearing the appropriate PPE that includes face masks.

**Reconfiguring non-daily, in-scope tasks to “as needed”**

Cleaning budgets need to be reconfigured to make room for disinfection and decontamination while aiming to stay near overall pre-pandemic levels. The goal of shrinking normal cleaning and adding disinfection will still likely increase spending, but today it is a worthwhile exercise, regardless of the outcome.

Reconfiguration can be done by moving less frequent tasks (formerly in-scope) to “on-demand” at the request of property and facility managers.

First, review all annual, semi-annual, and quarterly cleaning tasks now in the annual budget or contract, such as sweeping stairwells, high vent cleaning, dusting blinds, stripping and refinishing hard surface floors, interior and exterior window cleaning, etc. These are any and all tasks not done daily or weekly.

Then, identify a group of tasks and remove them from the budgeted scope, placing them outside the fixed spend. When using building service contractors (BSCs), this means amending cleaning contracts and getting individual pricing for “on-demand” tasks. With in-house departments, budgets may have to be re-forecast.

And there are potential negatives to consider with reconfiguration (aka deferred cleaning), such as:

- Building aesthetics can suffer and impair the image of cleanliness, e.g. dusty stairwells, scuff-marked hard floors, untidy entrance exteriors, etc.
- More time is required of property and facility managers to oversee cleanliness, frequently revisit budgets, and request “on-demand” cleaning tasks

Lastly, it is important for property and facility managers to note that reconfiguration doesn’t entirely remove costs, it only provides flexibility for when to take the expense of an individual cleaning task. “On-demand” tasks that are requested will add costs back into the total overall spend.

**Validate competencies: technical expertise and individual skills**

When the COVID-19 pandemic began, in-house departments were instantly tasked with becoming

disinfection experts of an unknown pathogen.

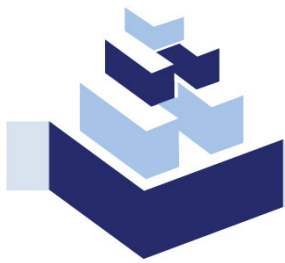
They scrambled to acquire enough supplies and equipment to fulfill new disinfection services. Success varied wildly — with some hitting stride immediately, some starting slowly then coming up to speed, and others being consistent failures. Not every disinfection service provider delivered as hoped.

The “newness” and immediacy to clean workplaces against COVID-19 raised questions for property and facility managers, such as “Is this cleaning making my space safe?” and “Do these cleaners know how to disinfect correctly?”

Answering these questions requires validation of competencies. This is where third-party and/or industry certifications help provide a level of confidence. Consider the following:

**BOMA Best Clean Buildings**

- Canadian certification for cleaning organizations and facilities in best-practice recommendations and validation of competencies and practices
- Provided by BOMA Canada, an affiliated member of BOMA International
- New in Fall 2020
- GBAC STAR
- Accreditation for facilities in outbreak prevention, response, and recovery for staff and buildings
- Provided by ISSA, leading trade association for the cleaning industry worldwide
- CIMS-Green Building
- Certification for cleaning organizations to secure points under LEED EB: O&M, Green Building Rating System
- Provided by ISSA, leading trade association for the cleaning industry worldwide
- Clean Learning
- Training and certification for cleaners to teach hospital-grade cleaning skills for all industries
- A Canadian-based training and certification program developed by Good Choice Cleaning Services Inc.
- BSCAI’s COVID-19 Disinfection & Safety
- Training and certification for cleaners to supplement safety and routine disinfection techniques with a specific focus on COVID-19
- Provided by BSCAI, trade association of the



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building service industry in U.S. and 30 other countries

GBAC Fundamentals Online Course: Cleaning & Disinfection Principles

- Training and certification for cleaners to prepare for, respond to, and recover from biohazards in the workplace, such as the novel coronavirus (SARS-CoV-2)
- Provided by ISSA, leading trade association for the cleaning industry worldwide

#### **Future-proofing is here in present time**

The time to future-proof cleaning, fight the current pandemic, and prepare for the next pandemic is now. There's undoubtedly a lot to accomplish at one time, yet that is the challenge for property and facility managers. Perhaps counter-intuitively, it is also the opportunity of the moment.

*If you would like more information on the cleaning solutions, please contact your manager for further detail.*

## **ONTARIO GOVERNMENT INTRODUCES LEGISLATION TO REDUCE COVID-19 LEGAL LIABILITY<sup>3</sup>**

On October 20<sup>th</sup>, 2020, the Ontario Government introduced Bill 218, the *Supporting Ontario's Recovery Act, 2020*, which is intended to protect corporations (including not-for-profits) from legal liability associated with COVID-19 infection, so long as the organization made a good-faith effort to follow public health guidelines.

While the legislation is not yet finalized, it is expected to pass in the Legislature and will be retroactive to the beginning of the pandemic. The full text of Bill 218 may be found here: <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-218>

In our view, this legislation will be good news for condominium communities. It will encourage balanced decision-making by condominium boards of directors and will prevent overly cautious responses to the pandemic that are motivated solely by the fear of legal liability and not by any rationale safety objective.

### **ELECTRONIC CONDOMINIUM MEETINGS**

**Can condominium corporations hold meetings of owners, including the AGM, electronically? Answer: Yes.** However, after **May 31<sup>st</sup>, 2021**<sup>[1]</sup>, condominium corporations will require an

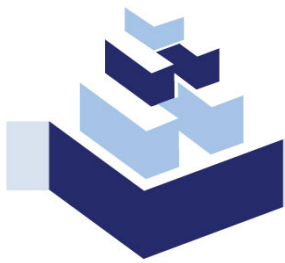
electronic meetings by-law in order to hold virtual meetings of owners.



#### **Can board business be conducted**

**electronically? Answer: Yes.** Until May 31<sup>st</sup>, 2021, board meetings may be called by email and held via teleconference or videoconference, even if the by-laws state otherwise, and even if a director objects to holding electronic board meetings.<sup>[2]</sup> After May 31<sup>st</sup>, 2021 the normal rules for electronic board meetings (requiring unanimous consent of all directors) will once again apply.

<sup>3</sup> Horlick Levitt Di Lella LLP. Newsletter. <https://mailchi.mp/ab9d2be64aab/hlds-condo-law-live-stream-on-youtube-wednesday-may-27-1200-noon-4640083?e=664a27f78e>



**Have the deadlines for holding 2020 AGMs been further extended?**

**Answer: No.** Here is the meeting deadline table, which has remained the same since late July:

Fiscal Year-End	Normal AGM Deadline	2020 AGM Deadline	2021 AGM Deadline
December 31	June 30	October 22, 2020	June 30, 2021
January 31	July 31	November 21, 2020	July 30, 2021
February 28/29	August 31	August 31, 2020	August 31, 2021
March 31	September 30	September 30, 2020	September 30, 2021
April 30	October 31	October 31, 2020	October 31, 2021
May 31	November 30	November 30, 2020	November 30, 2021
June 30	December 31	December 31, 2020	December 31, 2021
July 31	January 31	January 31, 2020*	January 31, 2021
August 31	February 28/29	February 29, 2020*	February 28, 2021
September 30	March 31	October 22, 2020	March 31, 2021
October 31	April 30	October 22, 2020	April 30, 2021
November 30	May 31	October 22, 2020	May 31, 2021

\*The 2020 AGM deadline had passed before the March 17, 2020 declaration of emergency and so was not extended.

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

**Answer: 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.

**Can condominium corporations hold in-person meetings of owners?**

**Answer: We do not recommend in-person meetings, and if your corporation decides to hold an in-person meeting of owners, then we will not attend.** In our view,

there is no legitimate reason for any condominium corporation to hold an in-person meeting of owners at the present time. Virtual meetings do NOT require computer literacy or access to the Internet. Owners can vote by proxy and participate by telephone if they so desire.

**HEALTH SCREENING FOR CONDOMINIUM WORKERS**

**As of September 26<sup>th</sup>, 2020, employers are required to conduct daily employee health screening. Who does this apply to in a condominium setting?**

**Answer: Each condominium building will have to carefully assess who works at the building.**

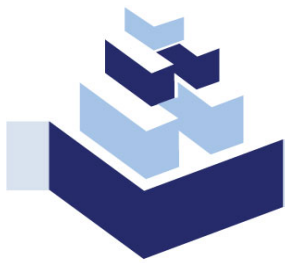
In our view, the following workers should be included in condominium corporation's health screening questionnaire, regardless of whether they are employees or contract workers:

- (1) property management and office staff;
- (2) superintendents;
- (3) custodians/cleaners;
- (4) security staff;
- (5) couriers/delivery workers (if making a delivery to the corporation, as opposed to a delivery to a resident);
- (6) anyone who works for the corporation on a volunteer basis; and,
- (7) anyone else who is working on-site for the corporation such as landscapers, maintenance and repair contractors, plumbers, electricians, etc.

In our view, the condominium corporation is not required to screen a contractor who is attending the property to perform work for a resident or unit owner.

**Is there a standard form screening questionnaire, and where can we find it?** **Answer: Yes, here is the link:** [http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/workplace\\_screening\\_tool\\_guidance.pdf](http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/workplace_screening_tool_guidance.pdf)

**MORE QUESTIONS AND ANSWERS?**



**Here is a link to the newly-published Residential Condominium Buyers' Guide from the**

**CAO:** <https://www.condoauthorityontario.ca/wp-content/uploads/2020/11/Ontarios-Condominium-Buyers-Guide-2020-FINAL-1.pdf> (Last updated November 6, 2020)

While the guide is designed for prospective purchasers,

there is a lot of useful information about general condominium governance (what are common expenses? how are they calculated? what are rules? what does a condominium director do? Etc). Condominium managers should be familiar with the contents of this guide and should consider using it as a reference tool for responding to questions from interested or concerned owners.

## **CAO ANNOUNCES EXPANSION OF THE CONDOMINIUM AUTHORITY TRIBUNAL AND THE LAUNCH OF ANOTHER DIGITAL FIRST!<sup>4</sup>**

The CAO is pleased to announce the expanded jurisdiction of the Condominium Authority Tribunal's (CAT) and the launch of its online multi-party dispute platform – another Canadian first!

Following the government's amendments to Ontario Regulation 179/17, under the Condominium Act, 1998, effective October 1, 2020, the CAO's Condominium Authority Tribunal can now receive applications for more dispute types. In addition to the current records-related disputes, owners, mortgagees, and condo corporations can now file applications with the CAT for disputes about provisions in the corporation's governing documents related to:

- Pets and animals,
- Vehicles,
- Parking and Storage, and
- Indemnification or compensation (related to the items above).

"We welcome the CAT's expansion, and we are so pleased to offer our enhanced dispute resolution service to owners, mortgagees and condo corporations across Ontario." said Heather Zordel, Chair of the CAO's Board of Directors. "To date, the CAT has issued 103 binding decisions and orders on records-related cases. These have been a catalyst for enhanced accountability and transparency related to the obligations related to access to records. Now, with the increased jurisdiction, the CAT will be able to resolve more disputes and bring further clarity regarding these issues in condos."

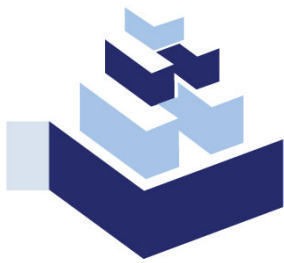
The CAT's Online Dispute Resolution System (CAT-ODR) is Canada's first fully online tribunal, offering a three-stage dispute resolution process – Negotiation, Mediation, and Adjudication. The CAT-ODR allows individuals to participate online from anywhere in an innovative, user-friendly and cost-effective manner. The expansion of the CAT's jurisdiction to handle disputes related to the corporation's governing documents required enhancements to the CAT-ODR system, which now supports cases involving three or more parties, and the participation of witnesses and intervenors. The CAT-ODR offers an "asynchronous" approach, which means that users don't always participate in their case at the same time. This gives users the flexibility to balance their time and priorities by participating in a case at their own pace and on their own schedule.

"This is an exceptional milestone for the CAO. I am very proud of the team and their work over the past year and a half to prepare for the tribunal's expanded jurisdiction," said Robin Dafoe, CEO and Registrar. "The launch of the enhanced CAT-ODR system is another digital-first for the organization and achieves another one of our goals for bringing value to condominium owners and boards across Ontario."

Previously, owners and condo corporations involved in these types of disputes had to go through costly private mediation, arbitration, or the courts. Now, thanks to the CAT's expanded jurisdiction, these types of cases will come exclusively to the tribunal.

<sup>4</sup> Business Insider. *CAO announces expansion of the condominium authority tribunal and the launch of another digital first.* <https://markets.businessinsider.com/news/stocks/caoannounces-expansion-of-the-condominium-authority-tribunal-and-the-launch-of-another-digital-first-1029644890>





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"The CAT is user-centric in its design and approach," said Ian Darling, Chair of the CAT. "We understand the impact these disputes can have on condo owners and corporations and between neighbours. The CAT-ODR online system provides our expert mediators and adjudicators with an effective and adaptable tool to help

resolve condo issues as early as possible and, where necessary, settle disputes."

The CAO welcomes this expanded mandate increase to the CAT's jurisdiction. We look forward to continuing to support Ontario's condominium owners and corporations.

## **VIRTUAL MEETINGS & TIPS TO DEAL WITH PEOPLE<sup>5</sup>**

### **Recording Condo Board Meetings**

With so many of us holding virtual meetings over the past several months, there have been many questions about

recording meetings. More specifically, there are questions regarding permission to record meetings and privacy laws, as well as whether owners are entitled to a copy of the recorded meetings. If these are your burning questions, you definitely want to read this article.



### **Virtual Meetings- The Recording**

Now that condominium corporations are starting to conduct their meetings virtually, questions are being asked about the requirement to record a virtual meeting, whether recording a meeting is contrary to privacy laws and whether owners are entitled to a copy of the recording.

### **Requirement to Record the Meeting**

Remember when we had in-person meetings? Unless an owner, unbeknownst to the chair, recorded the meeting,

recordings of meetings were never part of the procedures adopted by condominium corporations for owners meetings. There may have been the odd time, that a minute taker would audio-record the meeting for their purposes of ensuring accurate minutes, but where owners had requested that they be permitted to record the meeting, the usual response was NO!

Most virtual meetings are being conducted thorough platforms that will, as a default, record the meeting unless advised otherwise. If a condominium corporation does not want to have the meeting recorded, make sure to instruct the virtual meeting provider. It is important to remember, though, that for minute takers and corporations that may not have a minute taker for the meeting, the recording may be needed for the purposes of preparing the minutes of the meeting.

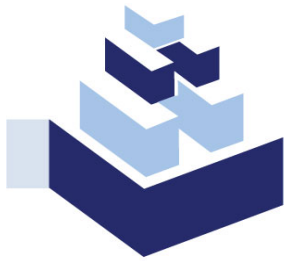
### **Are you Allowed to Record the Meeting?**

The answer is yes. The Criminal Code provides that recording private conversations are allowed as long as one of the parties involved consents to the recording. Owners, however, should be advised at the start of the meeting, that the meeting will be recorded. Most service providers will start off the meeting doing an introduction to explain to owners how they can participate in the virtual meeting and will also advise that the meeting will be recorded.

### **Are Owners Entitled to the Recording?**

It depends. If the recording forms part of the records of the corporation, an owner may submit a records request and the determination is made similar to other record requests. If it is not part of the records, then NO, owners

<sup>5</sup>- *Virtual Meetings- The Recording*. Lash/Condo Law. <https://www.lashcondolaw.com/virtual-meetings-the-recording/>  
- *op 5 Tips for Boards When Dealing with Difficult People*. Condo Connection/Condo Management.  
<https://www.wilsonblanchard.com/top-5-tips-for-boards-when-dealing-with-difficult-people/>



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are not entitled to the recording.

In our view, the recording is not a record of the corporation (unless the by-laws provide otherwise). The recording is more akin to a work product, used to ensure accuracy of the minutes, as opposed to a record itself. The minutes are indeed a record of the corporation and are, of course, subject to review by owners.

### **Tips to Help Boards Deal With Difficult People**

It can be challenging to deal with difficult people, particularly when you are on a condo board and you live in the building.

A soundly based method to deal with difficult people is to remember the acronym – BASED (see what I did there). In short, the 5 things to remember are to be openminded, assume positive intent, stick to the facts, engage in listening, and treat everyone with dignity and respect. It is easy to get caught up in the drama and personal battles, but remember that there are practical ways of dealing with people on a human level. If you recognize that you may be one of these difficult people, then consider how you could develop a new approach for your next encounter and possibly have a pleasant outcome, regardless of the decision.

#### **1. Be Open-Minded**

This applies mostly when a board is being criticized for an action taken or a communication approach. A board that has successfully worked together for a long period could get stuck in the rut of “that’s how we’ve always done it,” without considering there could be a better way. The board should also be mindful not to take criticism personally. Despite how the message from the difficult person is delivered, maintaining professionalism and staying calm will benefit all parties. Focus on what can be done, and leverage the talent in the community if it is something outside of the board’s skill set. An easy example would be poster notice boards – commonly placed in the mail collection area of a condo – consider e-blasts, digital displays, websites, etc. – are you up to date with the technology available?

#### **2. Assume Positive Intent**

Related to open-mindedness, don’t assume people are intentionally trying to cause trouble or throw a wrench into your plans. Perhaps this could be a time to reflect on how messaging was worded or distributed. Ask yourselves if communication was clear to someone

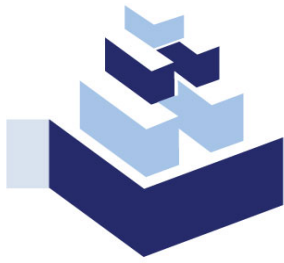
outside of the decision-making group and if there was enough transparency to maintain trust from the community. This “difficult” person may also be speaking on behalf of other residents who may be uncomfortable approaching the board directly. Just as the board must make decisions in the best interest of the community, the residents also want a well-managed place to call home. For example, where residents complain about increasing common element fees, the board may host an informal town hall to explain how funding is distributed.

#### **3. Stick to the Facts**

“Sticking to the facts” means refraining from hearsay or anecdotal evidence instead of actual facts, despite what the difficult person may present. It also includes not allowing the conversation to veer from the original item or go off on another tangent. Some people may feel they are being targeted or discriminated against for certain board decisions. This reinforces the earlier point of not taking things personally. Sticking to the facts will take the emotion out of it, eliminate the source bias, and reinforce why a specific decision was made. A frequent example is rules (or bylaws) regarding pets, dogs specifically and particularly when enforcing nuisance behaviour. This is a highly emotional issue for a resident and therefore important that the board be armed with documentation and facts and not anecdotal complaints from neighbours or the board members.

#### **4. Engage in Listening**

People need to know their voice is being heard and acknowledged. A simple nod or “I understand” is sometimes not enough and could come off as flippant. This is not the time to be thinking of your response or defending actions taken. Acting defensively will escalate the issue and clearly show that you are not interested in listening to another perspective. This is an opportunity to listen for or suss out any hidden needs that have not been previously articulated. There may be times where there will be no solution, however, a person needs to vent and will appreciate being heard. An example is when fire testing is required, equipment needs to be checked and loud alarms are regularly triggered – shift workers, people home with pets and or children do not appreciate the disturbance. Condominiums have fire code and safety requirements which must be met for the protection of all residents. However, reminding residents with more advanced notice so alternate arrangements can be made



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to vacate the premises for that day shows consideration of their situation but it's not going to stop the process.

#### **5. Dignity and Respect**

We are all human beings with feelings and flaws, so treat others with dignity and respect. Regardless of the approach of the difficult person, always be polite and set the example of being calm to hopefully deflate any emotional or physical outbursts. Choose your battles wisely and always allow the other party an easy 'out' if they are feeling defeated. If it seems there is no reasoning with the person, it may be wise to hit 'pause' and regroup when clearer heads prevail. There is no rule that says a demand has to be met or solved immediately. An example is an outburst from someone trying to hijack an AGM with personal opinions – the chair can defer a legitimate topic for the board's private discussion at a board meeting, not a public AGM forum, request the person remove themselves or call a short recess to take them aside and advise the behaviour will not be tolerated.

As a board member, you may find yourself as an easy target for people who may be having any sort of issue, whether it be personal, professional, or with the

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community. Living in a condominium could be a difficult transition for some people and the extra time taken to provide transparent documentation and communication would result in a more engaged community.

Residents should realize that being elected to the board is a volunteer position that you have undertaken to ensure the community is socially and financially responsible and that the board of directors are also human beings who deserve the same dignity and respect as everybody else.

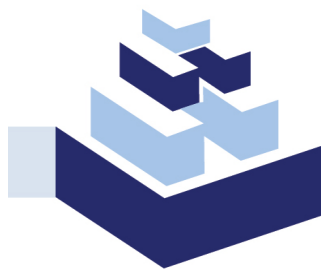
Lastly, when being challenged by a difficult person, it is not always up to the board to solve everyone's problems. However, when it comes to the successful operation of the community, the board is responsible for making these decisions on behalf of the owners. It is easy to be an armchair critic and developing solutions can be done together in a meaningful way. When someone comes with an issue or complaint, ask them for a solution for the board's consideration. Building relationships takes time, and, like family, you cannot pick your neighbour, but you can make the decision to be excellent to each other.

## **A QUICK GUIDE TO THE FIVE-COLOUR FRAMEWORK FOR COVID-19 RESTRICTIONS**

### **Create a Customized Policy for Your Corporation's Needs:**

Condominium corporations may implement their own emergency restrictions that are stricter than temporary emergency government orders. Such restrictions should be created in consultation with your condominium lawyer and approved by the board of directors by a written policy with notice to all owners.





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## **WHAT NADLAN-HARRIS IS DOING ABOUT COVID-19 CORONA VIRUS?**

Nadlan-Harris Property Management Inc. deeply cares about our staff's health and safety as well as the communities we work in.

From the beginning Nadlan-Harris has put in place protocols for the safety of our team and residents.

The following protocols have been put in place:

- We have increase **cleaning and disinfecting protocols.** The Nadlan-Harris head office is being sprayed 3 times per week with Hypochlorous Acid, which is a primary disinfectant agent of chlorine solutions.
- Nadlan-Harris head office has introduced the GermGuard Treatment Program, which has been proven to last on a surface for up to 6 months. The GermGuard program kills germs on contacts and is a great addition for in between regular cleaning. The treatment provides antimicrobial protection to high touch surfaces to reduce the risk of transmission of germs. (see pictures below)
- Keyless entry has been installed at Nadlan-Harris head office to minimize the touching of surfaces.
- Social distancing protocol has been put in place
  - Keeping a minimum of 6' away from each other.
  - We have staggered our head office employees to work from home.
  - Remote set up was provided to all employees.
  - Accounting personnel rotate their time of coming to head office when needed to pick and drop off information.
- Extra hand sanitizers and spray disinfectant has been supplied at the Head office

We believe in an open communication policy and we constant communicate to all our managers on weekly basis by providing updated information to communicate with their board of directors and the community.

The team at Nadlan-Harris has received some inquires by directors of the board about approval of invoices and cheques being signed. Our team fully understands the concern.

Under the direction of the board, Nadlan-Harris will accept invoice approvals from the board of directors, via email. Cheques can be signed by Liron Daniels the President of Nadlan-Harris Property Management Inc, and only by Liron Daniels. This of course is only temporary. Written direction is needed from the board of directors, to proceed with this option.

The Nadlan-Harris team has been provided Essential Work Documents, in the event they get stopped and questioned as to the intent of their commute

Our head office has been closed to the public since March, and only accommodates visits if it is an urgent matter.



**WASH YOUR HANDS**

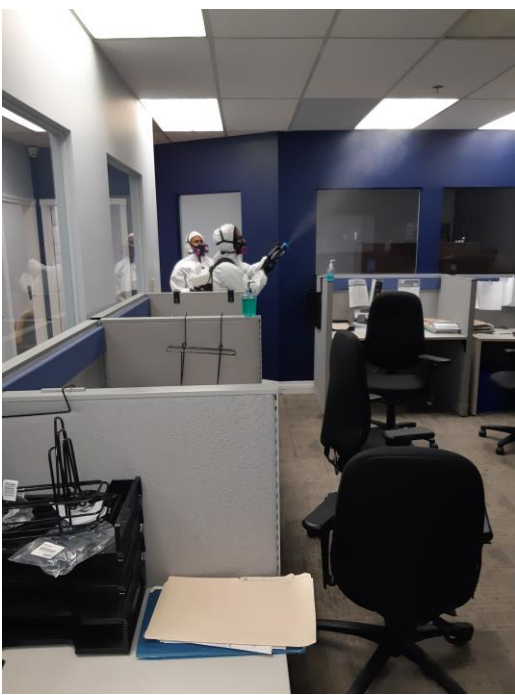


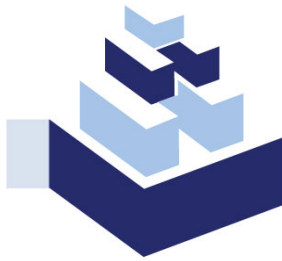
**COVER YOUR COUGH**



**STAY HOME IF SICK**







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Condominium

| Residential

| Commercial

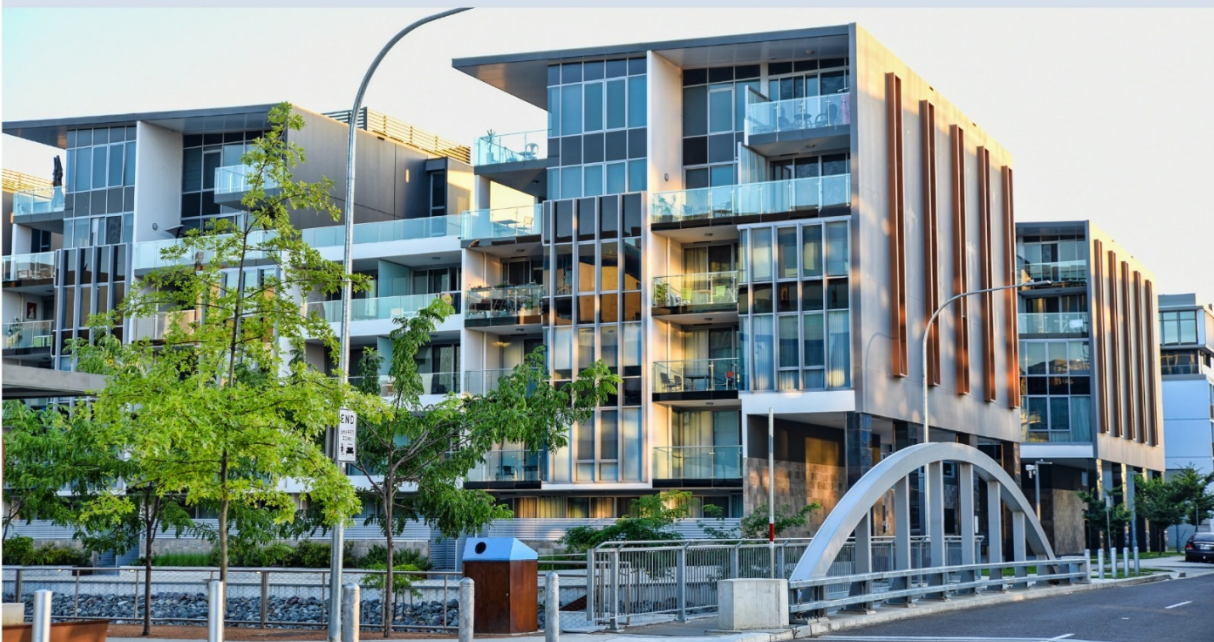
| Rental



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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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***WISHING EVERYONE A WONDERFUL  
HOLIDAY SEASON***



Happy Holidays  
&  
Happy New Year