

Anti-Harassment Rules: Bad Behaviour Must be Stopped

Authors: Douglas Forbes

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Many people involved in the condominium industry, including condominium corporation directors, unit owners, property managers, and other professionals, have noted an increase in hostility where they live and work over the past few years. This includes an alarming increase in the number of incidents of harassment.



While everyone is free to express personal opinions, engaging in harassment, intimidation, verbal or written abuse, personal attacks, bullying or intimidation should not be allowed. Such incidents not only harm the victim, they also harm the communities in which we live and work.

The Condominium Authority of Ontario (the CAO) recently published a sample set of rules that can be considered by condominium corporations to deal with harassment within their communities. These sample rules can be found here: **CAO Anti-harassment Rules**. The CAO's sample rules, although aimed at Ontario condominiums, are worthy of consideration by Manitoba condominium corporations as well.

The CAO's sample rules include an incident report that leads to consideration of how a corporation's anti-harassment rules should be enforced. It is one thing to pass rules, but consideration also has to be given to how they will be interpreted and enforced, including how allegations of harassment will be investigated and decided upon. Rules must be consistently interpreted and enforced by boards to be meaningful and to reduce incidents of them being challenged.

Rules must comply with the Manitoba Condominium Act. To that end, boards should consult with their property manager and legal counsel to ensure that the rules being considered fit within the Act as well as the corporation's existing documents. All rules need to be passed in accordance with the Act to be effective.

Generally speaking, once a board approves anti-harassment rules, it must provide notice of the proposed rules to unit owners and all others entitled to vote in the corporation. The notice must include a statement that unit owners have the right to request a special general meeting within 30 days after the notice is given. If no meeting is called within the time limit, the proposed rules become effective. If a special general meeting is called, approval by a majority of the voting rights in favour of the rules is required at the meeting for them to

become effective.

Caution should be exercised when considering any proposed rules. While the CAO's samples are worthy of consideration, care should be taken to ensure that they are suitable for your corporation. Most importantly, corporations should consider steps they can take to prevent incidents of harassment within their communities, whether by passing rules or otherwise.

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If you are considering taking steps to prevent incidents of harassment within your condominium corporation or have other questions related to condominium law, contact Doug Forbes **by email** or by phone at (204) 934-2426.

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