



# **Conflict of Interest Policy for the Registrar and Deputy Registrar(s)**

(Approved by the CAO Board of Directors on March 27, 2019)

## **1.0 Purpose**

The purpose of this Policy is to provide guidance to the Registrar and the Deputy Registrar(s) for avoiding and disclosing conflicts of interest.

## **2.0 Definitions**

- (a) “Act” means Condominium Act, 1998
- (b) “Board” means Board of Directors of the CAO
- (c) “CAO” means the Condominium Authority of Ontario
- (d) “Chair” means the chair of the CAO’s Board of Directors
- (e) “Ethics Executive” means the individual from whom the Registrar and/ or Deputy Registrar(s) would seek guidance regarding a real, potential, or perceived conflict of interest situations
- (f) “Registrar” has the meaning given to it in subsection 1(1) of the Act
- (g) “Deputy Registrar” has the meaning given to in subsection 9.1(1) of the Act

## **3.0 Background**

The CAO provides the following services to support condominium living across Ontario, including:

- (a) General information on rights and responsibilities of condominium owners and residents under the *Condominium Act, 1998*;
- (b) Director training on legal obligations and best practices in governance and the management of the corporation’s assets on behalf of all owners;

- (c) Guided steps and self-help resources for proactively resolving common condominium issues;
- (d) A public registry of all condominium corporations in Ontario, based on information provided by corporations through the filing of returns and notices of change with the CAO; and
- (e) The CAT, an online dispute-resolution service that helps to settle and decide certain condominium-related disputes in Ontario.

## **4.0 Application of the Conflict of Interest Policy**

The Policy is intended to ensure the highest standards and maintenance of the integrity of the CAO. The Registrar and/ or Deputy Registrar(s) shall always act in the best interests of the CAO. This means putting the interests of the CAO ahead of any personal interest or the interest of any other person or entity. It also means performing their duties and transacting the affairs of the CAO in such a manner that promotes public confidence and trust in the integrity, objectivity, transparency, and impartiality of the CAO.

## **5.0 Definition of Conflict of Interest**

- (a) A conflict of interest occurs when personal, occupational or financial considerations may affect, or appear to affect, the Registrar's and/ or the Deputy Registrar(s)' objectivity, judgment or ability to act in the best interests of the CAO and/ or may affect, or appear to affect their ability to exercise their statutory responsibilities under the Act in a fair, transparent and impartial manner.
- (b) A conflict of interest may be financial and/or non-financial. Other than in the performance of their duties and compensation for the performance of those duties during the ordinary course of their employment, the Registrar and/ or Deputy Registrar(s) shall not directly or indirectly receive any profit from their position.
- (c) A conflict of interest may be real, potential, or perceived in nature.
- (d) A real conflict of interest arises, or a potential conflict of interest could arise where the Registrar and/ or the Deputy Registrar(s) has a personal (including a familial) interest that adversely impacts or could adversely impact the performance of their statutory responsibilities under the Act.

- (e) A perceived conflict of interest exists when a reasonable, well-informed person has a reasonable belief that the Registrar and/ or Deputy Registrar(s) has a conflict of interest which could improperly influence the exercise of their statutory responsibilities under the Act, now or in the future, even if there is no real conflict.

## **6.0 General Duty to Disclose Conflicts of Interests**

The Registrar and/ or Deputy Registrar(s) should be mindful of situations that may give rise to conflicts of interest or even a perception of bias. Note that full disclosure, in and of itself, does not remove a conflict of interest.

In their dealings with the condominium owners and residents, condominium board of directors, regulated condominium sector professionals, and the public, the Registrar and/ or Deputy Registrar(s) shall:

- (a) be independent and impartial when exercising their statutory responsibilities; and
- (b) exercise vigilance for and declare any real, potential or perceived conflict of interest or the interest of particular constituencies in accordance with the CAO's By-laws, and policies, and in particular with this Policy.

After identifying a conflict of interest, the Deputy Registrar and/ or Registrar(s) must disclose the conflict to their Ethics Executive as soon as possible.

The Registrar and/or Deputy Registrar(s) will then work together with their respective Ethics Executive to determine:

- (a) If the circumstances surrounding the conflict give rise to a real, potential or perceived conflict of interest, and
- (b) If the determination is made that it does, determining the appropriate steps to be taken to establish ethical firewalls/ protections to insulate the CAO and the Registrar and/ or Deputy Registrar(s) from allegations of impropriety.

If there is a disagreement between the Registrar and/ or Deputy Registrar(s) and their Ethics Executive on whether there is a real, potential or perceived conflict of interest or on what approach ought to be taken, the Ethics Executive 's decision is final and binding.

Where the Registrar and/ or Deputy Registrar(s) has personal, occupational, or financial interests that could raise an issue under the Conflict of Interest Policy, the onus is on them to seek clarification and guidance on the matter.

In the case of the Registrar, they should inform the Chair (who for purposes of this Policy is the Ethics Executive for the Registrar) of the nature and extent of the personal, occupational, or financial activities that might constitute a conflict of interest, or even a perception of bias; and in the case of the Deputy Registrar(s), they should inform the Registrar (who for the purposes of this Policy is the Ethics Executive for the Deputy Registrar(s) of the same.

In these circumstances, the Registrar and/ or Deputy Registrar(s) should refrain from exercising their statutory responsibilities as it pertains to the conflicted matter until such time as the matter has been clarified.

Where the Registrar and/ or Deputy Registrar(s) has failed to disclose a real, potential or perceived conflict of interest, or ought to have known that a situation could give rise to a conflict of interest, the respective Ethic Executive for the Registrar and/ or Deputy Registrar(s) shall assess the implication of the non-disclosure with respect to the CAO's reputation and the integrity of its programs and services, and take appropriate measures to manage the conflict(s) and steps to avoid such a conflict (s) in future.

For greater certainty, the Registrar and/ or Deputy Registrar(s) is not considered to have a conflict of interest under the Policy by the sole fact that they are an owner or a resident of a condominium. However, given their role in ensuring that condominium corporations meet legal compliance obligations, the Registrar and/ or Deputy Registrar(s) shall not serve as a director and/ or officer of a condominium corporation.

## **7.0 Review of Policy**

This Policy will be reviewed at regular intervals, and no less than once every three (3) years to ensure that it continues to effectively serve its intended purpose.