



# PUBLIC COMPLAINTS POLICY

*(Approved by the CAO Board of Directors on June 4, 2018)*

## 1.0 Purpose

The purpose of this Policy is to set out how the Condominium Authority of Ontario will effectively address complaints from the public about its services and staff.

This Policy also applies to complaints about members of the Condominium Authority Tribunal, but cannot be used to review, appeal or dispute any decision or order.

## 2.0 Definitions

- (a) “CAO” means the Condominium Authority of Ontario.
- (b) “Tribunal” or “CAT” means the Condominium Authority Tribunal.
- (c) “Staff” means a current employee of the Condominium Authority of Ontario, either permanent or contract.
- (d) “Member” means a sitting Tribunal member of the Condominium Authority Tribunal.

## 3.0 Background

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

- (a) General information on rights and responsibilities of condo 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 condo 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 Objectives

The CAO and the Tribunal, in reviewing and resolving complaints, are committed to a process that:

- (a) Considers all complaints against its staff or CAT members and examining the facts related to the complaint;
- (b) Uses a process that is fair to all participants;
- (c) Works to prevent similar complaints;
- (d) Demonstrates that the CAO and the CAT are responsive and committed to providing high quality services;
- (e) Seeks to take into account fair and reasonable outcomes, including consideration of the outcome suggested by the complainant; and
- (f) Maintains the independence of CAT member decisions.

## 5.0 General Requirements for Filing a Complaint

### 5.1 Who Can Complain

Anyone who has had contact with the organization can make a complaint about CAO staff, CAO services, a CAT member or how a case was handled. If a complaint is about a CAT member or the practices/procedures of the CAT, it must be made by the person involved in a case before the CAT or the person who represented the individual(s) involved in a case.

If you need an accommodation in order to file a complaint, contact the Complaints Officer (contact information is provided below). The Complaints Officer will work with you to find an acceptable means for submitting your complaint.

### 5.2 Where to Send a Complaint

A complaint may be sent to the CAO Complaints Officer in one of two ways:

**By Email at:** [caocomplaints@condoauthorityontario.ca](mailto:caocomplaints@condoauthorityontario.ca)

**By Mail at:** Complaints Officer, Condominium Authority of Ontario, P.O. Box 69038 RPO, St. Clair Centre, Toronto, Ontario, M4T 3A1

### 5.3 Consideration of Complaints

The CAO will consider all complaints that are reasonable and conform to the requirements of this policy. Any complaints that do not meet these requirements will be removed from the complaints process.

The CAO may not consider your complaint if:

- (a) You have already made a similar complaint and it has been addressed by the CAO/CAT;
- (b) The Complaints Officer determines the complaint to be unreasonable or improper;
- (c) You are currently awaiting a Tribunal Decision or you currently have a case before the CAT;
- (d) You are filing a complaint more than 60 days following the end of a case before the CAT;
- (e) Your complaint is related to an order made by the CAT that does not relate to CAT member conduct;
- (f) You are seeking to change the result of a CAT case (CAT case results cannot be altered or amended through the complaints process);
- (g) The result you are seeking interferes with the legal responsibility of the CAT and/or its members to conduct a fair process and decide cases in an unbiased way; and/or
- (h) You are challenging a Tribunal member's decision in court and the issues you raise in your complaint overlap the issue raised in your court application.

If a decision has been made to remove your complaint from the formal complaints process, the CAO will inform you and provide a rationale.

## 6.0 Complaints About the CAO

### 6.1 Making a Complaint about CAO Staff or Services

To file a complaint relating to CAO staff and services, send the following information, in writing, to the attention of the CAO's Complaints Officer:

- (a) The words "Formal CAO Complaint" in the Subject;
- (b) Your name, mailing address, telephone number and email address;
- (c) The details and reason(s) for your complaint (who, what, when, where); and
- (d) Your proposed resolution or the result you are seeking.

The CAO Complaints Officer will confirm receipt within 3 business days and will inform you of its status within 15 business days, with a target of responding to your complaint within 30 business days. If the CAO is unable resolve your complaint within that time, you will be contacted about when a response can be expected.

### 6.2 Assessing a Complaint about CAO Staff or Services

Upon receipt of a formal complaint with the details outlined in 6.1 above, the Complaints Officer will take the following steps to respond to it:

- (a) Review the complaint;
- (b) Notify staff member(s) about the complaint (if applicable) and seek additional information, if necessary. This may include reviewing any phone recording(s) or email exchanges between the complainant and the CAO staff in question;
- (c) Analyze the information gathered along with the complainant's suggested resolution;
- (d) Prepare a written response to the complainant, which will clearly set out the resolution and the rationale for it. The CAO will only share information that is appropriate to share with the complainant (e.g. there may be issues of confidentiality that limit what the CAO can release to the complainant);

- (e) Share a copy of the response with the staff member involved and his/her manager; and/or
- (f) Advise the complainant without investigating further, if a complaint is without merit or not appropriate (e.g. is related to the outcome of a case before the tribunal).

### **6.3 Possible Outcomes of a Complaint**

In responding to a complaint, the Complaints Officer will consider the following possible outcomes, as necessary or appropriate but outcomes are not necessarily limited to the following list:

- (a) Making changes to CAO practices and procedures;
- (b) Proposing training, information updates or other recommendations for staff members; and/or
- (c) Determining if other actions are required, based on the specifics of a particular case, (e.g. the suggested result by the complainant or taking other actions to remediate as required for the specific issue) that will achieve a satisfactory resolution for both the complainant and the CAO operations.

The CAO will maintain a record of the complaint, including the resolution, for future review as part of the process for updating and improving CAO's services. Records will be retained for three (3) years.

## **7.0 Complaints About a CAT Member**

### **7.1 Making a Complaint about CAT Members**

To file a complaint relating to CAT members, send the following information, in writing, to the attention of the CAO's Complaints Officer:

- (a) The words "Formal CAT Complaint" in the Subject;
- (b) Your name, mailing address, telephone number and email address;
- (c) Your CAT file number;
- (d) The name of the CAT member(s) relevant to the complaint;
- (e) The details and reason(s) for your complaint (who, what, when, where); and

- (f) Your proposed resolution or the result you are seeking (cannot be related to a CAT decision or order).

The CAO Complaints Officer will confirm receipt within 3 business days and will submit the complaint to the Chair of the CAT. You will be informed of the status of the complaint within 15 business days, with a target of responding to your complaint within 30 business days. If the CAO is unable resolve your complaint within that time, we will contact you to let you know when a response can be expected.

## **7.2 Assessing a Complaint about a CAT Member**

If your complaint is about the conduct or actions of a CAT member you are encouraged to first raise your concerns directly with the CAT member.

Upon receipt of a formal complaint containing the details outlined in 7.1 above, the Complaints Officer will take the following steps to respond to a complaint:

- (a) Notify the CAT Chair of the complaint and its content and consult on the approach to reviewing the complaint. As appropriate, the CAT Chair will notify the CAT member(s) about whom the complaint was made;
- (b) Seek additional information if necessary; and
- (c) Summarize the information gathered along with the complainant's proposed resolution and provide the report to the CAT Chair.

Upon receiving the complaint report from the Complaints Officer, the Chair of the CAT will:

- (a) Review and consider the Complaints Officer's report, and determine if the complaint is valid, the appropriate action and response;
- (b) Prepare a written response to the complainant, which will clearly set out the resolution and the rationale for it; and
- (c) Advise the complainant if a complaint is without merit or not appropriate (e.g. is related to the outcome of a case before the tribunal).

If you are unsure about the complaints process regarding the conduct of a CAT member while your CAT case is in progress, you can contact the Complaints Officer at [caocomplaints@condoauthorityontario.ca](mailto:caocomplaints@condoauthorityontario.ca).

## **7.3 Possible Outcomes of a Complaint against a CAT Member**

In responding to a complaint, the CAT Chair will consider the following possible outcomes, as necessary or appropriate (Note: outcomes are not necessarily limited to the following list):

- (a) Making changes to CAT practices and procedures;
- (b) Proposing training, information updates or other recommendations for CAT members; and/or
- (c) Determining if other actions are required, based on the specifics of a particular case, that will achieve a satisfactory resolution for both the complainant and the CAT.

The CAO will maintain a record of the complaint, including the resolution, for future review as part of the process for updating and improving CAT member training and CAT services.

## **8.0 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.