



# Condominium Authority of Ontario



**Supporting Condo Communities  
Through Integrated Self-Help Tools and  
Canada's First Fully Online Tribunal**



[www.condoauthorityontario.ca](http://www.condoauthorityontario.ca)



# The Context

## The Rise of Condominium

## Living in Ontario

# The Call for Change

Ontario's condominium market has grown dramatically since the *Condominium Act, 1998* came into force. Today, the province's 810,000 condo units house 1.6 million residents, and nearly 60% of all new homes built in Ontario are condominiums.

This rise in condominium living has resulted in a number of new challenges for condominium communities, primarily in the form of issues which often involve several parties with different rights, responsibilities, and interests. These issues can be very complex, legalistic, technical, time consuming and costly, and can adversely impact a condo owner's ability to enjoy their biggest purchase – their home.

Condominium communities needed new, modern solutions to meet these challenges. Guided by a bold vision for holistic online service delivery, the Condominium Authority of Ontario (CAO) recently launched a range of innovative solutions – including the Condominium Authority Tribunal (CAT), Canada's first fully online dispute resolution service for condo communities.

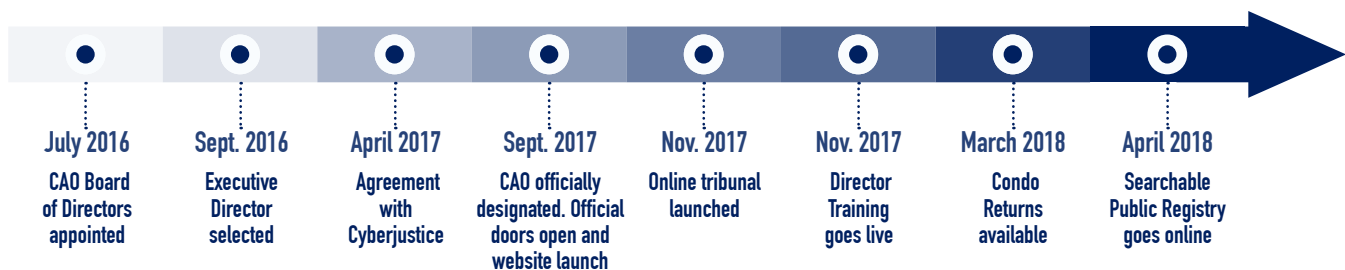
By implementing this state-of-the-art online tribunal system, the CAO has provided a way to resolve condo disputes conveniently, quickly and affordably, while encouraging communities to work together collaboratively.

The policy changes that led to the creation of the CAO began in 2012 with the Ontario government's extensive public review of the *Condominium Act, 1998*. Over an 18-month period, the Ministry of Government and Consumer Services (MGCS) held public consultations with owners, developers, condo managers, lawyers and mediators, who identified issues and made 200 recommended changes to revolutionize the legal framework governing condominiums.

Consequently, the government created the *Protecting Condominium Owners Act, 2015* ("PCOA"), which introduced significant changes to the *Condominium Act, 1998*, and paved the way for the establishment of the CAO and CAT.

To meet the very aggressive timelines set out in the legislation, the CAO leveraged the research work of the MGCS and worked collaboratively with them to align policy development and implementation milestones.

## Transforming public administration.



# The Approach



# 1

## Setting a Vision, Harnessing Talent & Technology

Early on, the CAO's Board of Directors set a bold vision for a fully online service delivery model to effectively address the diverse needs of condo communities in Ontario. To realize this vision, they selected an experienced executive leader as the CAO's first employee, who then recruited a small, highly-skilled team and empowered them to be leaders, to take initiative, and to work creatively.

Guided by a set of core values and adopting a strong governance structure that involved iterative and agile development processes, the team stuck to the vision, focused on priorities, remained undeterred by obstacles and developed a wide range of innovative solutions in record time.

The team envisioned a cloud-based, integrated, modular, end-to-end information technology ecosystem, that would ensure access to CAO's services throughout the province and beyond, at any time of the day or night. To that end, the CAO partnered with MS Gold Partner Adoxio, augmenting the vendor's team with internal resources to implement the leading-edge Microsoft Dynamics Customer Relationship Management (CRM) solution that is fast, affordable, secure, reliable and scalable.

On September 1, 2017, after receiving designation under Ontario Regulation 181/17, the CAO launched its website and helpful information. Two months later, the CAO launched a comprehensive range of online services designed to inform condominium communities and help resolve issues early and before they escalate into disputes.



# 2

## Supportive Self-Help Services

To meet the needs of modern condo communities, the CAO introduced a wealth of self-help information and services that were guided by feedback sessions with condo owners and directors.

For issues that condo communities can't resolve using these self-help services, there's the Condominium Authority Tribunal (CAT) and its ground-breaking new online dispute resolution service.

### Province-wide online services provided by the CAO

#### Info, Tools, Templates & Customer Service

- Information to help people in condo communities understand their overall rights and responsibilities, covering topics such as:
  - The roles, rights, and responsibilities of condo owners, managers, residents and directors;
  - Condo by-laws, policies and legislative updates;
  - Condo buyer's guide – key considerations for buying a condo.
- Customer Care team – answers first-level inquiries, while Information and Tribunal Coordinators provide support for more complex queries regarding general rights and obligations.

#### Guided Steps to Common Issues

- Self-help tools, templates and guided steps to common issues that help condominium communities identify and resolve issues before they escalate into disputes.
- Guided steps to common issues support condo residents, including:
  - Step 1: Description of the Issue;
  - Step 2: Information about the legislation, by-laws and rules;
  - Step 3: Possible solutions; and
  - Step 4: Filing a case or getting additional help.
- Common issues include: records, noise, personal property, meetings, odours, issues with condo managers, pets, neighbours, rules and short-term rentals.

#### Condo Director Training

- Mandatory training is required by legislation for all condo directors elected or appointed after November 1, 2017:
- Condominium directors play a critical role in ensuring that the condominium corporation is properly governed, managed, and maintained. The CAO's mandatory training equips condo directors with essential knowledge and helpful information and tips to assist them in executing their roles.
  - 21 online modules available at no charge to directors and the public.
  - 88% report being very satisfied with the training program; 96% would recommend the program to others.

#### Condo Returns & Public Registry

- All condominium corporations are legally required to file corporate information ("condo returns") and regular updates to this information ("notices of change").
- The CAO also provides a publicly available and searchable database containing information filed in returns and notices of change for every condo corporation in Ontario.

**"Wow...I am so grateful you went into so much detail with step by step instructions easy to follow. There is certainly a lot to review but you have made my job so much easier."**

**Michelle, Condo Owner**

# 3

## Building the First Fully Online Tribunal

Historically, condominium dispute resolution through mandatory private mediation, arbitration, or the courts has been complex, time consuming, and costly. Condominium communities needed an agile approach to help them understand and resolve their issues early and affordably.

The CAO's Board of Directors was committed to introducing a new tribunal service that would meet the needs of condominium communities – one that would be user-centric, accessible, and affordable.

To that end, a small team of tribunal experts with backgrounds in administrative justice, experience designing and implementing modernization initiatives, and the resolve to develop fresh solutions to overcome old problems was recruited. These individuals were empowered to lead the design of the CAT, and to take calculated risks in devising a creative approach.

By carefully analyzing the mechanics that underlie traditional negotiations, mediations, and tribunal adjudication proceedings, and with due consideration to the legal framework surrounding each, the CAO team was able to translate traditional processes into a modern online platform that users can easily access and use.

To validate the proposed system, a Reference Group of experts with backgrounds in administrative justice, dispute resolution, self-representation, and innovation in justice through technology were engaged at key points in the process.

A review of the international marketplace for a suitable vendor led the CAO to an innovative partnership agreement with the Université de Montréal's Cyberjustice Laboratory. Building on the Laboratory's previous open-source solution dealing with consumer disputes in Quebec, a small team of tribunal and technology experts from the CAO and Cyberjustice developed the CAT's new online dispute resolution system, including a brand-new adjudication module, all in only six months. This collaboration was exceptionally successful, thanks to a shared vision, and a willingness to take risks and work iteratively.



### Condo Owner

After reviewing the information, templates and guided steps to common issues on the CAO website, owner still has a dispute and decides to file a case.

### Stage 1: Negotiation (Fee \$25)

Applicant files case with the online tribunal, providing them with a forum and tools to help them negotiate and resolve the dispute themselves.

### Stage 2: Mediation (Fee \$50)

A CAT mediator joins the case and guides the applicant and respondent's discussions to help them resolve the dispute. If the case does not settle, the mediator helps the applicant and respondent prepare case for online hearing in Stage 3.

### Stage 3: Tribunal Decision (Fee \$125)

A CAT Member considers evidence and arguments from the applicant and respondent and makes a final decision about the case.

## Resolution

- Settlement Agreement if in **Stage 1 or 2**
- Consent Order if in **Stage 2 or 3**
- Decision if in **Stage 3**

# 4

## Credible Innovation

The CAO recognized that for its new dispute resolution service to be credible, it must be guided by the same principles as existing adjudicative tribunals:

### Fair

Users must have the opportunity to make their case, and decisions must be based on facts and the law.

- The online tribunal system promotes procedural fairness by providing all users with the same tools, and access to the same information concurrently. It ensures that all interactions between users and CAT Members are productive, appropriate, and visible in real-time.
- Unlike stressful and emotional in-person proceedings, the CAT platform is asynchronous, allowing users to consider the facts of their case, consult with others and decide on their course of action.

### Timeliness

Disputes should be resolved without undue delay.

- With traditional tribunals, parties often wait months for their case to be heard, and almost all action happens on the day of the hearing. With the CAT, users start resolving their dispute from day one and negotiations continue as long as necessary. However, the CAT has seen some cases being filed and resolved in as little as a day.

### Participatory

Users should be actively engaged in the process.

- In the CAT's Negotiation and Mediation stages, users interact online by sending settlement offers to one another. If a user accepts another's offer, they will both receive a settlement agreement or consent order resolving their case.
- Through the online tribunal, users can upload documents, evidence, witness testimony, submit requests to the Member, send questions to CAT staff, and receive responses – at any time throughout the entire process.

**“Thank you for your honest efforts to smooth the waters and reach consensus. The CAT is going to be a valuable tool for Condo owners. I trust that the other sections of the ACT will be added so Owners can be reasonably protected.”**

**Online tribunal user**

## Accessible

The tribunal must be accessible to all.

- Unlike traditional tribunals, the CAT system allows users to access and participate in their case anytime, anywhere. Users are spared the trouble of travelling to in-person meetings.
- The CAO offers all three stages of the online tribunal at a very modest cost of \$200, while private mediation and arbitration can cost between \$1,500 and \$3,000.
- The system is fully accessible for individuals with disabilities.

## Predictable

Users should understand how the tribunal operates and the likely outcome.

- The online tribunal system ensures that everyone involved understands the process by providing simple instructions throughout. This is particularly helpful for users without legal representation and with limited tribunal experience.
- CAT Members receive extensive in-depth training on issues within the CAT's jurisdiction, ensuring that the CAT's decisions are predictable. All CAT decisions will be publicly available on the Canadian Legal Information Institute's website, so users can see how similar cases were decided in the past.
- The CAO is keen to share learnings and is now key partner and subject of federally-funded research project.

Improving **transparency, accountability and responsiveness** via transformative technology.



# Conclusion

**The launch of the CAO's online services and online tribunal has brought much-needed support and contributed to the enjoyment of condo living in Ontario.**



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## Innovation

The CAO has deployed a complete online ecosystem that helps resolve issues before they escalate. The online tribunal system has re-written the paradigm for dispute resolution and provides fair, accessible, participatory, affordable, and predictable dispute resolution.

## Relevance

Today, Ontarians expect to access public services online. The online tribunal platform addresses this need by placing a wide range of conflict resolution tools at their fingertips. As such, the system offers a template for online dispute resolution delivery that is applicable in many sectors.

## Significance

The CAO's successes have attracted the attention of governments, tribunals, and legal communities across Canada and beyond, as they are interested in learning about the methodology and management of the online tribunal system. The CAO is keen to share learnings and is now key partner and subject of federally-funded research project.

## Impact

To date, the CAO has responded to over 30,000 client queries and has registered over 8,400 visits to Records Issues page. Over 3,000 individuals have completed the mandatory director training online, with approximately 50,000 more to go.

The self-help services and online tribunal system have provided an affordable, accessible, and intuitive way for many users to resolve their condo issues. At the CAT, some disputes have settled in as little as a day at a cost of just \$25.

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The CAO has quickly become a critical solutions provider for condo owners. This is only the beginning; the CAO will continue to support condominium communities across Ontario through its continued commitment to innovation and customer-focused service excellence.