



Condominium Authority of Ontario

Conflict of Interest Policy for the Registrar and Deputy Registrar

1.0 Purpose

The purpose of this Policy is to provide guidance to the Registrar and each Deputy Registrar for avoiding, disclosing and addressing 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 Deputy Registrars is to seek guidance regarding a real, potential, or perceived conflict of interest situation
- (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 services that support condominium living across Ontario, including:

- (a) General information on rights and responsibilities of condominium owners and residents under the Act;

- (b) Director training on legal obligations and best practices regarding the governance and the management of condominium corporations' 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 the corporations through the filing of returns and notices of change with the CAO; and
- (e) The Condominium Authority Tribunal, an online dispute-resolution service that helps to settle and resolve certain condominium-related disputes in Ontario.

4.0 Application of the Conflict of Interest Policy

This Policy is intended to ensure the maintenance of highest standards of integrity at the CAO. The Registrar and Deputy Registrars 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 or a 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 or non-financial. Other than compensation for the performance of their duties on behalf of the CAO, the Registrar and Deputy Registrars shall not directly or indirectly receive any profit or other tangible benefit from their positions.
- (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 or a Deputy Registrar 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 well-informed person has a reasonable belief that the Registrar or a Deputy Registrar has a conflict of interest which could improperly influence the performance of their statutory responsibilities under the Act.

6.0 General Duty to Disclose Conflicts of Interests

The Registrar and Deputy Registrars should be mindful of situations that may give rise to conflicts of interest or a perceived 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 Deputy Registrars 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 Registrar or Deputy Registrars must disclose the conflict to their Ethics Executive as soon as possible. Note that full disclosure, in and of itself, does not resolve a conflict of interest. The Registrar and Deputy Registrars must fully co-operate with their Ethics Executive to determine:

- (a) If the circumstances surrounding the matter in question give rise to a real, potential or perceived conflict of interest, and
- (b) If the determination is made that it does, determine the appropriate steps to be taken to address the conflict of interest in order to insulate the CAO and the Registrar and/or Deputy Registrar from allegations of impropriety.

If there is a disagreement between the Registrar or Deputy Registrar and their Ethics Executive on whether there is a conflict of interest or on what steps should be taken to address the conflict of interest the Ethics Executive's decision is final and binding.

Where the Registrar or Deputy Registrar has a personal, occupational or financial interest that could reasonably be seen as giving rise to a conflict of interest under this Policy, the onus is on them to seek clarification and guidance from their Ethics Executive.

If in doubt, the Registrar and Deputy Registrars should consult their Ethics Executive.

The Chair is the Ethics Executive for the Registrar. The Registrar must inform the Chair of the nature and extent of any personal, occupational, or financial circumstance that might constitute a conflict of interest as soon as possible.

The Registrar is the Ethics Executive for the Deputy Registrars. Deputy Registrars must promptly inform the Registrar of the nature and extent of any personal, occupational, or financial circumstance that might constitute a conflict of interest as soon as possible.

In any such circumstance, the Registrar or Deputy Registrar should refrain from exercising their statutory responsibilities or acting for the CAO in regard to the matter giving rise to the conflict of interest until such time as the applicable Ethics Executive has determined the appropriate course of action and such course of action has been completed.

Where the Registrar or a Deputy Registrar has failed to disclose a real, potential or perceived conflict of interest that they are aware of or should have been aware of, to their respective Ethics Executive, the Ethics Executive shall assess the implication of the failure to disclose with respect to the CAO’s reputation and the integrity of its programs and services, and determine the appropriate steps to address the conflict of interest and steps to avoid such a conflict in future.

The Registrar and Deputy Registrars are not considered to have a conflict of interest under this Policy because they are an owner or a resident of a condominium. However, given their role in ensuring that condominium corporations meet legal and compliance obligations, the Registrar and Deputy Registrars may 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.

Approval Authority:	Condo Authority Board of Directors
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