

Condominium Authority Tribunal

Member Code of Conduct

1.0 Introduction

1. The Code of Conduct (the “Code”) for the Condominium Authority Tribunal (“CAT”) provides guidance on the standards of conduct for CAT Members. It addresses the principles of good conduct and collegial responsibility expected of all Members appointed to CAT.
2. The CAT is committed to ensuring that its Members adhere to its core values in all its Proceedings and that Parties receive a fair process and impartial decision.

2.0 Definitions

3. The following terms apply to the Code:
 - a) “CAO” means the Condominium Authority of Ontario.
 - b) “CAT” means the Condominium Authority Tribunal.
 - c) “Member” means individuals appointed to the Condominium Authority Tribunal and includes the Chair, Vice-chairs, and Members.
 - d) “Party” means the Applicant(s) and Respondent(s), and any Intervenor(s), or any other person or legal entity granted Party status by a CAT Member.

“Proceedings” in the Code includes:

- a) adjudicating a case;
- b) mediating a case;
- c) assigning a case to a Member;
- d) participating in discussions of an ongoing case or issue before or concerning the CAT; and
- e) making case management decisions or recommendations
- f) fulfilling their duties as outlined in sections 1.35-1.48 of the Condominium Act (1998).

3.0 Application

4. The Code sets out the professional and ethical responsibilities of Members.
5. The principles set out in the Code are founded on the professional and ethical values of fairness, impartiality, integrity, respect for diversity and public service - values which uphold the public trust.
6. The Code addresses the principles of good conduct, collegial responsibility and personal behaviour expected of Members.
7. Compliance with the Code will be incorporated into Member performance appraisal and consideration of reappointment.
8. The Code is an important part of the CAT Ethical Framework.

9. The Code establishes standards of conduct. However, the Code cannot anticipate all circumstances in which Members may be called upon to exercise sound judgment. It is the responsibility of Members to consider the appropriate standard and to conduct themselves in an ethical and professional manner.
10. Members should seek direction/clarification from the CAT Chair if they have questions about the code.
11. Members must disclose any and all conflicts of interest in accordance with the requirements of the CAT Member Conflict of Interest Policy, and where a conflict or potential conflict exists, the Chair will not assign that Member to that case.
12. Members are not considered to have a conflict of interest or be in violation of this Code of Conduct solely because they are an owner or resident of a condominium, or because they serve as a director and/ or officer of a condominium corporation
13. This Code will be reviewed on a regular basis.

4.0 Principles of Conduct Compliance with Laws & Policies

14. Members shall follow all applicable laws and act with their spirit and intent.
15. Members shall not commit or condone any unethical, illegal or discriminatory act, or counsel or encourage another to do so.
16. Members must be aware of, and comply with CAO administrative policies relevant to their work.

5.0 Fairness

17. Members must comply with the principles of procedural fairness and natural justice and act impartially in the conduct of Proceedings.
18. Members should ensure that Proceedings are conducted fairly in a manner that is transparent, understandable, and subject to rules or legislative requirements designed to protect confidentiality.
19. Members must ensure that proceedings are conducted in a manner that is transparent, fair and seen to be fair.
20. Members shall treat each person participating in a Proceeding with dignity, courtesy and respect and in a manner that builds trust and confidence in the CAT and the administration of justice.
21. Members shall conduct Proceedings in a way that allows Parties them to understand the CAT's procedures and practices and have a reasonable opportunity for informed and effective participation in their Proceedings.
22. Members shall foster mutual respect among those participating in Proceedings and their decisions shall show respect for participants.

6.0 Independence and Impartiality

23. Members shall treat those who appear before them and all those with whom they interact in their role as Members without preference or prejudice.

24. Members must maintain independence in their decision-making. Members' decisions must be based on an application of the relevant law to the evidence presented in each case.
25. Members should approach Proceedings and every issue arising in Proceedings with an open mind and avoid doing or saying anything to cause any person to think they have done otherwise.
26. When making decisions, Members must apply the law to the evidence in good faith and to the best of their ability. Members must not consider any potential positive or negative response by any person, institution, or community when making their decisions.

7.0 Timeliness

27. Members should ensure that Proceedings are conducted in a timely manner, in accordance with the CAT's Rules of Practice and service standards, and to avoid any unnecessary delays.
28. Members should prepare and release decisions in a timely manner and in accordance with the CAT's service standards.

8.0 Quality and Consistency

29. Members should be fully prepared for Proceedings and ensure that Proceedings are consistent with the CAT's Rules of Practice and all applicable rules and guidelines.
30. Members shall ensure that decisions are prepared in accordance with CAT's policies and guidelines, that they reflect an understanding of the issues, relevant law and policies, and that they meet CAT's standards for quality decision-making. Members should consider all relevant facts and evidence as well as the law, jurisprudence, policies, rules and guidelines.
31. Reasons should be clear, concise and clearly support conclusions reached.
32. Members should recognize the value of consistency and predictability in the exercise of their independent decision-making authority.

9.0 Confidentiality

33. Members must act in accordance with the CAO's Access and Privacy Policy.
34. Members must not communicate with the media regarding Proceedings or the CAT in general.
35. Members shall consider the privacy interests of individuals in the conduct of Proceedings and act in accordance with applicable laws.

10.0 Proactive Approach

36. Members should have expert knowledge about relevant legislation, regulations, policies and jurisprudence that apply to their work and the work of CAT.
37. Members must be aware of the CAT Rules of Practice.
38. Members should ensure that Proceedings are conducted fairly, effectively and expeditiously and that the procedures employed are appropriate and proportionate to the issues and circumstances of the dispute.

39. Members should employ an active adjudicative by anticipating problems before they arise; minimizing undue delay; helping clarify issues; promoting clear presentation of evidence and arguments, and to have regard both to efficiency and fair decisions.

11.0 Integrity

40. Members shall act with honesty and integrity and treat those who appear before them, other Members and staff with courtesy and respect.
41. Members shall not engage in any conduct that improperly capitalizes upon or exploits their position as a Member.
42. Members shall conduct themselves personally and professionally in a manner consistent with the nature of their responsibilities and the maintenance of public confidence in the administration of justice.

12.0 Ethics

43. Members must be aware of the CAT Ethical Framework, and their responsibility to follow the policies and procedures to prevent and declare possible conflicts of interest.
44. Members must act in accordance with CAT's Conflict of Interest Policy and must comply with the directions given by the Chair in their capacity as the Ethics Executive.

13.0 Collegiality

45. Members should foster a collegial working environment and conduct themselves in a manner that supports and reinforces the integrity and professionalism of CAT.
46. Members should conduct themselves in a manner that demonstrates respect for the views and opinions of colleagues and staff.
47. Members should share their knowledge and expertise with other Members and staff as requested and where appropriate.

14.0 Diversity and Inclusiveness

48. Members should be aware and respectful of social, cultural, and other differences, and value the diversity of Parties and people who appear before them.
49. Members have a legal obligation under the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms to observe the principles of fairness, access, and equity, and to avoid discriminatory practices.
50. Members should be aware of the Calls to Action of the Truth and Reconciliation Commission and the expectation that public servants be aware of the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations.
51. Members should be informed about Trauma-informed adjudication. Members should seek to adapt processes to minimize the trauma that legal processes can create, and understand how a person's trauma might inform or affect their interactions with the legal system.
52. Members must be alert to potential barriers that may restrict access to and participation in Proceedings before CAT and work to minimize their impact.

15.0 Professional Activities Outside CAT and Public Comment

53. Members should conduct their personal affairs and professional responsibilities in a manner that would bear close public scrutiny.
54. Members must be aware of the CAT Ethical Framework, and the relationship between the Member Code of Conduct and CAO policies governing outside activities and comment.
55. Members should be mindful of their relationships and activities outside of CAT and have regard to the fundamental importance of impartiality and integrity and the appearance of impartiality in all that CAT does.
56. Members should exercise discretion and sound judgment with respect to all membership and/or participation in professional associations and outside activities so as to ensure that they maintain the highest standards of integrity and avoid situations that may give rise to bias or an appearance of bias.
57. Members must be aware of the CAT Member Conflict of Interest Policy. Members must disclose non-CAT work to the Chair before the individual is recommended for appointment or reappointment to CAT. Members must disclose new professional activities to the Chair as soon as possible in order to avoid any work-related conflicts of interest.
58. Members must not use their status as a CAT member to solicit non-CAT work.
59. All professional associations and outside activities that could reasonably be perceived to relate to the CAT must be disclosed to the Chair before the individual is recommended for appointment or reappointment to CAT. Proposed new associations or activities, including directorships, public speaking engagements, and planned publications should be discussed with the Chair before they are undertaken.
60. Members must not solicit (either directly or indirectly) or accept a gift, favour, service, or promise of future benefit from any individual or organization that appears or may appear before the CAT. This provision is not intended to prohibit the exchange of gifts between friends or professional acquaintances that would not amount to a perceived conflict of interest.
61. Members shall not comment publicly on another Member's conduct or decisions (except respectfully in a decision or in the course of their duties as a Member). Members shall not comment publicly on the law, government policy, or any matters currently before the CAT or which may come before the CAT in the future.
62. Members speaking, or writing, in a private capacity, and not on behalf of CAO or CAT, must identify that they are speaking in a private capacity and not on behalf of the CAO or CAT.

16.0 Privacy and Internet security

63. Members must comply with applicable CAO policies to protect the privacy and security of confidential records.
64. Members must protect their passwords and must not share their passwords with anyone other than CAO IT Staff.

- 65. Members are expected to complete IT security training, and conduct themselves in a way that protects the integrity of the CAO Information Technology environment.
- 66. Members must not use CAO assets, internet facilities, space or time for any non-CAT purpose without the prior written authorization of the Chair or their designate.
- 67. The Member must comply with all applicable laws and regulations and must respect the legal protection provided by copyright and licenses with respect to both software programs and data.
- 68. If, despite precautions, a theft occurs and files and/or electronic systems containing personal information are stolen, Members must immediately notify the Chair or the Director Tribunal Operations.

17.0 Obligations after Ceasing to be a Member

- 69. Members who cease to hold office continue to be bound by the confidentiality obligations for any matter arising while they were a Member.
- 70. Members who cease to hold office may not take improper advantage of their former office.
- 71. The CAT Member conflict of interest policy further explains the limits on appearing or making written submissions in a Proceeding after the Member's appointment ends.

18.0 Reporting and Consequences

- 72. Members who are concerned that the conduct of another Member may threaten the CAT's integrity have a duty to confidentially discuss the issue with the Member in question, where appropriate, and the Chair or their designate as soon as practicable.
- 73. Any Member who, in good faith, believes there has been a breach of this Code, and reports the matter to the Chair or their designate, is protected from any reprisal.
- 74. The Chair will, if the alleged breach is not considered frivolous or vexatious, make whatever inquiries or investigations the Chair determines to be necessary and may, if appropriate, report the results and any steps taken to the person who made the report. If the Chair considers the allegation is substantive, the Chair will notify the Member whose conduct has been reported and give the Member an opportunity to respond, both to the allegation and to any proposed disciplinary action.
- 75. Failure to comply may result in the Chair recommending against the Member's reappointment and subject to action up to and including rescission of the Member's appointment. If the breach occurred in good faith, or through inadvertence, such factors will be considered in determining if discipline is imposed and the disciplinary sanction warranted.

19.0 Undertaking

- 76. Each Member must adhere to this Code of Conduct and commit to supporting standards set out in applicable legislation, policies or guidelines.
- 77. Members should review and reaffirm their commitment to, and compliance with, this Code of Conduct upon appointment and on re-appointment.

I acknowledge that I have read and understand this Code of Conduct and agree to conduct myself in accordance with the Code of Conduct.

Signature of Member

Signature of Witness

Date:

Date: