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Maria Durdan is the head of the Condominium Practice Group at SimpsonWigle LAW LLP; she specializes in condominium law, development and administration. Maria supports over 650 of the firm's residential and commercial condominium clients throughout Ontario. Maria has also obtained her Associate of Canadian Condominium Institute (ACCI) designation in law, which recognizes that she has achieved a high level of knowledge and skill of condominium law. Maria is a Director on the Canadian Condominium Institute – Golden Horseshoe Chapter and the Chair of the Education Committee. Maria's practice includes advising boards of directors, property managers and developers on all areas of condominium law.

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Is the Board of Directors of my condominium required to present to owners the various financing options available when completing major maintenance or repair to the common elements, for example, the condominium's roof?

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No. However, although not required, it is generally considered good practice to hold an owners' meeting at which the Board reviews the factors considered by the Board in making the decision on how to finance such work.

The objects of a condominium are to manage its property and assets on behalf of owners and a condominium has a duty to control, manage and administer its common elements and assets. A Board is elected by owners to fulfil these objects and duties and in doing so, the Board is required to comply with the minimum standard of care set out in the *Condominium Act, 1998*. Specifically, a Board must act honestly and in good faith and exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

The decision as to the best manner in which to finance major maintenance or repair is very difficult, there are many factors that need to be taken into consideration. A Board, together with the property manager, invests a lot of time and effort before making a final decision. They have usually spent many hours speaking to the condominium's lawyer about the steps required to be taken depending on the type of financing option and financial institutions to determine whether obtaining a loan to finance the work is in the condominium's best interest. As well, they have assessed and reassessed the condominium's reserve fund plan with the condominium's engineers to determine the time frame to complete the work. Perhaps the most difficult part of making these types of decisions is when the Board takes into consideration the condominium community and individuals' ability to pay for the work either by way of an increase to the common element fees, loan and/or a special assessment.

A Board is elected by owners to make decisions which are in the condominium's best interest. As long as Directors comply with the standard of care and rely on qualified professionals in making decisions, owners should trust their decisions, which after all, impact Directors personally as well.



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