

Your Letters

The Unfortunate Reality: Some Condominium Owners Taking Advantage of the Rights Afforded Under AODA and the Ontario Human Rights Code – a reply to a letter in spring CM magazine.

Condominium boards and property managers are frequently asked to accommodate owners and residents on the basis of the *Ontario Human Rights Code* and AODA.

The complicated issue for condominium boards and property managers is to determine whether the owners or residents requesting the accommodation are doing so for legitimate reasons, or whether there could be a nefarious intention.

In an ideal world, every condominium board member and property manager could accept any request for accommodation at face value, and not need to ask any further questions.

Unfortunately, we now live in a society where we can no longer take these forms of requests at face value. If a condominium owner or resident says that he or she requires a pet for disability reasons (in a building that otherwise prohibits them), then it is imperative that property management ask for medical information to justify the request. It needs to be stressed to the owner or resident requesting accommodation that the medical information would be kept in strict confidence by property management and the condominium board. However, there is nothing at all improper about asking an owner or resident to substantiate the request for accommodation.

In my practice, I have dealt with numerous examples of owners requesting to keep pets (in buildings that otherwise prohibit them) for “medical reasons.” The owners in these cases consistently refused to provide any actual medical information to substantiate their requests. In the absence of medical evidence, the requests were denied. These types of stories are

very prevalent amongst condominium communities.

Clearly, no board member or property manager wants to have to ask an owner to justify a disability. This can be an uncomfortable request. With that said, the owner or resident requesting the accommodation needs to understand the difficult position that the board and property management would be in if they simply accepted every request for accommodation without conducting proper due diligence.

If an owner or resident can substantiate the need for accommodation, then it is extremely important that the condominium board and property management not disclose any confidential information to any other owners or residents. If, for example, an owner is permitted by the board and property management to have a pet in a building that otherwise prohibits them, it can be expected that other owners will approach property management and ask why the pet has been permitted. In this case, property management should simply say that the owner had proper grounds to keep the pet, but that for confidentiality reasons they can't disclose any further information.

These are sensitive issues that must be dealt with carefully by boards and property management. Unfortunately, a few “bad apples” have made the idea of accommodation in condominiums an even more complicated issue going forward.

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