



CONDO LAW
FOR ALBERTANS

www.condolawalberta.ca

Handling disputes with owners and tenants

There is currently no specific dispute resolution mechanism (for example, a tribunal or service) for condo boards to deal with disputes. The following general dispute resolution tips are useful, but are not a substitute for legal advice. It is recommended that condo boards seek legal advice if a dispute arises. If the dispute involves a bylaw, you may visit our website or review our tip sheet: ***What a Condo Board can do if bylaws are not followed.***

Disputes involving owners

Step 1: Promptly follow-up

The board should promptly follow-up with any owner concerns or complaints brought to its attention. The board should develop a plan to deal with concerns or complaints. Keep detailed board meeting minutes in case the board's decision regarding an owner's dispute is ever challenged. If a dispute involves legal action, any written records would be evidence in court.



TIP

It is a good idea for the board to involve legal counsel early in addressing concerns or complaints.

Step 2: Gather information

The board should keep a written record of any concerns and complaints they receive, as well as how the board and/or condo manager plans to address an owner's concerns. The condo board should document as much information as possible about the issue including:

- What is the concern?
- Who is involved?
- When did the incident(s) occur?

The board may need to make further inquiries or follow-up with an investigation into the incident(s). If the board needs to hire someone to investigate a matter, it should agree beforehand with the owner on who would be responsible for paying for the service.

Step 3: Contact the owner

If the board is dealing with an owner breaching a bylaw and the problem continues, the board should send a letter outlining consequences for not abiding by the condominium's bylaws. If after sending a letter, the problem is not resolved, consider getting legal advice.



TIP

The board's lawyer can help determine the best course of action for proceeding. The lawyer can send a letter to the owner outlining the legal consequences for not abiding with the bylaws.

Step 4: Try to reach a mutual solution

Any solution with the owner should be in writing. If the dispute with the owner continues, keep track of any written correspondence the board has with the owner.

Step 5: Consider your dispute resolution options

Provided the issue relates to the *Condominium Property Act*, its regulation, or the condo's bylaws, you can engage in mediation or arbitration to resolve the issue as long as the owner agrees to this dispute resolution method.

The Court of Queen's Bench is another dispute resolution option. If the issue relates to the *Condominium Property Act*, its regulation, or the condo's bylaws or if the owner has engaged in "improper conduct", you can make a court application. This is an expensive option and you should seek legal advice before proceeding.

What is improper conduct by an owner?

- Failing to comply with the *Condominium Property Act*, its regulation, or the condo's bylaws.
- Conduct that is oppressive or unfairly prejudicial to the corporation, a board member or another owner.



TIP

Disputes often arise due to poor communication with and among owners.

Ongoing board communications helps to build relationships with owners and a sense of community throughout the complex. It also keeps owners up-to-date on condominium bylaws, rules, and the expectations for living together. Some ways to improve communication with owners include:

- Newsletters
- Information sessions and meetings
- Being available to answer and address concerns
- Welcome package for new owners
- Prompt communication

Disputes involving tenants

Step 1: Promptly follow-up

The board should promptly follow-up on concerns or complaints regarding tenants. It should keep detailed board meeting minutes in case the board's decision regarding the tenant is challenged. If a dispute proceeds to court, any written records would be evidence in court.

Step 2: Gather information

The board should keep a written record of any tenant concerns and complaints, as well as how the board and/or condo manager plans to address them. The condo board should document as much information as possible about the issue including:

- What is the concern?
- Who is involved?
- When did the incident(s) occur?

Step 3: Contact the tenant and unit owner

Provide the tenant with a copy of the applicable bylaws (if any) and the nature of the complaint. Provide the unit owner with correspondence sent to the tenant, outlining the concerns and copies of any of the bylaws that have been breached.



TIP

The board should maintain a current list of units being rented and the contact information for tenants and owners. This enables the board to promptly notify the tenant and owner about any breaches of the bylaws. If the board is collecting personal information for such a list, it should know privacy laws apply. To learn more about privacy, go to our website www.condolawalberta.ca.

Step 4: Try to reach a mutual solution

Any solution the board reaches with the owner regarding the tenant should be in writing. If the board is dealing with a tenant breaching a bylaw and the issue continues, it should send a letter outlining the consequences for not abiding by the condominium's bylaws and copy the owner.



TIP

If the problem is not solved after sending a letter, the board can seek legal advice and have their lawyer send a letter to the tenant, copying the owner. The letter will often contain the legal consequences for not abiding with the bylaws.

Step 5: Consider your dispute resolution options

The *Condominium Property Act* gives the condominium board the power to evict a tenant in certain circumstances (e.g., the tenant has caused damage beyond normal wear and tear to the condo corporation's property or has violated a bylaw). Learn more about this eviction process under the "Condominium Board's Right to Evict" section on www.condolawalberta.ca.

Provided the issue relates to the *Condominium Property Act*, its regulation, or the condo's bylaws, you can engage in mediation or arbitration to resolve the issue as long as the tenant agrees to this dispute resolution method. Find a mediator or arbitrator by visiting the ADR Institute of Alberta's Online Directory.

The Court of Queen's Bench is another dispute resolution option. If the issue relates to the *Condominium Property Act*, its regulation, or the condo's bylaws, you can make a court application. This is an expensive option and you should seek legal advice before proceeding.



This project was made possible through a grant from the Alberta Real Estate Foundation.

www.CondoLawAlberta.ca