

Dealing with Mental Health Issues from a Property Managers Perspective

Forty-three years ago when Condominium Management was in its infancy, the skill set required by the typical manager included an understanding of financial, physical, administration and some basic law. Twenty years ago when I started, two of the hardest concepts to wrap my mind around were insurance and how to actually calculate and/or explain to a Board what a utility accrual was. Fast forward to 2011 and the whole game has changed. We still need the skills listed above, however today a competent Property Manager also has to understand privacy laws, the Human Rights Code, a lot more Condominium Law, and a psychology degree would certainly be an asset, although not too many people with that degree choose to work as Condominium Managers.

In this article we look at the process for dealing with those persons that have either been diagnosed, or have an undiagnosed mental health condition. Most Managers across Canada have dealt with a resident(s) in their property(s) that has some form of a mental health issue, whether they knew it or not. A person

that is satisfactorily functioning and able to contribute in society from an emotional and behavioural aspect is said to be of sound mental state. Most of our residents would fit into this category.

In most cases, a Property Manager simply doesn't know if the person they are dealing with has a condition and even if they do, it doesn't mean they have to do anything differently as long as they follow established well-entrenched communication protocols such as utilizing proper listening skills.

There are no disclosure requirements for residents moving into a property or for those that already live there. With the sensitivity around privacy issues these days, even if we become aware of a resident that has a mental health condition, in most cases we simply would not or could not disclose that to anyone. Many mental health conditions can occur at any time in life and most are non-selective in their victims. Some conditions may take years to fully develop and most others, residents won't even be aware.

Managers and staff however, do have to face the reality that they are managing a community and inside that community every person and every family is unique and has a story. There are many examples in our day-to-day work where we come across an event that involves another person's mental health. It could be a noise complaint from a resident about a noisy neighbour that may not be taking their medication, it could be a physical or verbal threat of violence from a resident, it could be an owner that continually calls the office, and everyone in the office, or writes several multi page letters per month complaining about issues that most other owners would not consider relevant, it could involve a resident causing physical damage to the property, it could be an elderly resident found wandering about the underground garage not knowing where they are, or it could involve receiving a letter from a Government Authority, such as the Public Guardian in some provinces, that they are now taking over responsibility for a resident's financial affairs.

Although you may suspect that the person has a mental health condition, you should not specifically ask them the question. If you do, then there is always the risk of a claim for discrimination based on their disability. If someone volunteers the information and if you believe that it is pertinent to the safety of your staff or residents, then disclosure will be based upon a review of the applicable local laws, such as anti harassment and anti violence laws that may be in place in your province. In most cases you will want to obtain legal advice from your Corporation's Solicitor if you are not 100% certain.

So how do we as Property Managers deal with some of the issues above, all the while protecting our staff, our clients, the condominium corporation and/or our companies from lawsuits, human rights complaints and/or physi-



cal harm? Most importantly it starts with a commitment by the Management Company to ensuring that the proper training resources are available for their staff. This would include a detailed, easily accessible procedures manual that includes communications protocols, use of legal resources, emergency procedures, and some form of a legislation library. In addition, a vigorous and ongoing training program and a commitment by the company to ensure they keep up to date with the current legislation in the province(s) in which they operate.

All staff should be trained on the same procedures to ensure a consistent approach. This includes proper record keeping, such as incident reports, security reports, daily logs, fire safety plans, and an up to date owner's record. It also includes ensuring that the staff understands the Corporation's rules, bylaws and policies that have been put in place, and that a consistent and detailed reporting system to the Board of Directors of the individual Condominium Corporation is in place. Lastly, an individual Property Manager should ensure that they continually upgrade their skills. Several provinces have designations and/or licensing in place that require the Manager to take courses to obtain the designation and most areas have some form of ongoing training available.

Even with the company's training program in place, remaining calm under pressure is usually easier said than done. At times we may be dealing with a very emotional or even hostile situation. You have to remember not to take it personally as it is not about you. It is about the other person and if you lose your cool you will not be in a position to make rational decisions. Think of it as parenting, perhaps your own child is going through a difficult time in their life and they take all of their frustrations out on you. You have to be strong and reinforce the rules of your own household to ensure that the rest of the family can still function. It is the same with Condominium Management. Do not make special rules or allowances for certain individuals. Although flexibility is sometimes required, Condominium living is about a community that buys into a set of rules and standards. There is almost nothing that will upset a resident more than to see someone else get something that they could not.

A key to protecting your client's interests is to ensure that you consistently and fairly administer the Corporation and their policies. At times we may be threatened with lawsuits or with a complaint to the local Human Rights Commission, however an experienced Manager will be able to recognize the potential of either of these scenarios and be proactive in their approach. Most importantly, document everything. This includes writing down the date, time and names of persons involved in conversations, and what was said. Equally important is to keep everything in writing so that a complete paper trail is available should it be required. These two items are basic fundamental standards of Condominium Management and not just when dealing with residents that may have a mental health condition.



It is also critical for a Property Manager to understand their authority level. If the Board of Directors has a responsibility to make a decision, then resist the temptation to be everything to everyone and just let them make it, do not take on that decision yourself. When you do, you expose yourself and potentially your Company and Clients to unnecessary liability and costs. For anyone that has been through the Human Rights process, you

will know just how costly it can be in terms of both dollars and time spent.

Although the importance of fair and consistent treatment has been promoted above, there are cases in which the Corporation will have to make decisions to accommodate individuals in order to avoid discriminatory practices. Although legislation from province to province may differ, the basic premise is that as a society we should be prepared to accommodate our fellow citizens. As always legal advice pertinent to your individual situation should be obtained when necessary.

To recap, we need to understand that there are residents in the communities we manage that do have mental health conditions. In most cases we do not need to do anything differently than what we already do. We must ensure we communicate effectively with all persons in the community, including listening so that you fully understand the problem. Do not take the issue personally as it is not about you. Try to always remain calm and rationale. If you suspect this may be a contentious issue, then you should always document everything. Do not be afraid to direct the decision making to the appropriate authority level, this may be the Board of Directors or senior management of your company. Make decisions to avoid liability and help your Board to make decisions that do not discriminate between residents. Lastly, be prepared to recommend to your Board of Directors that they accommodate those in their community or at least obtain legal advice when necessary.

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