

Education of Condominium Owners and Buyers

A SCAN OF BEST PRACTICES

KATRINA CHAVES, DAVID DALE-JOHNSON AND AALEEM JIWA

A STUDY UNDERTAKEN BY THE UNIVERSITY OF ALBERTA SCHOOL OF
BUSINESS REAL ESTATE PROGRAM WITH FUNDING FROM THE ALBERTA
REAL ESTATE FOUNDATION



Table of Contents

Executive Summary	3
Recommendations.....	5
Purpose, Scope, and Methodology.....	5
Purpose	5
Scope.....	5
Methodology	6
Service Alberta	6
Open Government.....	7
Condominium Property Amendment Act, 2014.....	7
The importance of educating consumers about the condominium industry	7
Summary of key findings.....	9
Academic Review on Best Practices	12
What's the best way to develop an effective consumer education program?	12
What are the leading models of consumer interaction and education being used by governments?	12
Stages of Connected Government	13
Why do consumers access information?.....	14
What are the sources of condominium consumer information?	15
Case Studies of Selected Jurisdictions.....	16
Canada Mortgage and Housing Corporation.....	16
Mandate and legislative framework	16
Education Formats and Information Delivery Channels	16
Alberta	17
Mandate and legislative framework	17
Education Formats and Information Delivery Channels	17
Dispute Resolution.....	17
British Columbia	17
Mandate and legislative framework	17
Education Formats and Information Delivery Channels	18
Dispute Resolution.....	18
California.....	18
Mandate and legislative framework	18
Education Formats and Information Delivery Channels	19
Dispute Resolution.....	19
Florida.....	19
Mandate and legislative framework	19
Education Formats and Information Delivery Channels	19

Dispute Resolution	20
Hawaii	20
Mandate and legislative framework	20
Education Formats and Information Delivery Channels	20
Dispute Resolution	21
Ireland	21
Mandate and legislative framework	21
Education Formats and Information Delivery Channels	22
Dispute Resolution	22
Nevada	22
Mandate and legislative framework	22
Education Formats and Information Delivery Channels	22
New South Wales	23
Mandate and legislative framework	23
Education Formats and Information Delivery Channels	23
Dispute Resolution	24
New York	24
Mandate and legislative framework	24
Education Formats and Information Delivery Channels	24
Nova Scotia	25
Mandate and legislative framework	25
Education Formats and Information Delivery Channels	25
Dispute Resolution	25
Ontario	25
Mandate and legislative framework	25
Education Formats and Information Delivery Channels	25
Queensland	26
Education Formats and Information Delivery Channels	26
Recommendations	27
Bibliography	29
Appendix A: Education Formats and Information Delivery Channels	30
Appendix B: Legislation.....	34
Appendix C: Interview List.....	36

For questions regarding the research project, please contact David Dale-Johnson, Stan Melton Executive Professor of Real Estate at the Alberta School of Business at dalejohn@ualberta.ca.

Executive Summary

The government of Alberta is about to institute a major change in its condominium laws. Along with changes to the law itself, this provides an opportunity to review the mechanism through which Alberta consumers are educated regarding this complex legislation.

This document is the result of a study funded by the Alberta Real Estate Foundation in which the program in Real Estate and Urban Economics at the Alberta School of Business, scanned and examined best practices around the world regarding communicating key aspects of condominium legislation and services to industry participants with a specific focus on condominium buyers and owners.

Our team looked at the websites of government and community organizations tasked with communicating information about condominiums to consumers. We examined them employing 5 criteria: breadth, depth, appearance, organization, and accessibility. We also took note of the timing of the most major recent legislative changes were made. We limited our initial scan to English speaking jurisdictions in Australia, Canada, the USA, and Europe. In Canada and the USA we focused on provinces or states with the largest CMAs or MSAs. In Europe and Australia we tried to identify jurisdictions which had established a reputation for quality in the area of communicating information to consumers. The jurisdictions which were scanned in this process are listed below:

Canada	USA	Other
Alberta	California	New South Wales, Australia
British Columbia	Florida	Queensland, Australia
Nova Scotia	Hawaii	Ireland
Ontario	Nevada	Canada Mortgage and Housing Corp.
	New York	

We undertook written, phone or face-to-face interviews to collect information about formats and delivery channels, key consumer issues, and dispute resolution mechanisms. All of the jurisdictions we examined enhanced our perception of best practices.

1. *There are two models of delivery: a) by the governing jurisdiction; and b) by one or more industry or community based organizations with the tacit support of the jurisdiction*

We found an inverse relationship between the level of information provided by other groups and the level of information provided by the jurisdictions themselves. Either mechanism can be effective. Of concern are the sustainability of the funding model in either case and the objectivity of third party providers. In the latter case it is important that the jurisdiction monitor quality and objectivity and provide guidance to consumers regarding the most objective information from third parties and pathways or links to those sources.

2. *Most jurisdictions and third party providers are moving to more mobile accessible formats*

A large majority of the jurisdictions and third party providers expressed the need to provide information that was accessible on mobile devices. Many of the jurisdictions have already migrated their guides and pamphlets to online only formats that are not separately downloadable.

Canada Mortgage and Housing Corporation (CMHC), the largest distributor of information on housing statistics in Canada, has migrated their condominium guide, which was once available in print and as a downloadable PDF, to a solely online delivery format. Of the other jurisdictions we surveyed, only Alberta, British Columbia, Florida, Hawaii, Nevada, and New York still provided PDFs. Both Alberta and British Columbia indicated that they were considering changing the format to online only delivery systems.

3. *Technology will play a key role going forward in both distributing information and interacting with consumers*

M-government (mobile enabled government services) is starting to make headways all over the world and a number of interesting initiatives are under way in BC and Australia that are harnessing the interactive nature of mobile applications and social media.

The most forward thinking jurisdictions are trying to combine the dissemination of information in conjunction with dispute resolution mechanisms and are conducting an increasing number of activities online.

None of the jurisdictions used social media specifically for their condominium education programs, but half of the jurisdictions surveyed were under the jurisdiction of a consumer protection office or other larger communications umbrella which did include Facebook and/or Twitter among their communication channels.

Online training programs are also on the rise, with Queensland leading the way through partners that provide online training courses for new board members.

4. *In-person education and seminars are still popular*

Florida, Nevada, New South Wales, and Queensland all hold regular in-person seminars and/or education courses throughout their jurisdictions.

5. *Government entities or agencies benefit from relationships or synergies with other organizations*

All jurisdictions acknowledged the role that other members of the condominium community played in promoting consumer awareness. The most sophisticated information delivery systems not only provided links to these secondary organizations, but also partnered with them to develop and deliver their content.

Whether informal or formal, jurisdictions tended to partner with or benefit from the contributions of homeowner or condominium associations, professionals such as lawyers and accountants, and in some cases national entities such as the CMHC in Canada and the Community Associations Institute in the USA.

6. *Consumers in different jurisdictions, with different legislation, face similar issues*

Although each jurisdiction employed a different mechanism for organizing and disseminating information, several common issues emerged: 1) issues surrounding interactions between condominium owners and their boards and 2) issues surrounding new purchasers of condominiums and interactions with developers.

7. *Lack of funding cited as a major challenge by every jurisdiction*

Even jurisdictions such as Nevada, that receives \$3/year from every unit in a common interest community, cited funding as a major issue.

Of the thirteen reviewed, only four jurisdictions (Florida, Nevada, New South Wales, Queensland) and the CMHC provided information in other languages. The remaining jurisdictions cited lack of funding as a significant barrier.

Recommendations

We suggest three key recommendations to implement in Alberta to be launched alongside the new legislation:

- 1. Provide information in conjunction with dispute resolution services**
- 2. Work with third party information providers to engage and communicate with consumers**
- 3. Provide information in plain language, organized by topic, targeted to different groups of consumers**

Together, these recommendations will allow Service Alberta to minimize costs, maximize reach, and allow consumers to access information quickly, easily, and in a place and time when they need information the most.

Purpose, Scope, and Methodology

Purpose

On December 10, 2014, the Government of Alberta legislated changes to the Condominium Property Act which altered the way condominium industry participants interact with each other. Service Alberta summarized:

“This new legislation is the result of an extensive review focused on modernizing Alberta’s condominium laws and setting a framework that supports responsible self-governance of condominium corporations.”

The changes to the *Condominium Property Act* will:

- improve protection for purchasers;
- improve protection for existing owners;
- enhance board transparency and accountability;
- allow for efficient governance;
- raise standards in Alberta’s condominium management sector; and
- enhance dispute resolution.

One of the major challenges with introducing new legislation is communicating the effects of those changes to relevant parties. This challenge is especially critical with condominium laws as the changes affect several industry participants including condominium buyers, condominium board members, condominium management companies, and developers.

With this in mind, the University of Alberta’s Program in Real Estate was engaged to provide a meaningful, in-depth scan of current best practices undertaken by governments around the world in communicating legislation to consumers with a focus on how to best educate both current and perspective condominium owners.

Scope

The scope of our investigation included information collected by several different means including; an academic literature review, assessment of various websites, and in-depth interviews conducted with jurisdictions which were identified as showcasing the best practices in condominium consumer education

Methodology

In order to identify which jurisdictions to interview, we examined the websites of every jurisdiction in Canada as well as the top 10 CMAs in the United States. We also looked at a number of English speaking countries around the world that were recommended by Canadian and American jurisdictions as having best practices in consumer education.

The following factors were considered when reviewing each jurisdiction's programs and delivery formats to determine if they should be included in our case studies:

1. Breadth: Did the website, or guides provided cover one or more of the following topics?
 - a. Dispute resolution mechanisms
 - b. Dealing with construction deficiencies
 - c. What to look for when buying a condominium
 - d. Dealing with your condominium board
 - e. Duties of owners
 - f. Are there links to other resources within government or to outside organizations?
2. Depth: Did the website, or guides cover those topics in significant detail?
 - a. Was there a separate guide for each topic?
 - b. Did the information reference legislation or provide a detailed explanation of how the legislation is applied?
 - c. Were there any links to specific outside information or resources?
3. Appearance: Did the website, or the guides look appealing?
 - a. Were there dropdown menus?
 - b. Was there an appropriate use of color on the website?
 - c. Did the website follow or maintain a consistent theme throughout the website?
4. Organization: Was the website, or the guides organized in a hierarchical fashion?
 - a. Is the content organized from broad to specific?
 - b. Are links to outside resources categorized by topics?
5. Accessibility: Was the website, or the guides easy to find from the main page?
 - a. Was there a link directly to condominium information from the main page?
 - b. Were there links on the condominium page directly to relevant content?
 - c. Was there a direct link to contact information from the condominium page?
6. Recent changes to legislation: Has the jurisdiction experienced a recent, major change to their condominium laws?

In addition to the above considerations, we also identified jurisdictions which warranted special consideration with respect to their dispute resolution or consumer education processes, usually due to the incorporation of an ombudsman in that process.

Service Alberta

Service Alberta is the Government of Alberta Ministry responsible for the administration of the Alberta Condominium Property Act. Service Alberta provides a variety of services, products and information for Albertans and other ministries within the Government of Alberta. Currently, Service Alberta provides Alberta consumers with a number of tools, such as tip sheets, e-tips, FAQs and videos, to educate them about relevant legislation and consumer services. The Ministry distributes information primarily through their website, in addition to maintaining a telephone inquiry line, Facebook page, and Twitter account.

Open Government

Within The Government of Alberta (GoA), the gradual shift towards an *open government* concept is transforming the way in which government interacts with Albertans. The GoA's vision for open government and information management is based on a citizen-focused approach with the goal of increasing access to government information and data, facilitating citizen participation and increasing engagement and collaboration between citizens, stakeholders and government (Government of Alberta, 2013). This hoped for state of increased transparency, collaboration and open access to data should inform Service Alberta's strategies for future service-delivery regarding the Alberta Condominium Property Act.

Condominium Property Amendment Act, 2014

In an overview of the key changes, Service Alberta summarizes as follows (retrieved from <http://www.servicealberta.ca/2166.cfm>):

1. Improve protection for buyers by:

- mandating the appointment of an interim board to run the affairs of the corporation while the developer owns a majority of units;
- strengthening the Province's power to inspect, investigate and enforce rules respecting condominium sales;
- expanding purchase disclosure information to include:
 - a statement setting out a fixed date or range of dates, including a final date, by which the unit must be ready for occupancy
 - a budget or proposed budget for the corporation
 - notice of material changes to the purchase agreement or other required information
 - summary of findings from a Building Assessment Report prepared for existing buildings converted to condominiums
- a copy of the home warranty insurance contract under the *New Home Buyer Protection Act*, where the corporation is or will be named as the insured

2. Improve protection for existing owners by:

- limiting the circumstances in which a board may impose a special levy and requiring boards to provide owners key information, in advance, pertaining to an impending levy;
- restricting the registration of a caveat against an owner's title for unpaid contributions to only those contributions permitted under the Act. This means that a charge to an owner's unit for monetary sanctions imposed under a bylaw or other debts claimed by a corporation may only be registered against a unit title by caveat if the sanctions or debts are found by a court to be valid but remain unpaid;
- capping the expenses that may be included in the caveat in connection with the preparation, registration, enforcement and discharge of a caveat*;
- limiting the amount of monetary sanctions that can be imposed in accordance with bylaws*; and
- limiting the circumstances under which an owner's right to vote may be suspended.

3. Enhance board transparency and accountability by:

- requiring a board to hold a special general meeting if requested by 15% or more of the owners;

- requiring a board to notify owners of key changes to the corporation's insurance policy, including changes to deductibles, property replacement cost value and any permitted exclusions;
 - requiring a board to provide a minimum 14-day notice of a meeting of the owners and include copies of financial statements, the annual budget and annual report on the reserve fund;
 - ensuring rules adopted by the board are reasonable and consistent with the Act, regulations and bylaws, and are properly disclosed to owners and tenants
- 4. Allow for efficient governance by:**
- enabling directors to participate in board meetings electronically;
 - enabling certain types of votes to be conducted electronically*;
 - validating "show of hands" voting and clarifying procedures for voting in writing or at general meetings;
 - enabling certain agreements entered into by the developer to be cancelled within one year of aboard being elected
 - expanding the permitted uses of the reserve fund to allow for payment of a reserve fund study and report or other expert report, and any improvements required by law;
 - prescribing maximum fees that can be charged for corporation documents*; and
 - clarifying insurance, maintenance and repair obligations of the corporation and unit owners*.
- 5. Raise standards in Alberta's condominium management sector by:**
- designating the Real Estate Council of Alberta (RECA) as the regulator of condominium managers; and
 - enabling RECA to establish licensing requirements for condominium managers, including education and training requirements.
- 6. Enhance dispute resolution by establishing the framework for a new tribunal that will hear and settle a variety of disputes:**
- the tribunal will:
 - be an affordable and efficient forum (or decision maker) for certain types of condominium disputes between boards owners, occupants and other interested parties;
 - operate under rules and procedures set out in the regulations, to ensure hearings are fair and efficient;
 - operate in a limited geographic area (e.g. Edmonton or Calgary) during a pilot phase;
 - be expanded later to hear a wider range of disputes in a greater number of locations across the province;
 - Courts may continue to hear certain disputes that fall outside the tribunal's jurisdiction, for example, disputes regarding real property (e.g. unit foreclosure, modification of a condominium plan).

*Matters to be addressed in the regulations supporting the Act.

The importance of educating consumers about the condominium industry

One of Service Alberta's goals is that "consumers and businesses [interact] on an informed basis in a marketplace with a high standard of conduct" (Service Alberta).

Consumer education is used around the world for protection of the public interest (OECD, 2009, pp. 11-12), yet another important function of consumer education is to "contribute to effective competition and to well-functioning markets." (OECD, 2009, p. 7)

Condominium disputes are notorious for being litigious in nature, but legal knowledge flows are not particularly straightforward. Lippert (2012) indicates information often exists in a variety of forms (blogs, newsletters, and direct communication between condominium owners and board members to name a few) and not all of the information available is always factually correct.

The complex environment of the condominium industry requires that a consumer has the ability to navigate the marketplace which requires an awareness of one's rights and the proper avenues for dispute resolution. Although civil organizations, businesses and other stakeholders are involved in consumer education, a theme that emerged in the Alberta consultation review is that stakeholders believe governments have a role to play in improving communication between boards and unit owners by developing tools to educate board members and unit owners. (Service Alberta, 2013, p. 60)

Our research indicates that different jurisdictions take vastly different approaches to educating consumers, ranging from allowing non-profits to provide the bulk of information and letting the courts decide disputes, to the other extreme where dispute resolution processes and information are supplied to the consumer directly through government organizations' web sites, publications, seminars and training sessions.

In Alberta there seems to be a demand from Albertans that the government take an active role in educating condominium industry participants:

"Stakeholders believe government has a role to play in improving communication lines between boards and owners, namely by developing appropriate education tools to guide boards and owners." (Service Alberta, 2013).

Summary of key findings

We have distilled our research and interviews into seven key findings. We were surprised by the diversity of methods and mandates that we discovered. That being said, there are common themes within this group of well-managed organizations.

1. *There are two models of delivery: a) by the governing jurisdiction; and b) by one or more industry or community based organizations with the tacit support of the jurisdiction.*

Although the jurisdiction itself is the main source of information for consumers in a majority of jurisdictions, there were a few notable exceptions in which a jurisdiction: a) relied almost completely on third-party organizations; or b) linked to them through a government website.

California, the most populous jurisdiction in our survey relies heavily on third-party organizations to educate consumers regarding the rights and responsibilities of condominium owners.

In California, the California Association of Community Managers and the Community Associations Institute provide the bulk of education and training available to condominium owners and managers. CAI is a national organization with a number of local chapters that cover the entire state of California.

BC on the other hand, uses a hybrid model, where they provide the bulk of information on their website but also link to other organizations that publish consumer information regarding condominiums.

The rest of the jurisdictions surveyed had links to other organizations and provided information through their own websites.

2. Most jurisdictions and third party providers are moving to more mobile accessible formats.

All of the jurisdictions we spoke to are implementing initiatives to make their information more mobile friendly. The two most prominent strategies were: a) migration of downloadable PDFs to online delivery and b) creation of mobile friendly websites.

Approximately half of the jurisdictions surveyed (Alberta, BC, Florida, Hawaii, Nevada, New York, Queensland) still use downloadable PDFs, while the remaining have moved to online delivery of information directly through their website. Alberta and BC are both considering migrating their information to online-only delivery formats citing maintainability and mobile accessibility as the two biggest reasons for moving away from downloadable PDFs.

Every jurisdiction we surveyed housed their condominium division under a larger umbrella consumer protection organization with the decision to create mobile friendly websites driven by this larger organization. Each jurisdiction also had ongoing or planned initiatives to create mobile friendly websites, but only Hawaii and New South Wales had implemented them at the time of this writing.

3. Technology will play a key role going forward in both distributing information and interacting with consumers.

The advent of smart phones and social media is slowly making its way into government and non-government organizations alike. Additionally, an increasing number of jurisdictions are adopting an m-government model.

BC, for instance, is preparing to launch an online Civil Resolution Tribunal platform that combines online, voice, and videoconference interactions to help parties solve strata issues and small claims.

New South Wales and Queensland both leverage the social media channels of their municipalities to reach more consumers.

Lastly, The Division Of Florida Condominiums, Timeshares, and Mobile Homes provides online training sessions, through their partners, to new board members as an alternative to live/classroom based courses.

As mentioned earlier, other jurisdictions are also adopting mobile accessible formats as part of larger initiatives driven by the encompassing consumer protection or provincial/state umbrella organizations.

4. In-person education and seminars still popular.

We were surprised by the sheer number of in-person seminars and outreach programs that are conducted by jurisdictions across the world. New board members in Florida for example are required to take a short course, either in-person, online, or through a self-study text book. Florida is an interesting case because not only does the Florida Division of Condominiums provide the course, but the course is also available (in many cases for free) through 66 different community organizations and for-profit law firms who host and teach the course all over Florida.

Nevada provides in-person courses on 16 different topics ranging from condominium living to board member roles and responsibilities throughout the state. Board members are not required to obtain any education in Nevada.

New South Wales and Queensland both have a well-developed community outreach program that includes informational sessions across the state on a variety of topics related to condominiums and condominium living.

5. *Government entities or agencies benefit from relationships or synergies with other organizations.*

Every jurisdiction surveyed included third party providers that engaged consumers and distributed information to the general public.

By far the most common connections in Canada are with CMHC and the Canadian Condominium Institute (CCI). These are formal relationships to distribute and collect data. In the US, jurisdictions tended to partner with the CAI (Community Associations Institute).

There were some innovative relationships formed in some jurisdictions:

Florida works with law firms to deliver mandatory board member certification courses. The courses are generally free, but are certified by the Division of Florida Condominiums, Timeshares, and Mobile Homes.

Both NSW and Queensland work with local municipalities and leverage their social media connections to drive traffic to their websites when they have significant changes or updates.

Additionally, some jurisdictions have complex informal relationships with various third party providers with the goal of both reaching more consumers with their information, and allowing the various stakeholder groups to comment and participate on the creation of programs and services.

For instance the BC government has engaged a variety of stakeholders to help build their online tribunal platform, including, lawyers, the CHOA (Condominium Home Owners Association), the VISOA (Vancouver Island Strata Owners Association), and others.

6. *Consumers in different jurisdictions, with different legislation, face similar issues.*

Regardless of whether condominium board members faced mandatory training or not (as in the case of Florida), every jurisdiction we surveyed had recorded their consumers as having issues with condominium governance and legislation.

Generally, the issues faced by consumers are in one of two categories:

- a. Problems between the unit owners and the condominium corporation:
 - Condominium governance and administration
 - Board members knowledge of legislation
 - Board member capabilities
 - Management of funds by the board
 - Building and facility maintenance and repairs
 - Dispute resolution
 - Roles and responsibilities of unit owners
 - Lack of engagement from board members and unit owners
- b. Issues between the buyer and the developer (seller) at the time of acquisition:
 - Purchasing process and rules
 - Roles and responsibilities of unit owners
 - Responsibilities of the developer

All the jurisdictions were aware of these issues and had tailored their education and programs to provide information on the identified subjects.

7. *Lack of funding cited as a major challenge by every jurisdiction.*

Every jurisdiction we surveyed cited lack of funding as an issue. For many of the jurisdictions, this turned up in reduced services, usually in the form of limited services for non-English speakers. Of the thirteen jurisdictions reviewed, only four (Florida, Nevada, New South Wales, Queensland) and the CMHC provided information in other languages. The remaining jurisdictions cited lack of funding as a significant barrier.

One of the thirteen jurisdictions we surveyed, Nevada, uses an innovative way of funding their operations. They receive \$3/year from every unit in a common interest community. However, even they cited lack of funding as an issue.

All of the other jurisdictions we surveyed receive funding through government budgets, and every one said that they would provide more services to the community if they had additional funding.

Academic Review on Best Practices

We completed a scan of academic material related to promoting consumer awareness of condominium legislation and found a lack of current and directly relevant literature on the topic. We did however, come upon a number of works related to consumer education in general, that helped guide our research and shed some light on a number of important questions:

- What's the best way to develop an effective consumer education program?
- What are the leading models of consumer interaction and education being used by governments?
- Why do consumers access information?
- What are the biggest challenges in educating consumers?
- What are the main sources of condominium information?

What's the best way to develop an effective consumer education program?

Capon & Lutz (1979) advocate the use of a "consumer perspective" in order to develop an effective consumer education program. This approach is underlined by the following key questions: what information does the consumer need (type), from whom (source), and how should it be made available (distribution)? The idea here is for the policy maker to avoid presuming that they know best. Rather, it is the consumer who is best positioned to provide information about problems or issues they experience.

We see these concepts being addressed by many of the jurisdictions we surveyed. The move to more online formats and increasing co-operation between government and third party providers (which often represent the consumer) shows that many jurisdictions are cognisant of the "consumer perspective".

What are the leading models of consumer interaction and education being used by governments?

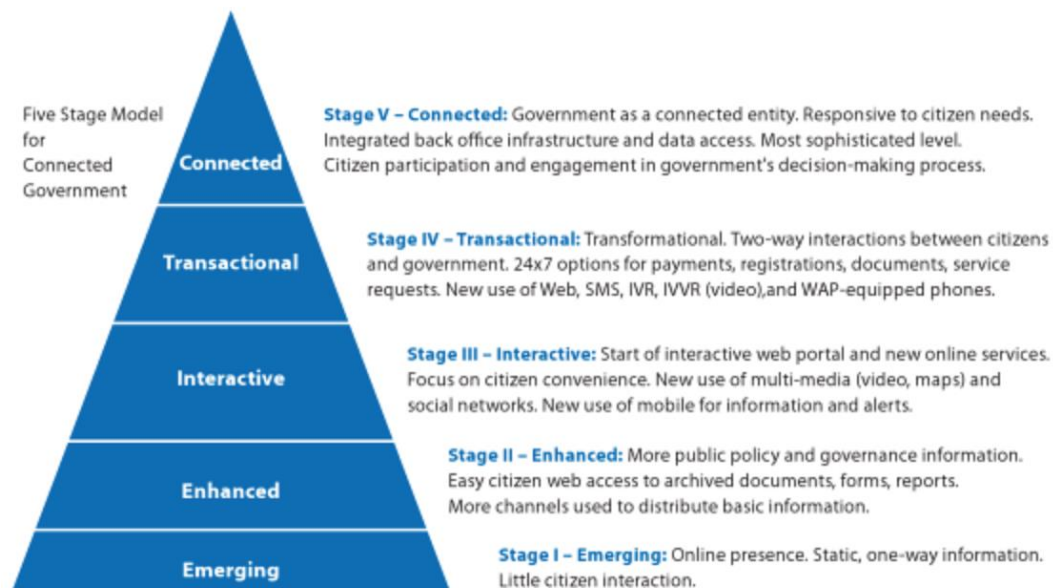
Built on two decades of e-government capacity, m-government (mobile government) is the next wave for information and communication technology (ICT) in the public sector (OECD, 2011). The United Nations Department of Economic and Social Affairs (DESA) suggests that the concept of connected government is founded on the strategic use of technology to effectively maximize cost savings and provide improved service delivery.

Item	C-Government	E-Government	M-Government
Principles	• Bureaucratic Process (phone, fax)	• Process reengineering using IT (PC, Internet)	• Seamless integration and linkage wireless devices
Service time	• 8 hours a day, 5 days a week	• 24 hours a day, 7 days a week	• 24 hours a day, 365 days non-stop
Service space	• In-person visit, fax, phone	• Customer's home and office using the Internet	• Customer's location and physical place
Service form	• Several visits to offices	• Multi-clicks to web portals	• One time access to needed service

Source: Oui-Suk, Uhm (2010), *Introduction of m.Government & IT Convergence Technology*, KAIST Institute for IT Convergence in M-Government: Mobile Technologies for Responsive Governments and Connected Societies, OECD 2011.

There are five stages for connected government: emerging, enhanced, interactive, transactional and connected. While e-government services typically fall within the second stage, the use of m-government and social media platforms represent the third and fourth stage.

Stages of Connected Government



Source: DESA (2010), E.Government Survey 2010, United Nations, New York in M-Government: Mobile Technologies for Responsive Governments and Connected Societies, OECD 2011.

A 2011 OECD report on successful strategies for the adoption of m-government recommends embedding mobile features into a comprehensive multi-channel program instead of developing a separate mobile service. To facilitate widespread adoption and ease of use, mobile services should only require basic literacy or digital skills from the end-user. (OECD, 2011)

Adoption of social media is a major facet of m-government. Social technologies can increase transparency, support inter- and intra- organizational collaboration, and promote more innovative public engagement. Fundamentally, the use of social media must be directly aligned with the agency's mission and organizational goals in order to have any impact. (Mergel, 2013)

Initial versions of e-government applications were designed primarily for information awareness and education. The primary distinction between static e-government websites and government social media platforms is the direction of information sharing. Social media allows for a highly interactive user experience; although government is still the primary source of authorized and vetted information (as with e-government sites), users are able to “reuse, reshare and discuss the content provided by the agency.” (Mergel, 2013)

In our research we saw a number of examples of jurisdictions including m-government type service delivery as a part of their education strategy. Some of these initiatives are being driven by parent organizations that are clearly pushing these types of programs and services through the entire organization.

Why do consumers access information?

There is ample evidence from the field of consumer research suggesting that the mere availability of information is insufficient for consumers to acquire information (Bettman, 1979). Thus public policy makers and regulatory agencies need to focus not only on the content and quality of available information, but also on the format in which it is structured and presented.

Once the information products and services have been developed, they must also be promoted as relevant and meaningful. “Information which is not valued will, in all likelihood, not be sought, regardless of the ease with which it may be accessed.” (McEwen, 1978). McEwen suggests that just like product marketers, government agencies need to consider information packaging in addition to information delivery.

Our findings suggest that the best place to focus attention on is providing information in conjunction with dispute resolution services. This minimizes spending by targeting those individuals who are searching for information to solve a specific problem.

What are the biggest challenges in educating consumers?

The OECD identified several issues and challenges with consumer education, of which two are directly relevant to our research:

1. **“Lack of sufficient self-motivation for both the educated and the educator.** Some responses suggest that it is difficult for policy makers to promote consumer education because both the educators and the educated are not very motivated to find and profit from the relevant educational opportunities and information.”

Lippert classifies this as a “tragedy of the commons” or “free rider problem”, where multiple ownership allows individual owners to decline from participating in boards and rely on other owners for the management of the condominium property (Lippert, 2012). A corollary is that the individual owner does not care unless he or she has a problem.

We also found this to be one of the biggest challenges faced by providers of consumer education. Our research suggests that people only seek out information when there is a problem.

For instance, in Nevada, the office of the Condominium Ombudsman provides 8-10 information sessions per month across the state to educated industry participants on various issues. The average attendance at each of these sessions is quite low, usually around 20 people. This is in a state where there are 2,300 Condominium Associations housing some 348,000 units.

2. **“Limited resources.** All of these challenges require additional resources but these are limited in many countries.”

Some jurisdictions have taken novel approaches to funding their condominium education and dispute resolution services by implementing a special levy on every condominium unit. But even with additional

funds available we found that almost every jurisdiction we spoke with would like to serve more people, but cannot due to limited resources.

Besides the CMHC, Florida, Nevada, New South Wales, and Queensland, none of the jurisdictions we surveyed provided information in other languages, all of them citing lack of funding as the barrier.

Certain population groups may also be vulnerable or experience significantly greater barriers to consumer education than the typical population. The OECD highlights several groups such as the elderly, handicapped, women, minority groups and new immigrants, and those living in rural areas (OECD, 2009).

What are the sources of condominium consumer information?

Lippert defines the legal flows in the condominium industry and suggests that there are a variety of conflicting information sources to which consumers are exposed. Although Lippert's work focuses on legal flows within Ontario and specifically around the role of renters in condominium buildings, his findings shed light on our study by suggesting that governments, particularly in Canada, have an important role to play when it comes to educating consumers due to the amount of conflicting information that is available to the public. (Lippert, 2012)

"Legal knowledge [flows] into the condominium world through communication channels that include law firm-produced newsletters, legal advice newspaper columns, and Internet discussion boards." (Lippert, 2012)

We found that jurisdictions with dispute resolution services generally felt that consumers were better informed because most dispute resolution services also include an information component. That information component was typically designed to give participants the knowledge to resolve their differences prior to adjudication.

Our research also found that it is important to take into account the type of consumers that participate in the market. For instance, in New York, the average price of a condominium is over \$1M. The dispute resolution service that was provided by the Attorney General's office was almost exclusively used by lawyers representing their clients in contrast to most other jurisdictions where condominiums tend to be purchased by entry level buyers and thus jurisdictions provide service directly to consumers. Of course, with price escalation, condominium markets in Vancouver, Calgary and Toronto may become more like Manhattan.

The sophistication and ability of industry participants seems to also be reflected in the breadth and depth of knowledge provided by New York. The information provided on their website is lacking in both respects. However, we hypothesize that the reason for this is the fact that the majority of condominium owners in New York have access to significant resources and legal expertise, and therefore do not require as much information as condominium owners in other jurisdictions we examined.

The OECD's work on best practices on educating consumers does not specifically address condominiums, however it is an interesting look at how governments around the world approach consumer education. Approaches range from formal consumer education in primary and secondary schools, to programs directed at a wide variety of consumers. Most countries' delivery mechanisms, goals, and objectives "reflect the specificities and policy choices of individual jurisdictions." (OECD, 2009)

Case Studies of Selected Jurisdictions

This section provides an in-depth review of condominium consumer education strategies within selected jurisdictions in North America, Australia and Ireland.

The following table provides an overview of the selected jurisdictions' delivery channels:

Jurisdiction	Online Guides	PDF Guides	Video	In-person education	Dispute Resolution Service	Year of most recent change
CMHC		✓				N/A
Alberta		✓				2014
British Columbia		✓			✓*	2014
California		✓				2014
Florida				✓	✓	2010
Hawaii				✓		2006
Ireland	✓					2011
Nevada		✓	✓	✓	✓	2013
New South Wales	✓		✓	✓	✓	2008
New York	✓	✓				2014
Nova Scotia		✓			✓	2011
Ontario	✓		✓			2012
Queensland		✓			✓	2013

* Coming in 2015

Canada Mortgage and Housing Corporation

Mandate and legislative framework

The CMHC is a government-owned corporation first established in 1946 in response to Canada's post-war housing shortage. Today, the CMHC supports the Canadian housing market by providing a variety of housing services and supports to Canadians, such as mortgage loan insurance, facilitation of the mortgage-backed securities market in Canada, housing policy and programs, and housing research (CMHC, 2015).

Education Formats and Information Delivery Channels

Online Guides and Publications

CMHC, in partnership with Canadian jurisdictions, has developed a five-part online condominium consumer guide to support Canadians in navigating the condominium market. Topics covered include a primer on condominium ownership (including pros and cons), governance, items to consider when first buying a condominium, checklists, tips, FAQs, a glossary and provincial and territorial fact sheets.

As condominium housing in Canada is governed by provincial and territorial legislation, there can be differences in regulations and terminology. The provincial and territorial fact sheets provide a comprehensive snapshot of each jurisdiction's condominium regime, including governing legislation, warranty programs, taxes and additional costs, reserve fund requirements, condominium registration, sale of units, operating costs, board governance, available dispute resolution alternatives and additional links and resources relevant to that jurisdiction.

CMHC also conducts research and publishes an annual review of the Canadian housing market, which includes a chapter detailing key concepts, issues, trends and market data related to condominiums (CMHC, 2013).

Social Media, Telephone, E-mail

Consumers can make inquiries to the Canadian Housing Information Center via telephone or email, as well as to a number of different departments and regional offices based on the nature of their concern and location.

Alberta

Mandate and legislative framework

Condominiums in Alberta are governed by the Condominium Property Act, 2000, the Condominium Property Regulation, 2000 and the Condominium Property Amendment Act, 2014. The condominium Property Act is administered within the ministry of Service Alberta, which is responsible for providing consumer programs, and promoting consumer awareness, research and education for Albertans. Service Alberta also regulates and enforces consumer protection standards and business practices, where mandated by legislation.

Education Formats and Information Delivery Channels

Online Guides and Publications

Service Alberta has developed a 16 page consumer guide and tip-sheet on Buying and Owning a Condominium that is accessible online and in print. Topics covered include legislation, roles and responsibilities of the condominium corporation and board of directors, rights and responsibilities of unit owners, reserve funds, condominium fees, voting rights (get full list of topics).

They also maintain a webpage on the Condominium Property Act that includes news releases and updates on the Condominium Act review, including the changes brought about by the recent legislation.

There are also additional tip-sheets for landlords and tenants.

Media and Telephone

The Consumer Services branch maintains social media accounts in Facebook and Twitter as well as a Consumer Contact Center that fields calls from any consumer related issue.

Dispute Resolution

Currently, there is no alternative dispute resolution mechanism for condominium stakeholders, and disputes must be resolved through the court system. Service Alberta is considering several models for a future dispute resolution tribunal, one of which would be based on the Residential Tenancy Dispute Resolution Service available for landlords and tenants.

British Columbia

Mandate and legislative framework

In BC, condominiums (also known as stratas due to the legal designation of strata corporations) are governed by the *Strata Property Act 1998* and several regulations (see Appendix A).¹ The Office of Housing and Construction Standards, within the Ministry of Energy, Mines and Natural Gas, administers strata legislation in BC.

There have been several amendments to the *Strata Property Act* and Regulations that are in various stages of implementation, with the most recent being July 2014. Examples of amendments include improving mechanisms for dispute resolution, allocation of parking and storage and requirements for depreciation reports and special levies for repairs.²

¹ Strata legislation in British Columbia was originally introduced with the Condominium Act (1966).

² For a complete and current listing of amendments, see Status of Changes to the Strata Property Act and Regulations - <http://housing.gov.bc.ca/strata/regs/index.htm>

Education Formats and Information Delivery Channels

Online Guides and Publications

The Office of Housing and Construction Standards maintains an online collection of 28 Instruction Guides to the *Strata Property Act*. The topics covered include:

- Roles and responsibilities of various strata stakeholders (owner developers, strata corporations and councils, lot owners, tenants and landlords)
- Governance and general administration (Annual General Meeting, Voting procedures, bylaws, records management, parking and storage, repairs)
- Financial Management (finances, budgeting, depreciation reports)
- Dispute Resolution (resolving complaints, arbitration, Court Actions)

In addition to the online guides, the BC Government website on strata property provides regular updates on changes and the status of amendments to the *Strata Property Act* and Regulations and links to further resources provided by The Real Estate Council of BC (RECBC), Superintendent of Real Estate and Strata Owners' Associations (Vancouver Island Strata Owners Association (VISOA) and Condominium Home Owners Association (CHOA)).

Dispute Resolution

With the passing of the Civil Resolution Tribunal Act on May 31, 2012, a new model for dispute resolution was introduced to help resolve disputes between strata owners and corporations. As part of the tribunal, a website will provide information to support consumers with identifying and managing issues and assessing their options for dispute prevention and resolution. Consumers who require further assistance with their dispute will be able to access increasing levels of dispute resolution through online dispute resolution, mediation and adjudication.

The BC Government website on strata property links directly to information on the Civil Resolution Tribunal for Strata Properties for property owners, including a Questions and Answers document, the 2011 Consultation Paper and proposed business model. The tribunal is expected to begin operating in 2015 and will be administered by the Ministry of Justice and Attorney General (retrieved from <http://www.ag.gov.bc.ca/legislation/civil-resolution-tribunal-act/>).

The process will have five steps.

Stage 1 - Self-Help

Information and tools will be available online 24/7 to help parties resolve disputes.

Stage 2 - Online Party-to-Party Negotiations

If Stage 1 fails, parties can go through a guided negotiation monitored by tribunal staff.

Stage 3 - Facilitated Settlement

Where an agreement is still not reached, parties can pay applicable fees and request active facilitation by the tribunal involving mediation or other dispute resolution processes. All parties must consent.

Stage 4 - Case Management Preparation

A case manager will facilitate mediation and explore options for settlement.

Stage 5 - Adjudication

Any dispute not settled by agreement will be heard by an adjudicator with the authority to decide the outcome and make binding decisions. (Retrieved from <http://www.rebgv.org/alternative-dispute-resolution-bc-stratas.>)

California

Mandate and legislative framework

The California Bureau of Real Estate in the Department of Consumer Affairs provides licensure, regulation, education and enforcement related to real estate matters within California. Condominiums,

called common-interest developments in California, are legislated by the Davis-Sterling Common Interest Development Act, which was intended to promote self-government and dispute resolution.

Education Formats and Information Delivery Channels

Online Publications

The CBRE website provides a brochure, “Living in a California Common Interest Development”, which is structured as a question and answer document that provides an overview of the rights, duties, and responsibilities of associations and owners, including key elements such as Bylaws and Covenant, Conditions and Restrictions (CC&Rs), governance, dispute resolution, fees and assessments etc. The guide is available in English, Spanish and Chinese.

There is also an additional guide on Reserve Studies that is primarily targeted to board members and includes instructions on conducting a reserve study and physical and funding analysis.

The Department of Consumer Affairs website provides a webpage of links to additional CID resources and publications, such as the Center for California Homeowner Association Law, Community Associations Institute, Office of the Attorney General and the California Association of Community Managers.

Dispute Resolution

There are no alternative dispute resolution services provided by the CBRE or Department of Consumer Affairs. Parties engaged in a dispute are encouraged to consult the governing documents of their homeowner association prior to using the court system.

Florida

Mandate and legislative framework

The Florida Department of Business and Professional Regulation houses the Division of Florida Condominiums, Timeshares and Mobile Homes, which enforces and ensures compliance with the Florida Condominium Act. The mission of the Division is to “provide consumer protection for Florida residents living in the communities we regulate through education, complaint resolution, mediation and arbitration, and developer disclosure.” (State of Florida, 2013)

In Florida, board members must complete mandatory education courses.

Education Formats and Information Delivery Channels

There are a multitude of resources and information sources for the condominium community in Florida.

Online Guides and Publications

The Division maintains a comprehensive website with a set of guides to the Condominium Act, divided into several topics, including the Statute and Rules, Education for Board Members, FAQs, their jurisdiction regarding the Condominium Act, Rule Promulgation, and Fire Safety Retrofitting.

Their collection of Frequently Asked Questions is further divided into five subject areas below. The relevant section of legislation is included within each response to a question.

FAQ topics:

- The Association (management, rules and regulations, condominium documents etc.)
- The Board of Administration
- Unit Owners, Members of the Association
- Financial Information
- Division Information

The Condominium website also provides a link to the Condominium Ombudsman office, which provides additional information and consultative services to Floridians.

The Division also provides educational publications and form (in both Spanish and English). The guides are regarding a variety of topics, such as purchasing a condominium, condominium living in Florida, unit owner rights and responsibilities, budget and reserve schedules, mediation and condominium conversions.

In-person seminars and training sessions

The Division provides free seminars and training programs for condominium board members and unit owners throughout Florida. The Division also approves private education programs and educational curriculums for board member certification.

Telephone

Lastly, there is a toll-free telephone inquiry line for condominium board members and owners.

Dispute Resolution

The Condominium Ombudsman also assists in developing educational and reference materials for unit owners, board members, managers and other stakeholders. It's primary aim is to act as a neutral, informative and accessible resource for condo owners. The website is accessible via the general condo website and provides information on powers and duties of the Ombudsman, instructions on how to file a complaint including forms in English and Spanish.

Hawaii

Mandate and legislative framework

Hawaii Revised Statutes (Chapters 514A and 514B) and Hawaii Administrative Rules ("HAR", Chapter 107) governs the rights of condominium owners in the state of Hawaii. To an extent related to fees and allowable charges, HAR, Chapter 53 also applies in limited instances. The legislation was last amended July 2006, when HRS, Chapter 514A was re-codified as HRS, Chapter 514B.

The Real Estate Branch ("REB") within the Department of Commerce and Consumer Affairs, Professional and Vocational Licensing, develops information and resources for the condominium community. Specifically, there are three condominium specialists in the branch that have been legislated by the HRS to "assist with information, advice, and referral on any matter" relating to HRS Chapter 514B. The Condominium Law is self-enforcing in that no government agency, including condominium specialists have investigative or enforcement jurisdiction.

According to the legislation, condominium associations and developers must pay into a condominium education trust fund. The monies in this trust fund are used for educational purposes, including financing and promoting: (1) education and research in the field of condominium management, condominium project registration and real estate, for the benefit of the public and those required to be registered under HRS, Chapter 514B; (2) the improvement and efficient administration of condominium associations; (3) expeditious and inexpensive procedures for resolving condominium association disputes; and (4) support for mediation as a means of resolving condominium related disputes.

Education Formats and Information Delivery Channels

Information on condominium issues is presented to the condominium community in a variety of formats.

Online Guides and Publications

The REB website contains comprehensive informational guides, manuals and even a workbook for condominium reserve studies. Although the information is targeted to the Board of Directors, it is useful for unit owners and potential buyers. Each guide provides general information related to a condo issue, can be downloaded or printed online and includes additional information sources.

The topics include:

- Condominium Reserves Reference Manual – 1992
- Condominium Reserves Workbook – 1992
- Fiduciary Duty – January 1994
- Proxies – June 1994
- Sense of Community – April 1995
- A Quick Guide to Condominium Living in Hawaii – March 1998
- An Introduction to Condominium Living in Hawaii – March 1998
- Preventing Housing Discrimination in Hawaii Condominiums – May 1998
- Condominium Insurance – Including Fidelity Bonds – March 1996
- Condominium Property Regimes: Owner Rights and Responsibilities – 2009
(NOTE: the contents are subject to additional changes without prior notice)
- Condominium Property Regimes: Board Members Powers and Duties – 2009

A separate webpage provides information and additional resources for Funds Collected by the Association and Investments. Links and contact information is given for government entities and organizations relevant to particular sections of the HRS, Chapters 514A and 514B.

There are also links to other educational publications provided by other agencies within the condo industry, such as the Regulated Industries Complaints Office (RICO) within the DCCA and conference reports.

There is also an Association of Unit Owners Contact Listing and registration listings for developers and businesses.

A quarterly “Condominium Bulletin” has been published by the DCCA since 1991 and is now available online. It provides articles on contemporary condo issues, and has regular sections detailing legislative updates, a Q&A with a condo specialist, mediation case summaries, and the Real Estate Commission Meeting Schedule.

In-person seminars and training sessions

A pilot program was launched in 2010 for Visiting Condominium Specialists within Oahu. Specialists will conduct seminars with condominium boards and owners on location and provide information on the condominium laws as well as address questions.

Telephone and E-mail

The Office also has direct contact with consumers through in-person visits, via email or the consumer telephone inquiries line.

Dispute Resolution

The Real Estate Branch does not provide dispute resolution services, and emphasizes the self-enforcing nature of the Condominium Law. A pamphlet has been developed with information about the process of mediation, including a list of mediation providers within the State. Condo consumers can access mediation and arbitration through private providers, as well as civil litigation.

Ireland

Mandate and legislative framework

Within Ireland, multi-unit developments are governed by the Multi-Unit Development Act, 2011. The National Consumer Agency (NCA) enforces consumer law and promotes a strong consumer culture by providing consumers with education, information and tools to facilitate well-informed decisions. The NCA does not have a legislative or regulatory function with regards to the MDA 2011, and only acts to inform and educate consumers about their rights, roles and responsibilities as owners and/or board members.

Education Formats and Information Delivery Channels

Online Guides and Publications

The NCA has developed a website on Multi-Unit Developments that provides plain-language information on MUDs (general overview, what they are and contracts involved), in addition to information about Owner Management Companies (OMCs), the role of developers, managing agents, service charges and 'house-rules' (by-laws).

The website is part of a larger set of resources on Buying a Home, which also includes related information on finding and securing a mortgage, calculators, and checklists for potential buyers.

In addition, a colorful, user-friendly booklet on "Buying and Living in a Multi-Unit Development Property in Ireland" was developed, with 17 sections detailing the key elements of MUDs, such as management companies, what to look for when buying a unit, sinking funds, annual general meetings, financial records management, insurance, budgets, glossary of key terms, contact information for relevant state bodies and a checklist for a service contract between the managing company and agent.

A second booklet on "Property Management Companies and You", provides more detailed information on the topic of property management.

Social Media, Telephone, E-mail

Although not specific to MUDs, the NCA website provides a variety of mechanisms for consumer contact and engagement, such as toll-free consumer inquiry line, email, and various social media accounts (Facebook, Twitter, LinkedIn and Pinterest).

Dispute Resolution

Owners and management companies engaged in disputes must seek independent mediation or arbitration as the NCA does not provide dispute resolution services.

Nevada

Mandate and legislative framework

In Nevada, common-interest communities are governed by the Uniform Act (Nevada Revised Statutes, Chapter 116).

The office of the Ombudsman for Owners in Common Interest Communities and Condominium Hotels was created under NRS, Ch. 116 to help homeowners and board members of common interest communities better understand their rights and obligations, as well as governing documents (State of Nevada, Department of Business and Industry). In addition, the Ombudsman also investigates and assists in resolving disputes related to the Uniform Act.

The office is funded through an assessment (approx. \$3.00 per unit per year).

Education Formats and Information Delivery Channels

Online Guides and Publications

The Office has a very comprehensive website for the CICCH community. There are various publication materials providing information for the common interest community. A recently developed Common-Interest Community Manual supplements the information provided within the classes and seminars.

There are also eight pamphlets available online or downloadable for print covering the following topics:

- Alternative Dispute Resolution
- Things to Consider before purchasing into a common-interest community (also in Spanish)
- Homeowner Association Meetings
- HOA Election Process

- Board of Directors' Fiduciary Duty
- Ombudsman Informal Conference Program

There are also templates for forms (dispute resolution, certification of board members) and newsletters providing updates to CICCH legislation, an Ombudsman Q&A and disciplinary actions.

In-person seminars and training sessions

The Ombudsman offers classes for unit owners and board members that cover 16 different topics, including an overview of the Uniform Act, an overview of HOA living, homeowners' responsibilities, budgets, association governing documents, meetings, elections, and violations. The classes are supplemented by PowerPoint presentations that are also available for download through the Ombudsman website.

In-person Open Question and Answer forums are also held at various times in Las Vegas.

Media

The Office has produced 4 video clips related to reserve studies, explaining the common background, the reserve study specialist, physical analysis and financial analysis.

Telephone and E-mail

The Office has a toll-free phone line and email address for consumers making inquiries regarding common-interest communities.

Dispute Resolution

CIC stakeholders are required to complete a three-part Alternative Dispute Resolution program (Referee Program, Mediation, and Non-Binding or Binding Arbitration) before taking any civil action on a dispute related to the governing documents of a CIC. A webpage detailing the process and providing updates on closed matters is accessible from a link on the main CICCH home page. An ADR pamphlet in the Publications section and an overview document of the ADR process is also provided to CIC stakeholders.

New South Wales

Mandate and legislative framework

There are several laws that govern the strata (condominium) industry in New South Wales. There is the Strata Schemes (Freehold Development) Act 1973, Strata Schemes Management Act 1996, Strata Schemes (Leasehold Development) Act 1986, Community Land Development Act 1989, Community Land Management Act 1989. The last amendment made to the current laws was in 2008, which involved amending certain rights of developers.

New South Wales' Fair Trading Office acts as an "Education and Information" function, its goals are centered around the "provision of education and key messaging to the NSW public, stakeholders and vulnerable communities regarding fair trading laws and the agency's role as a marketplace regulator."³

Education Formats and Information Delivery Channels

Fair Trading maintains a Strata Schemes website that provides a variety of resources and information for the strata community.

Online Guides and Publications

Fact sheets provide information in Q&A format (available for download) and are separated into the following topic areas:

- Buying into a strata scheme
- The owners corporation

³ 2014, NSW Fair Trading Office (interview).

- Window and balcony safety
- By-laws in a strata scheme
- Repairs and maintenance
- Frequently asked questions about strata scheme living
- Resolving issues in strata schemes

A separate webpage dedicated to strata and community scheme law reform includes a timeline of events, media releases and links to other relevant information.

In addition, Fair Trading provides a booklet on "Strata Living", links to apartment living guides for renters, a quarterly e-newsletter and a downloadable collection of templates and forms.

In-Person Seminars and Training Sessions

There is an online training module on Executive Committee Governance (governance and ethics, roles and responsibilities, strata plan interpretation, administrative matters, communications).

The *My Place* program provides information seminars to targeted communities on key condominium reforms affecting stakeholders' rights and responsibilities. Aboriginal Customer Services Officers are available for face-to-face inquiries and provide education programs for the aboriginal community.

Social Media, E-mail and Telephone

NSW maintains social media accounts on Twitter, Facebook and internal blogs. Updates via email are provided through the email alert service, *Property Industry News*. Fair Trading has also produced a video on strata living that is accessible through the homepage.

Dispute Resolution

NSW provides a strata mediation service for the public and disputes must undergo mediation before an application can be submitted for adjudication.

There are supports provided to make mediation services more accessible. "Strata Mediation can arrange interpreters during a mediation; telephone interpreters in arranging mediations; may conduct the mediations on-site if disability or illness is an issue; will allow parties to bring support people to the mediation; will negotiate between the parties about who will attend - which includes a vulnerable party not wanting the other side to bring a lawyer (this can only be resolved by negotiation between the parties - if they cannot agree the mediation may not proceed); teleconference attendance for people who are out of the area or overseas."⁴

New York

Mandate and legislative framework

The Real Estate Finance Bureau of the New York State Department of Law enforces Article 23-A of the General Business Law (the "Martin Act") and governs regulations regarding the offer and sale of real estate securities, including the review of offering plans and amendments, enforcement of the Martin Act and investigation of public complaints, records management and provision of public information. Condominiums in the state of New York are also governed by Article 9-B: The Condominium Act.

Education Formats and Information Delivery Channels

Online Guides and Publications

The Attorney General's Office provides a website with several resources for condominium owners related to the purchase of a condominium, cooperative and condominium conversions, and resolving disputes with the condominium board of managers. There is also a guide on Tenant's Rights and links to the websites of New York departments involved with housing.

⁴ 2014, NSW Fair Trading (interview)

Telephone and E-mail

Consumers can contact the general helpline with questions, or complete a general complaint form. The Real Estate Finance Bureau also provides e-mail updates on topics related to real estate.

Nova Scotia

Mandate and legislative framework

Service Nova Scotia and Municipal Relations are mandated to promote consumer protection and fairness in the marketplace through education programs, regulation and complaint resolution (Access Nova Scotia, 2014). Condominiums in Nova Scotia are legislated through the Condominium Act, 1989 and the Registrar of Condominiums has been established to oversee administration of the Act.

Education Formats and Information Delivery Channels

Online Guides and Publications

Access Nova Scotia maintains a website of resources for the condominium community. Information is primarily provided via webpages, which are divided into a glossary of key terms, a primer on condos, buying a condominium, guide to applying for dispute resolution and a separate FAQ on condo arbitration. There are also downloadable forms for condominium corporations and a guide on the Residential Tenancies Act, including information on mediation and hearings.

The website also includes a listing of both pending and active condominium corporations and links to related materials and other associations, such as the Canadian Condominium Institute, the Nova Scotia Home Builders Association and the Canada Housing and Mortgage Corporation.

Telephone and E-Mail

Members of the public may contact The Registry of Condominiums through a dedicated email and telephone line for inquiries related to condominiums in Nova Scotia. In addition, Service Nova Scotia operates a general consumer inquiries line.

Dispute Resolution

Service Nova Scotia provides a dispute resolution service for specific types of disputes. Information about the process and how to apply is provided on their website for Condominiums.

Ontario

Mandate and legislative framework

The Condominium Act is a “framework” legislation that provides parameters within which individual condominium corporations can make by-laws and rules. The Act is administered by the Ministry of Government and Consumer Services and compliance with the Act is not enforced by the Province of Ontario.

Recognizing the need for a review and update of its current condominium laws, in September 2012, the Ontario Ministry of Consumer Services provided funding to Canada’s Public Policy Forum to lead an 18 month, 3 stage public engagement process which would identify key issues and propose solutions to improve the condominium act in Ontario.

Education Formats and Information Delivery Channels

Online Guides and Publications

The Ministry of Government and Consumer Services has developed a plain language guide for potential buyers and current owners. The guide is divided into five sections and topics include condominium basics, questions and answers on choosing a condominium lifestyle, aspects of condo living such as

owner rights and responsibilities, maintenance and repairs, condominium governance, buying a condominium and Frequently Asked Questions.

Additional resources for the condominium community include The Land Registry site, which provides forms for developers, corporations and property managers.

Media and Telephone

A video clip is also available on the website to help inform citizens about Stage 1 of the Condominium Act Review, in addition to an email alert. In addition, social media tools (Facebook and Twitter). The Consumer Rights Inquiry Line is available for general consumer protection and information.

Dispute Resolution

Current mechanisms for dispute resolution are arbitration and/or mediation.

Queensland

Mandate and legislative framework

In Queensland, condominiums fall under the Body Corporate and Community Management Act 1997, and the following regulations:

- Body Corporate and Community Management (Standard Module) Regulation 2008
- Body Corporate and Community Management (Accommodation Module) Regulation 2008
- Body Corporate and Community Management (Small Schemes Module) Regulation 2008
- Body Corporate and Community Management (Commercial Module) Regulation 2008
- Body Corporate and community Management (Specified two lot schemes Module) Regulation 2011
- Body Corporate and Community Management Regulation 2008

The Office of the Commissioner for Body Corporate and Community Management (BCCM Office) within the Department of Justice and Attorney-General was established under the Body Corporate and Community Management Act 1997 (sections 231-232) with the obligation to provide an information and education service for the community, and to provide a dispute resolution service for disputes under the Act.

The industry is regulated with regards to information provision. The Property Agents and Motor Dealers Act 2000 and Body Corporate and Community Management Act 1997 (the Act) include strict requirements for presentation of prescribed warning statements and information sheets. Failure to comply may result in cancellation of the contract .

Education Formats and Information Delivery Channels

The BCCM Office provides information and resources to the body corporate community in several different formats.

Online Guides and Publications

A comprehensive and broad range of information is available online. An eight page 'quick-guide' brochure developed for potential buyers includes general information about community titles schemes and body corporate, the committee, maintenance, costs and bylaws, a buyer's checklist and listing of additional resources.

Fact sheets on particular issues are also available, and a useful expand/collapse feature on the website allows consumers to have a quick glance at what the fact sheet will contain.

A collection of templates and forms for use in a body corporate are also available, such as mandatory information sheets provided to buyers before signing their contract, notice to owners contravening body corporate bylaws and a proxy form for committee meetings.

Consumers can also subscribe to a regular e-newsletter, Common Ground, that is published bi-annually (past issues available on-line). The e-newsletter includes an update from the Commissioner's Office, updates on changes to dispute resolution practice directions, relevant trends and events, as well as Frequently Asked Questions. The e-newsletter is provided in two different formats, a traditional word document and as a visually-oriented webpage with links to each article.

In-Person Seminars and Training Sessions

The BCCM Office provides free information seminars to the public on body corporate legislation, including an overview of dispute resolution services, and emerging trends and initiatives related to the community titles industry, such as the Queensland Government's property law review and One-Stop-Shop initiative. Presentations to and attendance at industry events are also provided.

Online Training

An online training course is available to help committee members and other interested stakeholders gain a greater understanding of body corporate legislation within Queensland. The training course provides information on the following key elements of body corporate management in Queensland: The Committee, General Meetings, Financial Management, Maintenance, and By-Laws.

Participants must first create an account and then are able to complete each module on their own time. Each unit begins with an overview and learning outcomes, along with one to two pages of information on the particular topic. Once participants have read through the information, they can complete an assessment.

Telephone, E-Mail

Consumers are able to contact the BCCM Office via toll-free telephone and a dedicated email address.

Dispute Resolution

For disputes that fall within the jurisdiction of the BCCM Act, the BCCM Office provides a dispute resolution service wherein parties are required to attempt resolving the dispute through self-resolution prior to submitting an application to the BCCM office for conciliation (mediation) and if necessary, adjudication. General information about the dispute resolution service and detailed topics related to conciliation and adjudication are available online (accessible through a main link on the BCCM website) through tip-sheets, detailed guides and application forms. Topics covered in the guides include an overview of the processes, types of disputes appropriate for conciliation, associated fees and charges and communication and document management.

Recommendations

Based on our findings, we are proposing a number of recommendations to be introduced by Service Alberta in conjunction with the updated legislation:

1. Provide information in conjunction with dispute resolution services.

As we have seen across numerous jurisdictions, the best use of funds is to provide information when and where consumers look for it. The majority of consumers will only be motivated to look for information when they have a need for it, such as when they are already in or preparing for a moderated discussion or dispute. By providing information to consumers as part of the dispute resolution process, Service Alberta can both maximize the use of funds and make information available to consumers when they need it most.

This information should be provided through multiple channels, including traditional face-to-face and e-services (e.g. a static website), along with mobile platforms. Mobile services should be integrated into

current e-offerings rather than in a separate application and should be usable by people with the most basic level of digital literacy.

Key example:

- BC has developed a pilot multi-phase, multi-channel online dispute resolution tribunal, which provides consumers with information on their rights and roles as part of the process.

2. Work with third party information providers to engage and communicate with consumers.

Our research has shown that there is a web of information available to consumers in many different forms. By working with third party information providers, Service Alberta can ensure that the messaging and information that is being delivered to consumers is accurate, clear and consistent.

In addition, by leveraging the channels and resources of other organizations, Service Alberta can significantly expand its reach and focus its own spending on value add services and programs rather than duplicating the efforts of other organizations.

Key examples:

- California's Bureau of Real Estate almost entirely relies on third party information providers to disseminate condominium information to consumers.
- CMHC works with every jurisdiction in Canada to provide unified, clear, messaging about the pros and cons of condominium living.
- Service Ontario maintains close relationships with numerous third party advocacy groups and consults with them on various issues related to condominium legislation and communication issues.
- Service Alberta is working positively with third parties including the Center for Public Legal Education (CPLEA).

3. Provide information in plain language, organized by topic, targeted to different groups of consumers.

Organizing complex information is a challenge in any industry, but particularly so in the condominium industry where the users of the information have very specific concerns and needs. The top jurisdictions we studied not only organized information by topic (disputes with the board, dealing with neighbors, condominium finances, etc.) but also tried to create groupings aimed towards a specific audience (new buyers, seniors in condos, pet owners in condos, etc.)

By organizing information in a way that is more closely related to the way people search for information, consumers will be able to find information quickly and easily.

Key example(s):

- Hawaii has a number of online resources, first grouped by topic (board of directors/use of funds/others), and then by audience (new buyers, current owners, and aging condominium residents).
- Queensland has a number of topics listed in a box on its homepage entitled "I want to find out about..." with topics listed under the heading.

Bibliography

- Access Nova Scotia. (2014, June 30). *Consumer Awareness*. Retrieved from Access Novascotia: <http://www.novascotia.ca/snsmr/access/individuals/consumer-awareness.asp>
- Bettman, J. R. (1979). *An information processing theory of consumer choice*. Reading: Addison-Welsey.
- Capon, N., & Lutz, R. J. (1979, January). A Model and Methodology for the Development of Consumer Information Programs. *Journal of Marketing*, 43(1), 58-67.
- CMHC. (2013). *Canadian Housing Observer*. CMHC.
- CMHC. (2015, March 30). *About CMHC*. Retrieved from Canada Mortgage and Housing Corporation: <http://www.cmhc-schl.gc.ca/en/corp/about/index.cfm>
- Government of Alberta. (2013). *Open Government Action Plan*. Retrieved March 30, 2015, from <http://data.alberta.ca/sites/default/files/Alberta%20Open%20Government%20Action%20Plan%20v5.7.pdf>
- Lippert, R. K. (2012, July). Governing Condominiums and Renters with Legal Knowledge Flows and External Institutions. *Law & Policy*, 34(3).
- McEwen, W. J. (1978, March). Bridging the Information Gap. *Journal of Consumer Research*, 4(4), 247-251.
- Mergel, I. (2013). *Social Media in the Public Sector*. San Francisco: J. Wiley & Sons.
- OECD. (2009). *Promoting Consumer Education: Trends, Policies, and Best Practices*. Paris: OECD Publishing.
- OECD. (2011). *M-Government: Mobile Technologies for Responsive Governments and Connected Societies*. OECD Publishing.
- Service Alberta. (2013). *Condominium Property Act Review: Consultation Analysis Report*.
- Service Alberta. (n.d.). Service Alberta Annual Report 2013-2014.
- State of Florida. (2013). *Upcoming Events*. Retrieved March 30, 2015, from Division of Florida Condominiums, Timeshares, and Mobile Homes: <http://www.myfloridalicense.com/dbpr/lsc/index.html>
- State of Nevada, Department of Business and Industry. (n.d.). *About the Ombudsman's Office*. Retrieved March 30, 2015, from Nevada Real Estate Division: <http://red.state.nv.us/CIC/about.htm>

Appendix A: Education Formats and Information Delivery Channels

Jurisdiction	Online Guides and Publications	In-Person Education	Dispute Resolution
CMHC	Condominium Consumer Guides (primer on condominium ownership, checklists, FAQ and glossary) Provincial and Territorial Fact Sheets Annual Review of the Canadian Housing Market with chapter on Condominiums		
Alberta	Website on Condominium Property Act (news releases, updates and proposed changes) Consumer Guide & Tipsheet - "Buying and Owning a Condominium" Residential Tenancies Act Handbook and Quick Reference Guide for Landlords and Tenants & FAQs		
British Columbia	Website on Strata Property Act (link to Strata Property Act & Regulations, news releases, updates & status of amendments, links to other resources - The Real Estate Council of BC (RECBC), Superintendent of Real Estate and Strata Owners' Associations 28 Instructional Guides to the Strata Property Act		Information about the new model is accessible from Strata Property website. New tribunal is expected to operate in Fall 2015 and phase 1 will provide consumers with information for problem diagnosis and self-help
California	Website with links to resources and associations regarding common-interest developments (Center for California Homeowner Association Law, Community Associations Institute, Office of the Attorney General and the California Association of Community Managers) Brochure - "Living in a California Common Interest Development" (in English, Spanish and Chinese) Instructional Guide on Reserve Studies		
Florida	Website of information and resources (including Statute and Rules, Education for Board Members, FAQs, jurisdiction regarding the Condo Act, Rule Promulgation, and Fire Safety Retrofitting) Separate Frequently Asked Questions website (The	Division provides free seminars and training programs for board member certification and unit owners.	The Condominium Ombudsman Office website provides information on powers and duties of the Ombudsman, instruction and forms for filing a

	<p>Association, The Board of Administration, Unit Owners and Members of the Association, Financial Information, Division Information)</p> <p>Link to Condominium Ombudsman Office</p> <p>Educational publications and downloadable forms in English and Spanish</p>	<p>Approves private education programs and educational curriculums for board member certification.</p>	<p>complaint (in English and Spanish)</p>
Hawaii	<p>Website of manuals and resources on condominium living in Hawaii</p> <p>Condominium Reserves Reference Manual and Workbook</p> <p>Preventing Housing Discrimination in Hawaii Condominiums</p> <p>Condominium Insurance – Including Fidelity Bonds</p> <p>Condominium Property Regimes: Owner Rights and Responsibilities</p> <p>Condominium Property Regimes: Board Members Powers and Duties</p> <p>Website on Funds Collected by the Association and Investments</p> <p>Links to other educational publications and conference reports</p> <p>Association of Unit Owners Contact Listing</p> <p>Registration listings for developers and businesses</p> <p>Quarterly “Condominium Bulletin” newsletter</p>	<p>Visiting Condominium Specialists conduct seminars with condominium boards and owners on location in Oahu.</p>	
Ireland	<p>Website on Multi-Unit Developments part of a larger set of resources on Buying a Home (which includes mortgage calculators and checklists)</p> <p>Booklet - "Buying and Living in a Multi-Unit Development Property in Ireland"</p> <p>Booklet - "Property Management Companies and You"</p>		
Nevada	<p>Common-Interest Community Manual (supplements classes and seminars)</p> <p>Pamphlets available online and in print (Alternative Dispute Resolution, Things to Consider before purchasing into a common-interest community (also in Spanish), Homeowner Association Meetings, Homeowners Association Election Process, Board of Directors’ Fiduciary Duty, Ombudsman Informal Conference Program)</p> <p>Templates (dispute resolution, certification of board</p>	<p>Classes cover 16 different topics, including an overview of the Uniform Act, an overview of HOA living, homeowners’ responsibilities, budgets, association governing documents, meetings, elections, and violations. PowerPoint presentations for all classes</p>	<p>Webpage (accessible from main CICCH homepage) explains the three-part ADR process and gives updates on closed matters.</p> <p>ADR pamphlet in the Publications section and an</p>

	members) Newsletters (updates to CICCH legislation, Ombudsman Q&A and disciplinary actions)	available online. In-person Open Question and Answer forums	overview document of the ADR process is also provided to CIC stakeholders.
New South Wales	Website of resources including Q&A fact sheets (available for download and separated into topic areas), downloadable templates and forms, links to apartment living guides; dedicated webpage on reform of strata and community scheme laws including timeline, links to relevant information and media releases Booklet - "Strata Living" Quarterly e-newsletter - "The Letterbox"	Online training on Executive Committee Governance (governance and ethics, roles and responsibilities, strata plan interpretation, administrative matters, communications) <i>My Place</i> community information seminars - to provide overview of key reforms affecting stakeholders' rights and responsibilities Aboriginal Customer Services Officers provide information face-to-face and education programs for the aboriginal community	Free tenancy complaint service for tenants, residents, landlords and property managers Webpage (accessible from strata homepage) provides information on tenancy complaint process and role of Fair Trading Officers regarding tenancy matters Links to NSW Civil and Administrative Tribunal website which provides information on mediation, adjudication, interim orders, tribunal hearings and appeals and online application forms
New York	Website of resources (condominium buying guide, FAQ on handling problems with Condominium Board of Managers) Booklet - "Cooperative and Condominium Conversion Handbook"		
Nova Scotia	Website of resources (glossary of key terms, condominium primer, buying a condominium, dispute resolution guide, condo arbitration FAQ) Downloadable forms for condominium corporations Guide to Residential Tenancies Act Listing of Pending and Active Condo Corporations Links to related materials and associations (Canadian Condominium Institute, the Nova Scotia Home Builders Association and the Canada Housing and Mortgage Corporation)		Step-by-step instructions include eligibility requirements, preparing for and making the application and the dispute resolution process including the hearing, decisions and making appeals. Separate guide on "Condominium Disputes - Applying for Dispute Resolution"

provided on main website.			
Ontario	<p>Website Guide on Condominiums (condominium basics, questions and answers on choosing a condominium lifestyle, aspects of condo living such as owner rights and responsibilities, maintenance and repairs, condominium governance, buying a condominium and Frequently Asked Questions)</p> <p>The Land Registry site provides forms for developers, corporations and property managers.</p>		
Queensland	<p>Comprehensive website includes collapsible fact sheets on specific topics</p> <p>"Quick-guide" brochure for potential buyers includes buyer's checklist and listing of additional resources</p> <p>Templates and forms for use in body corporate (notice to owners contravening body corporate bylaws and a proxy form for committee meetings)</p> <p>Mandatory information sheet (provided to buyers at time of sale)</p> <p>E-newsletter - Common Ground (update from the Commissioner's Office, updates on changes to dispute resolution practice directions, relevant trends and events, FAQs)</p>	<p>Online training course available to the public on key elements of BCCM: The Committee, General Meetings, Financial Management, Maintenance, and By-Laws</p> <p>BCCM Office provides free information seminars to the public and presentations at industry events</p>	<p>Provides a dispute resolution service for disputes within the jurisdiction of the BCCM Act. Parties are required to attempt self-resolution prior to submitting an application to the BCCM office for conciliation (mediation) and if necessary, adjudication.</p> <p>General information and detailed topics regarding conciliation and adjudication are available online (accessible through the BCCM website) and through tip-sheets, detailed guides and application forms.</p>

Appendix B: Legislation

Jurisdiction	Year of Most Recent Change	Act/Statute	Regulation
CMHC	N/A	N/A	N/A
Alberta	2014	Condominium Property Act, R.S.A. 2000, c. C-22	Condominium Property Regulation, Alta. Reg. 168/2000
British Columbia	2014	Strata Property Act, S.B.C. 1998, c. 43	Strata Property Regulation, B.C. Reg. 43/2000 Bare Land Strata Regulations, B.C. Reg. 75/78 Bare Land Strata Plan Cancellation Regulation, B.C. Reg. 556/82
California	2014	California Civil Code Sections 1350 et seq. (Davis-Sterling Common Interest Development Act)	
Florida	2010	Florida Statutes, Chapter 718 The Condominium Act Florida Statutes, Chapter 719 The Cooperative Act	Florida Administrative Code, Chapter 61B-15, 25, 45, 50 Condominiums Florida Administrative Code, Chapter 61B-75-79 Cooperatives
Hawaii	2006	Hawaii Revised Statutes Chapter 514A Hawaii Revised Statutes Chapter 514B Hawaii Administrative Rules (ÏHARÏ), Chapter 107	
Ireland	2011	Multi-Unit Developments Act, 2011	
Nevada	2013	Nevada Revised Statutes Chapter 116: Common-Interest Ownership (Uniform Act) Nevada Revised Statutes Chapter 117: Condominiums	
New South Wales	2008	Strata Schemes Management Act 1996 Community Land Development Act 1989 Strata Schemes (Leasehold Development) Act 1986 Strata Schemes (Freehold Development) Act 1973	Strata Schemes (Freehold Development) Regulation 2007 Strata Schemes Management Regulation 2010 Strata Schemes (Leasehold Development) Regulation 2007 Community Land Development Regulation 2007 Community Land Management Regulation 2007

New York	2014	The Condominium Act (Article 9-B, Volume 49 of McKinney's Consolidated Laws of New York Annotated)	
Nova Scotia	2011	<u>Condominium Act. R.S., c. 85, s. 1</u>	
Ontario	2012	<u>Condominium Act, 1998, S.O. 1998, c. 19</u>	Description and Registration, O. Reg. 49/01, General, O, Reg. 48/01
Queensland	2013	<u>Body Corporate and Community Management Act 1997</u> Building Unit and Group Titles Act 1980 (schemes created pursuant to BCCM Act 1997)	Body Corporate and Community Management (Standard Module) Regulation 2008 Body Corporate and Community Management (Accommodation Module) Regulation 2008 Body Corporate and Community Management (Small Schemes Module) Regulation 2008 Body Corporate and Community Management (Commercial Module) Regulation 2008 Body Corporate and community Management (Specified two lot schemes Module) Regulation 2011 Body Corporate and Community Management Regulation 2008

Appendix C: Interview List

Jurisdiction	Ministry/Organization	Form of Response	Date of Interview or Submission
Ireland	National Consumer Agency	Interview	3/20/2014
New South Wales, Australia	NSW Fair Trading	Written Response	5/30/2014
British Columbia	Ministry of Natural Gas Development and Minister Responsible for Housing	Interview	5/31/2014
British Columbia	Ministry of Natural Gas Development and Minister Responsible for Housing	Interview	6/4/2014
New York	Office of the Attorney General	Interview	6/16/2014
Florida	Division of Florida Condominiums, Timeshares and Mobile Homes	Interview	6/18/2014
Ontario	Condo Information Centre	Interview	6/19/2014
Queensland, Australia	The Commissioners Office, Dept. of Justice and Attorney General, Queensland	Written Response	6/22/2014
Nevada	Real Estate Division	Interview	6/25/2014
California	California Dept. of Consumer Affairs, Bureau of Real Estate	No Response	N/A
Hawaii	Real Estate Branch, Professional & Vocational Licensing Division, Department of Commerce and Consumer Affairs	Written Response	6/25/2014
Federal	Canadian Mortgage and Housing Corporation	Interview	6/27/2014
Ontario	Consumer Policy and Liaison Branch, Consumer and Business Policy Unit, Ministry of Consumer Services	Interview	7/18/2014
Nova Scotia	Service Nova Scotia and Municipal Relations	Interview	7/23/2014
Alberta	Consumer Programs, Service Alberta	Interview	7/25/2014

