

SAMPLE COMPLAINT LETTER

Requesting a condominium's board of directors to take steps to reduce or eliminate the problem of second-hand smoke

This sample letter is designed for residents who are suffering from second-hand smoke infiltrating their homes from neighbouring units and who want to write to the condominium corporation to take steps to resolve the problem.

In the absence of a no-smoking policy, residents have a right to smoke. However, this right is not absolute—especially if second-hand smoke is interfering with the health and well-being of other people in the building. Virtually all condominium corporations in Ontario have general rules prohibiting behaviour that creates a nuisance or hazard to another person. This can include smoking, regardless of whether or not the condominium corporation has a formal no-smoking policy in place. If someone's second-hand smoke is infiltrating neighbouring units on a frequent and on-going basis and causing an unreasonable disturbance, condominium boards of directors have the authority and responsibility to address these complaints.

However, whether or not a condominium corporation recognizes second-hand smoke as a nuisance will very much depend upon the exact wording of the rule relating to nuisance and is left up to the discretion of the board of directors to determine. It should also be noted that a 1988 Supreme Court of Ontario case on nuisance determined that "although the test of nuisance is generally whether the defendant's use of its land interfered with the beneficial use and enjoyment of the plaintiff's lands and whether that interference was unreasonable, there is authority for the proposition that where actual physical damage occurs, the interference is unreasonable."

Steps	Examples
Describe the source and extent of the problem. Describe how often the smoke is coming in, where it comes from and be sure to emphasize that it is more than a temporary discomfort or inconvenience. Identify: • When the problem first started; • How the smoke is entering your unit (i.e. through open patio doors); • Where the smoke is coming from (i.e. upstairs neighbour's balcony); • How often the smoke enters your unit on a daily or weekly basis. List dates, times and frequency of occurrence; • How much smoke is entering your unit. Does the smoke stay in one area or does it permeate other areas of your home?	Dear (president, condominium board of directors), Re: Second-hand smoke infiltrating my unit and causing an unreasonable nuisance I am an owner residing at (enter address). Unfortunately, I am currently faced with second-hand smoke coming into my unit from (enter the unit number if you know where the smoke is coming from). The smoke comes in through my daughter's bedroom window from the balcony upstairs, and also seems to be coming in through her closet. Although the odour is most pronounced in my daughter's bedroom, our whole home has started to smell like second-hand smoke. It is definitely worse in the evenings and weekends when our neighbour is home. It happens every single day without fail. (See attached log with the times and dates the smoke has entered my home.)

Sample Letter To Condo Board Complaint

Brian Mark Feinblum

A red circular graphic with a gradient, appearing as a partial circle or a thick arc, located to the right of the name bar.

Sample Letter To Condo Board Complaint:

Florida Homeowner Condo and Co-op Association Handbook Brian Mark Feinblum, 1995 The rights responsibilities and resources of board members and residents *The Bankers Letter of the Law* ,1978 **Housing Affairs Letter** ,1975
Clearinghouse Review ,1988-05 Press Summary - Illinois Information Service Illinois Information Service,1986
How to Handle Problems with a Condominium's Board of Managers ,1994 *HOA Warrior II Responding to Pets, Paint, & Parking in Your HOA* Shelly Marshall, 2018 HOA WARRIOR II Responding to Pets Paint Parking in Your HOA templates forms letters and philosophy to use when dealing with your board or when you become the board Disputes over the three Ps are usually how people who bought into an association begin to understand that life in an HOA or Condo Association is not as rosy as the real estate agent led you to believe You may not have to worry about the guy next door putting three or four cars up on cinder blocks in the front yard but now you have to worry about nosy Nazi neighbors parking in your own driveway the color you paint your door the weight of your dog and how much you are libel for when a bully board loses a lawsuit You have to worry about embezzlement and bullies You have to worry about tiny infractions of the CC Rs that may lead to you losing your home PLEASE NOTE FORMS MUST BE DOWNLOADED SEPERATELY SO YOU CAN USE THEM INSTRUCTIONS ARE IN THE BOOK To help you prepare your defense here are over 101 forms and documents to use and share with your neighbors You can edit every form that comes with this book in a word document There are samples of the forms in this book but the forms themselves must be downloaded in a ZIP file You get every form for FREE you just have to download them so that you can edit and modify to use in your association You download a Zip file all info provided in book to make it easy and store the file on your computer When you buy this package you are licensed to edit and use the documents for yourself and your neighbors HOA Warrior II which includes the free Zip file lays the foundation to play the HOA Condo game to your advantage This is done in forms sample letters requests and strategic planning in order to avoid disaster This package explains what type of forms to use and how to respond to most issues in your Association Sample forms include Objection letter and request for hearing for any fine imposed Sample letter to request documents Sample request for waiver of rule Sample request for parking variance Sample request for disability accommodation Do it yourself Bylaws Cheat Sheet How to take minutes How to respond to members if you are the board Summery of board resolutions Filing complaints Board responsibilities and many many more Are the Forms Designed for the Board or Me Most of these templates are dual purpose designed for both Trustees of the Board and or Members of Planned Development Communities YOU Sometimes wording on the forms appear as if originating from your board or management company This is so a board may use these in their association when appropriate Other times the forms appear to be originating from you Please modify each template and sample letter for your circumstances If you are a Trustee modify these so that they originate from the board for Members to fill out If you are a Member making a request to your board modify the template accordingly Remember every owner may

and should someday be a Trustee themselves **Defend Your Condo and Homeowner Rights** Joyce Starr, 2020-08-28

Toxic mold costly balcony renovations whistleblower SLAPP suits condo commando boards property manager kickbacks the pitfalls of arbitration greedy attorneys and pet owner rights Condo rights expert Dr Joyce Starr presents a self help guide for distraught condo and homeowner association HOA members Targeted as a condo whistleblower over toxic mold the author prevailed in a landmark legal case a SLAPP suit involving her cat The author presents critical strategies for defending and protecting your rights Discover how to stop Board abuse including harassment retaliation and frivolous legal actions This book is your armor and shield when your condo association board or HOA board turns your life upside down Dr Starr served as a Board member during the entire episode Self help strategies offered in this work are steeped in first hand experiences Little has changed since her case unfolded The playing field is still weighted against unsuspecting owners Backstory As a newly elected Board member the author discovered mold in her condominium corridors Reporting the mold to the president she inadvertently delayed a plan for a multimillion dollar balcony renovation with generous kickbacks for the property manager The property manager tried to drive the author out of the building via a SLAPP suit that cost the association over 30 000 Board members blindly went along because a they wanted the association to repair their balconies and b they didn t believe that black mold could make them sick A Board member leading the offensive against comprehensive mold remediation told unit owners The only way mold in this building can make you sick is if you lick it off the walls The president declared I have no health concerns about the mold We should remove it But I am not the least bit worried that it will make anyone sick After three long years the author prevailed Her vital insights include How to defend yourself against condo commandos How to deal with frivolous lawsuits and SLAPP suits How to recognize and stop kickbacks and crimes How to respond to warning letters How to interact with condo attorneys How to defend yourself in arbitration How to control your emotions and fight for your rights Dr Joyce Starr is a foreign policy expert who parachuted into condo HOA battles in the United States Author of seven condo HOA books and eBooks she also won a landmark condominium rights case A former Board treasurer she saved her Association over 50 000 by renegotiating a major loan and led the effort to ban smoking in condo units She also launched a successful campaign to stop the use of Roundup on community property Condo Board Election Revolt! How Florida's First Condo Ombudsman Became the 500-Pound Gorilla Valmore R. Lucier, 2007-01-01 The integrity of elections in condominium associations has been seriously compromised Legislative reforms are required to ensure that condo owners have democratic election procedures in place that are firmly enforced Valmore Lucier served as Chief Election Monitor under Florida s first Condo Ombudsman Dr Virgil Rizzo His book describes how condo elections should be conducted and what some boards and their attorneys are willing to do to stay in power It also details reforms that are needed and why This book is a must read for anyone who wants to understand how to protect condo owners against abuse and mismanagement **Review of the Bureau of Condominiums Complaint Investigation Process** Florida.

Office of Program Policy Analysis and Government Accountability,1998 **Rent, Eviction and Condominium Controls in
Boston** Boston Bar Association. Condominium and Cooperative Committee,1987*

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