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## *Risky Business*

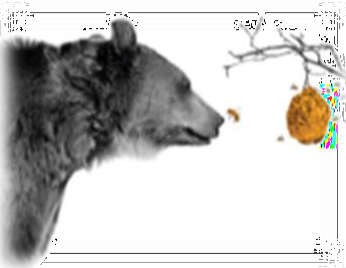
**Condominiums & Illegal Short Term Rentals**

# *Risky Business*

## Condominiums & Illegal Short Term Rentals

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short term condominium rental market is not a new fad or phenomena. It has been around for decades in North America and given the popularity, it is likely here to stay. With the unprecedented growth of condominiums particularly in the Greater Toronto Area (GTA), the demand and competition for such product is getting very aggressive. Everyone seems to have an opinion on short term rentals: good; bad; and sometimes ugly.



**What is the law in your jurisdiction?**

**What should you do to manage this risk?**

**What risks do Boards and property managers face?**

**Why is this a problem for condominium communities?**

### **Background**

Historically, short term rentals were arranged and managed through few sources such as realtors and specialized placement firms. Condominium declarations, rules and municipal by-laws were often mute on the issue. This created an opportune vehicle for condominium residents to capitalize by competing with the hotel and bed & breakfast market.

Some condominium developers watched the trend beginning to grow and decided to sell bulk (multiple) units to those interested in the short term rental business, often without disclosing the nature and purpose of the bulk sales to other buyers. There have been several cases where lawsuits have been launched, and the courts have forced bulk buyers into longer-term rentals. This; however, has not been without the costs involved by way of community/building stigmatization, lengthy delays, and hefty legal fees.

Developers saw the growing trend especially in the GTA and capitalized by building, 'specific use' short term rental condominiums and mixed use condominium/hotels. These developments are specifically designed, zoned and created for this purpose. The designated use is disclosed in advance to all buyers as outlined in local zoning and condominium declarations. As such, these sites are considered legitimate (legal) short term rental use properties. Higher tax consequences and (semi)commercial designations are applied to these properties by local government depending on the jurisdiction. Over the past twenty years the demographic swing changed to urban living and the trend of hotel/condominium (apartment/hotel) mix construction started appearing throughout the GTA. It is now commonplace in many jurisdictions.

### **What is a Short Term Rental ?**

This is a question that is often asked of Riskboss. The overriding principle of short term rentals is that tenants will use a property for a clearly defined short period of time and then leave. According to Air B&B and the City of Toronto it has been estimated that two almost thirds of all short term rentals in the GTA occur in residential condominiums.

There is no overall definitive time referenced for short term when it comes to the rental of residential condominiums. Some may think that short term rentals are anything less than six months or one year as set out in the governance of many condominiums; however, this is incorrect. Short term is specifically defined in the by-laws of local jurisdictions and the specific zoning for a building, for example in Toronto less than twenty-eight days. Ghost hotels within condominiums are units that were never intended to be occupied by a single person or family but moreover were acquired to operate the full time commercial business of a short term rental. Some jurisdictions like Toronto strictly prohibit such activities unless properly licensed by the City.

### **Current State**

2020 marked a very important time for the GTA as it culminates in years of prolonged and sustained residential condominium growth. The GTA has by far the largest number of residential condominiums in the world by volume. Shocking but true, the GTA now has more condominiums by volume than Manhattan, Vancouver, Hong Kong, Dubai, Singapore, Miami, Rio De Janeiro, Los Angeles, London, Paris and yes, most other cities in the world.

The trend of short term rentals has grown substantially worldwide as a natural alternative to hotels and licensed B&B establishments. Websites marketing condominium units, underground parking spaces and even lockers to the general public are now readily accessible. Given the sustained growth in the population of the GTA estimated at over 80,000 per year, the trend of short term rentals will only become more prevalent.

Affecting this trend even further are large scale local events such as localized community and sporting events, the popularity of large events such as the Toronto International Film Festival, the Canadian National Exhibition, the Caribbean Carnival Parade, and the Toronto Pride Festival, just to name a few.

With this come obvious opportunities for would-be criminals to capitalize on weak risk identification/mitigation processes in condominium communities. Most condominium communities are ill-prepared to detect and deter such activities. Some short term renters use condominiums for serious criminal enterprises. This is due in part because residents in most urban condominium communities remain anonymous to other neighbours. Anonymity in condominium communities is the new lifeblood for criminals.

Needless to say, the hotel and licensed B&B industries are not happy with the prevalence of short term rentals edging into condominiums. Neither are condominium property managers and governing boards that have to deal with the complaints and aftermath of such rentals in buildings where prohibited. The rewards appear at first glance to be good, but the risks can be very high.

For example, in February of 2020, three men were shot and killed at a downtown condominium that was being rented as a short term rental through Air B&B. A similar shooting incident had occurred in that very same building in January 2019. Such incidents are not limited to downtown Toronto but occur throughout the GTA. Police cannot inject themselves into tenancy relationships prior to incidents occurring, but they are unfortunately forced to expend countless resources after-the-fact investigating incidents that are almost always predictable and preventable when proper and resilient processes are in place.



Unregistered and illegal short term rentals also play a very big role for human traffickers as this has been linked as a common method for such criminals to apply their trade. Human trafficking is no longer limited to the hospitality industry. For example, on October 10, 2019 a large residential condominium community in the City Place neighbourhood of Toronto and several others around the Greater Toronto Region (GTA) woke up to their new shocking reality. Media reports told of, “*Massive human trafficking bust takes down alleged pimp kingpin in Toronto.*” Police services from York Region, Toronto, and even Montreal were involved in these raids. It was completely under the radar. Now stigmatized, these condominium communities have to deal with the aftermath.

Reliable GTA police sources have advised Riskboss that some, “Smarter-than-most” criminals actually rent three or four condominium units in the same building or in neighbouring buildings and register under different names. One to live in, one for drugs, one for guns, and one (or more) for victims of human trafficking used as prostitutes in bawdy houses. This makes it harder for police to detect and definitely harder for police to obtain search warrants. This actually happened in 2025 at a prominent Yorkville condominium perpetrated by the Hells Angles Motorcycle Club.

During a recent analysis of a large downtown Toronto higher-end residential condominium, Riskboss analysts found a common bawdy house being used and openly marketed on the Internet and unbeknownst to anyone, even neighbours. This bawdy house was being operated in two shifts with multiple *Johns* per day posing as building, “Visitors”. Many such operations use prostitutes that are victims of human trafficking. This is not an isolated situation. It is happening more often than people may think.

Probably the most knowledgeable person about human trafficking is Gary Ellis, PhD. Dr. Ellis was the Program Head for Criminal Justice Studies at University of Guelph Humber, in Toronto. He is a retired Superintendent from the Toronto Police Service, having served as the unit commander of the Homicide Squad, Internal Affairs, and the Sex Crime Unit among other units.

*“Toronto, being a global city, and a refuge for the most vulnerable, has unfortunately become one of the hubs of human trafficking. In many ways it has become ‘our hidden crime-our hidden shame.’ Condo’s, as has been mentioned in this article, have become a common venue where the activities surrounding human trafficking take place. Vigilant and aware management, informed and caring security, and the condo dwellers/owners’ interest in protecting your community and your investment are a good start to doing the right thing.”*

### **The Impact of Short Term Rentals on Condominium Communities in the GTA**

Even uttering the words, “Short Term Rental” to a property manager, board member, or security provider can send shivers up the spine. Why? Frankly, it’s all about risk.

The questions that should to be asked are:

- ? What kind of a community do you have and want to build?
- ? What is the brand and reputation of your community?
- ? Will short term rentals affect that brand and the market value of condominiums?
- ? How does the community feel about having unqualified and unregistered people living short term in their community?
- ? How will short term rental incidents impact on the insurance for the corporation?
- ? Do you know your risk and the potential outcomes of short term rentals?
- ? Do you have a plan in place to mitigate your risk?

Condominiums are local communities within itself; each and every one different and unique. The owner/tenant ratio of a condominium can set the tone for the entire community.

Higher tenancy based condominiums have a more transient feel to them and that in itself presents its own issues and problems in dealing with a community where anonymity is more prevalent. Short term rentals supercharge and hyperextend that anonymity and in turn, increases resident anxiety.



Frankly, people feel more comfortable when there is a greater sense of community. That sense of safety is provided and maintained with the stability of tenancies and ownership. Very high turnover of occupants is the unfortunate negative result of short term rentals. Short term rentals also increase the wear and tear on condominium units, elevators and amenities and put a greater strain on property management, cleaning and security staff.

To most condominium dwellers, recognizing their neighbours is important providing a sense of safety. Unlike legitimate longer term tenancies, short term renters are often not prequalified by the property owner/tenant, known to anyone in the community, and almost always remain unknown and unregistered with property management and security. The shortsighted goal of quick cash often results in unforeseen and sometimes disastrous consequences such as damage to property, voiding of insurance, neighbor complaints, refusals to leave at the end of the rental, disorderly conduct, and criminal activity.

### **Everyone Has An Opinion**

#### **The Good**

Where allowed and after full disclosure to all owners through the declaration, by-laws and rules in keeping with local zoning, short term rentals provide an environment that assists municipalities in accommodating travelers and visitors. Vacancy rates in the GTA have plummeted to less than 2.5%, and with the move by Millennials and Baby-Boomers to urban centers. Short term rentals provide some relief. It also engages individual unit owners as participants to assist in the growing urban landscape. It also can provide snowbirds with income while they are away. Managed properly and professionally, the consensus is that this type of business can add a lot of value to some communities.

#### **The Bad**

Negative consequences of short term rentals can stigmatize communities, negatively affect the brand of condominiums, create ill feelings even provoking lawsuits between residents with competing agendas, and leave frustrated neighbours with a sense of helplessness in dealing with the high frequency unknown people in their building.

Regardless of the trend towards anonymity in major urban communities worldwide, people feel more comfortable when there is a greater sense of safety and security. Short term rentals create a, 'hotel-like'/'bed and breakfast' atmosphere that is not often consistent with the intended use, zoning or the expectation of the majority of the population of a condominium community. The anonymity and transient feel that can be associated with shorter term rentals is often unwelcome in many communities. High resident turnover and increased community anxiety is the unfortunate negative result of illegal short term rentals.

#### **The Ugly**

As stated, unauthorized short term renters are often not prequalified by the property owner/tenant, known to anyone in the community and almost always remain unregistered with property management and security. Unbeknownst to some property owners and property managers, some tenants have even quietly re-rented units, parking spaces, and even lockers to non-residents.

Of the over 20,000 short term rental properties in the Toronto area alone, it is estimated that one third are ghost hotels or properties that are primarily used for commercial purposes competing directly with legitimate hotels and B&Bs and for no other purpose.

There are an alarming number of stories revealing a disturbing and ugly underbelly of this type of business especially in communities where such activity is strictly prohibited. Countless cases have been reported worldwide to police, municipalities, tax agencies, insurance companies, mortgagees, landlords, etc. where, albeit with the best intentions, things have gone very wrong.

Damage to property, amenities, and neighbouring properties, wild parties, voiding of insurance, neighbor complaints, police attendances, fights, domestic related violence, prostitution, short term rental refusals to leave, and even deaths by shooting occur more often than proponents of short term rentals will openly acknowledge.

## What Are People Saying on the Internet?



The following are excerpts from recent postings on Internet chat pages regarding short term rentals in condominiums.

This is not a growing trend. It is here and here to stay. People have opinions strongly for and against short term rentals.

Naïve as it seems, many do not weigh the risk/reward of short term rentals gambling not only with their own safety, but the safety of their entire community.

- ✚ *"I would like to post my apartment for short term rentals on [www.airbnb.com](http://www.airbnb.com). My condo rules prohibit any kind of rentals less than 12 months. Are there any loopholes that apply? Can I challenge the rule?"*
- ✚ *"I was served a letter from the management asking me to remove the listing, because of said condo rules. I am hoping to find a loop hole or way of challenging the rules."*
- ✚ *"What the hell does this have to do with the condo board? It's your home, you should be able to rent it as you see fit. Didn't courts rule on this several years ago that board restrictions like this are not allowed? Those rules might be in conflict with the law."*
- ✚ *"You don't tell security that is all. It's hard to prove it anyways. One Realtor advised us to get around it by saying the renter was family visiting taking cares of things in condo (or a friend apartment sitting)."*
- ✚ *"In addition to valuables stolen, the thieves/addicts did thousands of dollars of bizarre damage to my rented home and left it littered with meth pipes. They were identity thieves too and all my personal information was strewn about."*

## The Law in Ontario - Impact Analysis

The question begs, "Is this all legal?" Gerry Miller is the managing partner of Gardiner, Miller, Arnold LLP and a subject matter authority on condominium law in Ontario. His firm manages a large portfolio of condominium corporations throughout the GTA. Mr. Miller puts it into perspective,

*"We get this question a lot from our clients. It is not a question of whether short term rental companies are legal. Companies that engage in marketing short term rentals are legitimate businesses legally operating to capitalize on these growing markets.*








*However, a condominium board of directors has a duty and obligation to enforce the declaration, by-laws and rules of their condominium community. Part of the board's duties and that of the corporation's property manager is to analyze all risks and protect their communities from the negative impacts of those risks. That is why virtually all condominium corporations have rules as it relates to the leasing of units.*

*The problems arise when owners, and sometimes tenants without the knowledge of owners, rent out condominium units on a short term basis in buildings where there are specific prohibitions against short term rentals and/or do not register the tenants with property management. Condominiums with time limitations on rentals have communities that expect stable, longer-term tenancies. It's up to the boards and property managers to ensure compliance, meet the expectations of their communities and to manage risk.*

*In buildings with prohibitions on short term rentals, I recommend to our condominium owner clients that they avoid engaging in this type of activity and further I advise the boards and property managers to have zero tolerance if owner's or tenants are breaching the corporation's rules or declaration and to be aware of the consequences of allowing such activity to occur."*

The law in local jurisdictions in Ontario is not as clear as some think it should be on this issue. The Ontario government has left it to local jurisdictions to determine the lawfulness and terms of short term rentals that has left the province in a patchwork of varying by-laws on this matter. Unless otherwise specified zoned in the by-laws of local jurisdictions, or when a building has been specifically zoned for this purpose, short term rentals in almost all condominiums are most likely prohibited as being a commercial enterprise that is not allowed in single family use zoned or designated communities.

## **Condominium Act (Declarations, By-Laws & Building Rules)**

-  The Condominium Act is a provincial statute that governs all registered condominiums in Ontario.
-  A Declaration is a document and is a By-law of the condominium corporation based on the zoning that was approved by the local governing authority prior to being built.
-  The Declaration outlines the intended use of the property and may also include specific prohibitions on short term rentals (e.g. “No tenancy shall be short than one year/six months” or alternatively “Built specifically as a short term rental facility / hotel condominium.”)
-  The expectation set out in most condominium sites by way of Declaration is that rentals will be longer term in nature (a minimum of one year /sometimes six months) unless otherwise zoned.
-  Declarations often require unit owners who desire to rent out their units to register all tenants with property management so that all residents in the community are known.
-  Often Declarations and local zoning define the use of all units to be. “Single family residential”. Short term rental or business usage (e.g. ghost hotels) do not fall into that category of use. It falls into a (semi)commercial designation.
-  Building Rules are made after-the-fact by condominium Boards to regulate the behavior of all residents. These Rules may also include prohibitions on short term rentals, the requirement to register all residents in a unit, the requirement to register all new leases and sublets.

## **Residential Tenancies Act**

Short term rentals have been compared to staying in a hotel or licensed bed and breakfast (B&B). When a hotel or B&B guest remains past their booking times, it is simply a matter of calling the police to evict that person if they refuse to leave. There are no tenancy rights in such establishments. Some also believe that short term rentals fall under the jurisdiction of commercial leases where at the end of the lease, the property owner can reclaim their property outright. This is contrary to short term rentals in residential condominiums.

There have been many cases where a short term renter has exercised what they believe to be their right to remain in a unit long past the intended time. Tenancy rights found in the Ontario Residential Tenancies Act provide condominium tenants with the right to choose to either renew a lease with their landlord or remain on a month-to-month basis. The tenant has that right to choose under law.

There have also been cases where prospective tenants falsify their intention to live in a unit but instead, use the unit to gain profit but using it for a short term rental business (e.g. Ghost hotel) often renting many units to conduct their business in condominium communities. It would seem easy to simply change the locks on the door given the circumstances but as some landlords have found, it is not that easy. In such circumstances, the law forces owners to engage in lengthy proceedings for eviction and recapture their properties through the Ontario Landlord and Tenant Tribunal.

A growing trend is also forming where tenants re-rent condominium units without the knowledge or consent of the owner or notifying property management. A provincial statute that governs all residential tenancies in Ontario. This law specifically prohibits current tenants from re-renting (subletting) a property without advising the property owner:

*97. (1) A tenant may sublet a rental unit to another person with the consent of the landlord. 2006, c. 17, s. 97 (1).*  
[Excerpt - Government of Ontario]

And what about the short term renters? What about their rights? In cases that occur more often than not, the people that rent out short term rental units report becoming unknowing victims themselves when arriving at condominiums communities that prohibit such activity and who prohibit access to the building. Trying to find accommodation after being barred entry to a booked suite, particularly in a heavily saturated market because of a major event, can ruin a vacation. What recourse do they have? Often they have little or no recourse of substance that will mitigate the inconvenience.

## **Regulatory Compliance & Licensing (Hotel / B&Bs)**

The hotel/ B&B industry in Ontario is heavily regulated in Ontario. Health and safety compliance as well as licensing and the registering of guests feature prominently. Local licensing is also required to operate hotels and B&B businesses. Noncompliance with any of these requirements can result in substantial consequences to the owner of a condominium unit and possibly the corporation for allowing failing to report such activities.





## Tax Compliance & Implications

Changing the designated use of a condominium from single family residential to a short term rental can also change the tax compliance obligations for the owner. For example, when an owner takes possession of a newly built property from a developer, they have to declare whether it will be used for personal or rental use. Rental use has HST tax implications. Owners may have to be registered as an HST participant depending on the volume of tenants exceeding HST threshold requirements for all businesses in Canada.

When selling a unit that has been used as a short term rental, HST may have to be charged on the sale as the use may have changed from residential where HST doesn't apply to commercial where HST may apply. GTA land taxes are also significantly higher for commercial use properties compared to residential purposes.

## Zoning

Zoning for a residential condominium has a significant impact on whether short term rentals are allowed:

-  Jurisdictions zone areas and specific properties before they are built
-  Any change to the designated use of a property must be approved by the local jurisdiction
-  The consequences of short term rentals may impact the zoning of a community
-  A condominium Declaration or Rule may make local zoning more restrictive (e.g. minimum lease periods)

## The City of Toronto Short Term Rental By-law Has Changed

Like many jurisdictions in Ontario, the City of Toronto up until recently struggled with the short term rental issue. There were far too many opposing views to make a determination while, in the meantime, Toronto became known as the wild west of short term rental abuses. In 2017 Toronto came up with proposed regulations for the short term rental industry. This was hotly contested by short term rental advocates and businesses until on November 18, 2019 the matter was resolved in the City's favour by the Local Planning Appeal Tribunal (LPAT). Toronto now has a well-defined process that they believe balances both the needs of the community and those wishing to capitalize on the short term rental market.

The City of Toronto By-law now has a definition of short term to mean:

*"A short term rental is any rental of a residential unit lasting up to 28 days in a row. The 28 day definition distinguishes short term rentals from longer rentals. Any rental that lasts 29 consecutive days or more would be considered a long term rental."*

*[Excerpt - City of Toronto]*

Restrictions such as licensing, reporting of income, administration fees, registration of landlords (personal vs business), record keeping of all tenants, the payment of a four percent (4%) Municipal Accommodation Tax (MAT), principal residence restrictions for renting, compliance with consumer and safety requirements, compliance with local fire, noise, parking, building code and property standards by-laws, and advertising restrictions feature prominently in the by-law.

Toronto Municipal Licensing and Standards (ML&S) has been provided audit and investigative powers under the new by-law and will conduct proactive and reactive audits of the program. Ghost hotel businesses are strictly prohibited. ML&S officers can levy heavy fines for non-compliance. The Toronto 311 telephone line is already up and running as the primary source to lodge complaints about potential violations. Licensing is now a reality for short term rentals in Toronto but is it effective? The inability of the City to police this program is at best problematic, leaving condominiums corporations to fend for themselves.

## What Law Takes Precedence ?

Riskboss has received many calls and e-mails from property managers and management on how this affects residential properties in Toronto. Some residents have misinterpreted the Toronto By-law to mean that all properties throughout Toronto must allow short term rentals. This is incorrect.

The condominium Act allows for condominium communities to impose greater restrictions than local by-laws. In fact, condominiums that have a for example, twelve (12) or six (6) month minimum terms according to the condominium Rules takes precedence over the local City by-laws.

**According to our analysis, research and opinions received from several prominent GTA condominium law firms, the Condominium Declaration and Building Rules may regulate standards with respect to the minimum rental periods.**

**This means that if you have a resident that wants to engage in short term rentals and your condominium Declaration or Building Rule has a minimum standard of six months or one year, short term renters simply cannot operate such a business in that community.**

## Insurance

Condominiums in Ontario have multi-layered insurance policies to protect the corporation, the owner and the tenant. In all cases, disclosures to the insurer must be made on the designated use of the property. The primary use of a condominium unless, otherwise zoned and municipally approved, is strictly for single family use designation. In most condominiums, property managers require insurance policies from all owners who elect to rent out their units.

Insurance for condominiums are multi-layered:

1. The condominium is insured
2. The property owner also gets his/her own insurance
3. The tenant also gets their own insurance

The question often asked is, “Does a deviation in the intended use of a condominium void insurance?” According to Basel Kaskas, Condominium Insurance Specialist at The Paisley-Manor Insurance Group,

*“We have seen a wide range of policies and claims related to short term rentals. Most insurance policies exclude the participation in short term rentals given the risks involved. If you ignore the exclusions in your policy and still proceed to be involved in the short term rentals you are choosing to operate without any insurance coverage as your insurance will become voided.*






*There are insurance providers for short term rentals; however, there are many risks associated with such activities. Be sure to do the research and know what is allowed and what is not allowed according to your policy in your property. The safest method is to always ask your insurance advisor if you are protected before proceeding with business venture such as short term rentals.”*

## Mortgages

Lenders to condominium owners require the designated use of the property to be disclosed prior to funds being cleared and advanced. Any change of a designated use (e.g. single family residential to commercial) must be disclosed to the mortgagee. If engaging in short term rental, your mortgage may become void.

## Tax Compliance

There is an urban myth that engaging in short term rentals is tax exempt, reporting such an activity is unnecessary as the activity is more hobby than business, and no one is tracking these small businesses. Before anyone engages in such an activity, the best advice comes from legal and tax experts. Such considerations include:

-  HST on short term rentals
-  HST on the purchase / sale of a unit
-  Annual income tax
-  Municipal tax change (more expensive for commercial properties)
-  Capital gains tax implications on the sale of a condominium

## Action Plan

It is important that property managers and Boards understand their risk and have a plan in place to mitigate that risk. The following are some general items to assist:

- ✓ Build robust rules that assists to govern resident behavior and that hold both landlords and tenants accountable
- ✓ Landlords are responsible for their tenants so all communication should go through the owners
- ✓ Ensure all residents are registered prior to occupation and prior to receiving access fobs or scheduling an elevator
- ✓ Ensure all site access fobs are registered specifically to individuals (e.g. one per resident)
- ✓ Conduct annual fob audits
- ✓ Deactivate all access fobs with residents move out immediately
- ✓ Use an Illegal Fob Copy Prevention Program (A Photo-to-Fob System) highlighting real time illegal usage to security
- ✓ Hold landlords accountable to provide proper leases, tenant insurance and tenant identification prior to move-ins
- ✓ For short term rental participants in Toronto if applicable, ensure City licensing and registration is accurate and kept updated
- ✓ Conduct a weekly online vulnerability analysis regarding unregistered and illegal short term rentals
- ✓ When conducting in-suite HVAC and fire alarm inspections, ensure staff identify signs of short term rentals
- ✓ Have security report any unusual frequency and high volumes of unfamiliar, “Visitors” to suites
- ✓ When observing something unusual, document it, back up CCTV footage and document it immediately
- ✓ Regularly communicate with owners and tenants on prohibitions of illegal short term rentals

- ✓ Create a robust plan for dealing with unregistered/illegal short term rentals, that includes:
  - ⇒ Investigate the legality of short term rentals in your condominium
  - ⇒ Communicate to the community regularly regarding all restrictions
  - ⇒ Give all residents notice with an impending date of when new restrictions will commence
  - ⇒ Set a process for dealing with offenders:
    1. First offence - cease and desist letter from property management
    2. Second offence - lawyer's letter at the cost of the owner of the unit
    3. Further offences - escalate to legal action
  - ⇒ Get all the facts and document fully when you find offenders for follow up by the corporation lawyer

### **So What's Next ?**

In 2011, New York City implemented a ban on all short term rentals (aka: the "*Illegal Hotel Law*") in any residence less than thirty days. They were well ahead of many other jurisdictions. In Quebec many jurisdictions have also implemented similar measures. Heavy fines and other measures have not only been levied against the owners/tenants involved, but also condominium corporations as well for allowing it to occur.

It is highly likely and anticipated that many GTA authorities from all levels of government will follow their counterparts in larger cities around the world and start clamping down hard on people who engage in such enterprises in areas where it is prohibited. Toronto has already tried, but the new laws need enforcement teeth.

It is inevitable that the discussions and opinions regarding short term rentals will continue and that this type of business will grow. The question that must be asked is, "What type of condominium community do you want to be known for?" Board members and property managers should be ready for the highly likely circumstance of illegal and unregistered short term rentals occurring in their communities and reach out to lawyers and subject matter experts on this topic for advice and a plan.

Plans should be finalized well in advance to address this issue. The time to start preparing for and addressing illegal short term and unregistered rentals in your community is not when it actually occurs.

## About The Author

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Founded in 2009, Riskboss™ ([www.riskboss.com](http://www.riskboss.com)) does one thing and one thing only. Riskboss provides outstanding investigative, risk analysis and management, and organizational protection advice to notable organizations throughout the Greater Toronto Region (GTA). Since inception, Riskboss has had one purpose in mind: *To create a company that specializes only in independently and objectively identifying and mitigating risk and providing industry unique and outstanding client service, nothing more.*

As a founder, and CEO of Riskboss Quintin Johnstone brings a wealth of public sector and private sector experience and expertise also brings with him a vast list of professional contacts and resources all of which provides distinct and unique benefits to his clients. Prior to creating Riskboss, Quintin had a thirty year public career with the Toronto Police Service (TPS) working and supervising in the areas of criminal investigation, major criminal case management, internal investigations, drug enforcement, major case management, fraud, Asian crime, prostitution, youth crime, prostitution and undercover work. He was handpicked amongst his peers to lead 31 Division, Detective Operations where he was in charge of the largest investigative team in the Toronto Police Service (and the country) overseeing the work of seventy-five detectives.

Being selected to become a member of the exclusive Chief of Police Headquarters Executive Staff in the Corporate Planning Unit, he was involved in creating organizational programs and governance, and overseeing recommendations from Coroner's Inquest Juries. Quintin has been awarded and is widely recognized as a subject matter authority in the creation, review, audit, legal compliance and maintenance of organizational governance and has created and implemented some of the most complex business systems and processes that have been realized by the Toronto Police Service.

In 2004, Quintin was the architect and project leader in one of the largest business re-engineering projects regarding criminal disclosure that the TPS has ever undertaken. This project has dramatically changed the businesses practices between the TPS and the Crown in the Public Prosecution Service of Canada (PPSC) (formerly the Federal Department of Justice - DOJ) and the Ministry of the Attorney General (MAG) positively impacting thousands of end users with this new process. He was seconded to the Ontario Ministry of the Attorney General assisting in organizational changes Ontario-wide.

In 2006, Quintin was contracted to reengineer the corporate governance for one of the largest universities in North America. This project spanned three separate campuses over two Municipal jurisdictions that involved a complete retooling of the policies of the University of Toronto Campus Police.

In 2009, Quintin was commissioned by the prominent Toronto condominium law firm: Gardiner, Miller, Arnold, LLP to lead and re-engineer the business practices of the largest Hong Kong holdings of condominiums and commercial properties in Toronto. While reengineering the organization to a more efficient and productive culture, he also conducted risk assessments on the organization, residential condominiums, and commercial properties.

Quintin has been elected to four boards and has sat on countless committees. He has also been contracted to help many condominiums Boards with his unique experience and contacts. This provides him with a unique perspective that assists to exceed Board member client expectations. He is heavily involved in municipal and provincial politics and routinely called upon as an advisor and to Chair committees. The relationships that Quintin has developed through the years allows for a unique appreciation of how to assist with problem solving and process creation designed to enhance the long-term benefits of organizations and communities.

Members of the Riskboss team are on the speed dial of and are routinely called upon to provide advice and consult with law firms, Boards, leaders of property management companies, general managers of large corporations and have agreed to assist by sitting on and leading (sub)committees regarding risk related issues. We are often requested to chair annual general meetings, to intercede as mediators in problematic organizational issues. We are regular key note speakers with property management firms during their training sessions.

Quintin is also the CEO of Samsonshield Inc. ([www.samsonshield.com](http://www.samsonshield.com)) that is a premier security service provider to residential condominiums across the GTA. Samsonshield is a proud member of the Association of Condominium Managers of Ontario (ACMO), the Canadian Condominium Institute (CCI), the Toronto Region Board of Trade, and PAN-ETHIC. Samsonshield is proud to be included on the *Preferred Vendors' List* for many prominent property management firms in southern Ontario.

Quintin has provided advice for over two decades to law firms and property management companies on the application of criminal, provincial and municipal law and process as it relates to condominium communities. He has participated as a guest author creating articles in such publications as Canadian Security Magazine, CCI's - Condo Voice Magazine, Condo Business Magazine, and Condo News Magazine. Quintin is the founder of Riskboss Magazine that is the premier source of information on organizational and community risk that is widely distributed throughout Ontario ([www.riskbossmagazine.com](http://www.riskbossmagazine.com)).

Suffice it to say that Quintin and his team of professionals under his direction know how to identify and mitigate risk. All of this experience has assisted Riskboss to deliver intuitive and superior client service that mitigates risk to Boards, property managers and organizations.



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