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## YSP Podcast Transcript: Episode 259. Strata managers are not punching bags

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**Intro:** Welcome to Your Strata Property, the podcast for property owners looking for reliable, accurate and bite-sized information from an experienced and authoritative source.

**Amanda Farmer:** Hello and welcome. I'm Amanda Farmer, your podcast host, and it is a pleasure to be here with you today. Last week on the podcast, Episode number 258, I shared with you my interview with public relations guru Elizabeth Hustler. We talked about how reputation management is the new art form for our strata managers, wanting to differentiate themselves in a competitive market. Elizabeth said that strata managers can kill it or win it in their communications with us, and we discussed some strategies strata managers can use to become better communicators. We also talked about reputation management for buildings and how both internal and external factors influence a building's reputation.

The external factors might be obvious: how the building looks? Is it well-maintained? Is the garden looked after? Is rubbish left in the foyer?

The internal factors are not so obvious. That's where we're thinking of things like records management. What are the books look like? How easy are they to access? What do the records show? A harmonious community and skilful planning for the future, or is there infighting debt and the inability to make decisions that are in the best interests of all.

My conversation with Elizabeth last week was an important one. And if you haven't yet listened to it, I do encourage you to go back to Episode 258 and check it out. This week, I want to extend that conversation about reputation and about communications in particular. I've been inspired by a comment over on our Facebook page just last week, and as I'm recording this over the Easter long weekend, I have the privilege of being able to be a little agile here and record an episode at short notice in response to this comment. The comment on the Facebook page was from Sean, who is a strata manager. And I know that Sean is also an owner and a committee member.

Sean had a listen to my chat with Elizabeth. And after doing so, he posted this comment on the Facebook page. Sean said, "*I would really welcome some suggestions on how strata managers might lead some owners corporations, committees, and owners to the realisation that they could improve their reputations by improving their communication style. The sheer rudeness that strata managers receive is unacceptable.*"

Well, Sean, you ask, you get. This is your episode. We're going to talk about best practice for effective communications with our strata managers, whether you are an owner or a committee member, or perhaps both. As a committee member myself, I know a lot of us receive direct communications from owners, from tenants sometimes too. And those can be hard to handle, particularly if we're communicating about a topic of high conflict or we're in a period of great emotion. Maybe somebody is doing a renovation that may or may not be approved. And the jackhammering has just started one morning without any notice. Maybe there's a noisy party raging at 2:00 AM. Perhaps someone's dog made a mess on the front lawn and you as a committee member, or perhaps ultimately the strata manager, are receiving the demand to do something about it. Often that demand is not issued in the most polite of terms. I understand Sean.

How do we deal with these communications? Better yet, what can we do to make sure these communications are perfectly first time around, polite, respectful, constructive and to the point?

Today, I'm going to talk about 3 aspects of successful communication management, which I know good strata managers and organised committee members are recognising and are putting in place to improve the state of their inboxes, in particular. Communication management is something that I have learned to do as a lawyer. As you can probably imagine, almost everything that enters my inbox is linked to some form of conflict, argument, opinion, or unhappiness yay for me. But there are ways to soften

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the blow to even improve the content, or at least the tone of the communication that is coming to you personally. I say there're 3 aspects of successful communication management in our stratasphere.

Number 1, setting the standard. Number 2, maintaining boundaries. And number 3, what I call administering the medicine. I'm going to speak to each of these three aspects, and then I will let you know where you can go to get a very helpful resource, which will bring all of this together for you and allow you to implement this in your community. And if you're a strata manager, like Sean, encouraged this in the communities that you are serving. Let's dive in.

The first aspect of successful communication management is what I call setting the standard. We are not in control of what enters our inbox. We may think we are. We may apply different apps, different strategies to pretend that we are, but we are not as professionals who are working in the strata space in control of what enters our inbox. An individual strata manager is potentially serving thousands of people at any one time. Any one of your owners can email you at any time and I know the quality of that email can range from completely innocuous, easy, simple stuff, to absolutely despicable. Trust me. I have seen these emails. I get it. Whilst we're not in control of what may enter our inbox, we are in control of setting our personal standard and making clear to owners what that standard is when it comes to communications and how they can meet that standard. And I am talking in particular about email communications here, but the same principles apply to any form of communication. Phone calls, text messages, communications in an online meeting.

Now, I once had an experience myself as a new committee member in a building that was in the middle of NCAT litigation with an owner. The owner had been sending some rather nasty emails to other committee members, emails with profanity, threats, plain rudeness, sarcasm. It was rough stuff. The committee members were having trouble handling the emails and a couple of them had already resigned simply because of these emails from the owner. When I became a committee member, I put my hand up to be the key point of contact for this difficult owner.

Now, only once did this owner email me in those same obnoxious terms. When it happened, I replied to the owner by email. I identified the communication as unacceptable. I directed the owner to never ever communicate with me in those terms again. And I said that if the owner did that, I would not be responding to the communication. I also pointed out that the emails would be included as evidence in upcoming Tribunal proceedings, so the owner would be best placed to communicate with respect and courtesy. That did the job. I never received an email like that again from this owner. In fact, I received a knock on the door and a personal apology.

What I was doing there was setting the standard, my personal standard. I was teaching the owner, "If you want to communicate with me, this is how you do it. If you don't reach that standard, then the price is that you don't get a response from me."

Now, if you're a strata manager and the owner is contacting you because they want you to do something for them or fix something for them, then no response maybe a pretty high price for them to pay. I want to be very clear here. Communications that are abusive, threatening, intimidating, aggressive, insulting, should be labeled as exactly that. And there shouldn't be any shyness or guilt about telling a person that their communication falls into one or more of those categories. Strata managers and committee members are not punching bags. They are human beings. And sometimes sadly, in high stress, high-conflict situations, it's necessary to remind other human beings of that fact.

There is nothing wrong with demanding or directing that communications sent to you are courteous, clear, to the point, and reflective of a standard business communication. Too often I think that's forgotten in the strata context because we're dealing with people's homes, their personal lives, business and professional courtesy often goes out the window. It shouldn't. In my view, there is nothing wrong with demanding professional courtesy, whether you're a strata manager or a committee member dealing with difficult correspondence.

When you set your personal standard, when you publicise it, when you remind people who are communicating with you, what that

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standard is, you will see the change. One thing to remember here, it works both ways. If you have a standard for communications with your clients, or if you're a committee member with your fellow owners, you have to make sure that you abide by that standard too. And don't get caught up in a difficult moment. Don't fire off that email in the heat of receipt, don't send something that would see you stoop to a level that matches your accusers. You don't need to do that. Stop, take a breath, remind yourself of what your standard is and insist on it, for you and for the person who's communicating with you.

The second aspect to successful communication management, I say is maintaining boundaries. Know what your boundaries are, where they are, and protect them. Too many strata managers, I think get caught up in the back and forth, especially when it is so easy to fire off an email. Some owners I know, just get under your skin and you desperately want to get into that email debate. You know you're right. You know that section of the Strata Schemes Management Act, the owner is obviously wrong and you feel the urge to let them know. Be careful how you do that. I've seen the emails that ultimately get attached to affidavits in the Tribunal. They're awful to read as one bundle. There is no need to get into the back and forth. At some point, enough is enough and it's time to end an unproductive communication.

Insist on your personal standard. If that standard is not met, stop the communication or pass it on to a colleague if you can, to a senior manager, to the owner of the business. If the communication is of a type that needs to be escalated because the problem needs to be solved and you feel you're butting your head against a brick wall, it's time to pass it on. And that's okay. That's not giving in. That's not acquiescing. That's not agreeing. That's simply insisting on your standard and not getting caught up in an unproductive communication.

Another key to the successful maintenance of boundaries. And I know this is hard for so many managers listening, but no late night, no weekend, no public holiday emails. I've seen quite a few of them come through the last few days. Many managers still working hard, even though it's a long weekend. Sometimes it's essential. Sometimes we do have true emergencies, but if you are available to your clients late at night, if you are available to your clients on weekends, then they will begin to expect communications immediately, communications at those times. And that may not be the best time to be having productive discussions.

If, because of your schedule, you do find that you're working at night, you have other commitments during the day, see if you can use one of those email schedulers. I have one attached to my Gmail account where I can draft an email at night, but it does not send until early in the morning or during business hours, whatever time you may select for it to send. That's something that I do sometimes because my standard is such that I don't want to be sending emails at 9:00 PM and receiving a reply from my clients at 9:30 PM, expecting a further response from me at that time. The email might be drafted late because that suits me, but it goes in the morning and we continue the discussion during business hours. Have a think about whether that's something that might work for you.

The same goes for our phones. You are not contactable at all hours. You are human being. You need to sleep. You need to socialise. You need to exercise. Spend time with family. Business owners I know, in particular, suffer from this. Being available via their phones at all hours. If that's where your boundary is, it leaves a lot of room for abuse. Set your boundaries somewhere healthy for you, know where that is and protect it.

The third aspect to successful communication management is what I call administering the medicine. Or in other words, following through with the consequences. It's like dealing with children here, which is I know how some of us feel sometimes with our clients perhaps and fellow owners. I've already said, strata managers are not punching bags. There is a limit. There is a time to end the communication.

There is even a time, in some situations, to walk away. Perhaps you've been clever enough as a strata manager to incorporate your standard, your communication standard into the terms of your contract. What happens if a client is not meeting that standard? Maybe it's a really difficult committee, as I know Sean was referring to in his comment. Perhaps because you have incorporated

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your communication standard into the terms of your contract. A failure to meet that standard triggers a very serious discussion with your client about whether you can continue as their strata manager.

If you have said that communications that do not meet your standard will not receive a response, then do not respond to a communication that doesn't meet your standard. Don't give in just this once, because you've got a snappy comment in reply, ready to go. If you've set the standard, then stick to it, follow through with the consequences. Otherwise, the message will not be received and your standard will be abused.

How do you do this legally? How do you protect yourself as a strata manager or as a committee member?

Well, if you've attended one of my webinars, I very often talk about the power of by-laws. Time and again, by-laws come up as the solution to many of our strata conundrums and surprise, surprise. There's a by-law for this. Having a clear communications protocol enshrined in a by-law is what is going to protect you as a strata manager. When you're ignoring a disgraceful communication, you're simply implementing your client's by-law. A by-law is going to guide you as a committee member in a high stress, high emotion situation, when all you want to do is send an explicit-filled reply in writing to someone who knows exactly how to push your buttons.

When I talk about communications by-laws and communications protocols on my webinars, I talk about a Queensland adjudication case, which is called Tank Tower. I'll put a link to this case in the show notes for this episode so that you can check it out. But this is a case where one of these communications bylaws was successfully used by a community to deal with a nuisance communicator. This particular owner had been sending a large volume of correspondence to the Body Corporate on regular occasions, targeting specific people on the committee. The Body Corporate took the matter to adjudication, enforcing their by-law number 22, which required owners and occupiers to communicate with the committee in a reasonable manner and not in a way which may become an annoyance or a nuisance to any committee member. Rather simple by-law.

The Body Corporate argued that the correspondence from this particular owner was repetitive, aggressive, and threatening. The adjudicator found that there was a very clear breach of by-law 22. And in particular said, and I quote from the decision, "In sending emails to multiple persons, the respondent, owner, does not appear to understand that individual committee members have no capacity to unilaterally act or respond on behalf of the Body Corporate. Responses to correspondence, action on issues, can generally only be determined by the committee as a whole, for example, through a formal committee meeting. The respondent's demands for acknowledgement of correspondence and action within specified timeframes are not mandated by the legislation and fail to recognise the statutory decision-making obligations."

The order that was ultimately made in this case was that the owner could only communicate with the committee by post, and this is a 2015 case, one letter per week, maximum 2 pages, maximum 1,000 words, and the committee could disregard communications that didn't comply with that order.

Now I regularly see committee members jumping up with excitement when they hear me relate the outcome in this case. Many of you I know are thinking of a particular resident you'd like to enforce this by-law against.

A few years ago, I was working with a troubled small strata scheme, only 4 lots. There was one owner in that community who was a bad apple, let's say. The strata manager, other owners, third-party tradespeople were all suffering because of the communications, the verbal abuse, the threats from this particular owner. Now, the strata manager's name is Melissa. And I know she listens regularly to the podcast. So hi, Mel. Melissa recommended that the building come to me for help. And we ended up developing a communications by-law, which this troubled small scheme adopted at a general meeting and started to enforce.

Now I saw Melissa just 2 weeks ago after working with this scheme a couple of years ago, and I asked her how they'd been going.

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She was very happy to tell me that all had been peaceful at that building in recent times. She said the communications by-law was lifesaver, it is being enforced, and there has been a dramatic improvement in the way this particular bad apple is communicating with the strata manager and with fellow neighbours. There is knowledge that there is a standard. There is an understanding of what that standard is. And there is an awareness that those who breached the standard will be called to account.

Since reading Tank Tower case and developing the communications by-law for Melissa's troubled building, I've helped many communities to improve communications, both within the community and with their strata manager, and I have established this communications by-law as a template. I want to make sure you know how to access this template today so that it can help you too.

The communications by-law identifies the types of communications acceptable to an owners corporation, to a strata committee, to a strata manager, as well as the types of communications that are not acceptable. It sets out the consequences for inappropriate communications, including that they will not be responded to. It sets out the process for considering requests for action at formally convened meetings. The by-law covers all forms of communication from verbal, to email, to online meetings, and provides for cost consequences for owners that are in breach of the by-law.

It is this by-law that gives legal authority to the 3 communications management strategies that I've been speaking to in this episode. This is what you fall back on and refer to when you're reminding owners of the standard of communication for your community. And this is what you point to when you say you will not be responding to further communications if the standard is not met. If you're a strata manager, this is a by-law that you recommend to your clients to ensure you can continue to serve them with efficiency and with sanity. The template communications by-law is available for you over at [yourstrataproperty.com.au/commsbylaw](http://yourstrataproperty.com.au/commsbylaw). That's comms, C-O-M-M-S, bylaw. There's a link to that in the show notes to this episode. The editable Word document is yours for \$147. That's about 1/8 of the price I charge for bespoke by-laws drafting.

If you're a member of our online community, you know who you are, the template is part of your members resource library, and is free to you. Just make sure you log into the members area when you go to access it.

So, Sean, I hope that helps you out. You may have noticed that I'm not speaking directly to the bad apples in this episode, telling them how to communicate with us better. I figured that's probably a waste of energy. Number one, because bad apples don't listen to this podcast. I think I'd be preaching to the converted. And number two, because, in my experience, bad apples are rarely rational beings who respond well to reasoned argument. Instead, I am challenging you, urging you to effect positive change from within, to choose the standard, to maintain your boundaries, and to administer the medicine or enforce the consequences. If the template communications bylaw can help you achieve that, all the better. It's over at [yourstrataproperty.com.au/commsbylaw](http://yourstrataproperty.com.au/commsbylaw). Do check it out.

With that, I'll head back out into my weekend strata destined to be as busy and challenging as always, as we like it. I wish you well for your week and I'll catch you next time.

**Outro:** Thank you for listening to Your Strata Property. The podcast which consistently delivers to property owners, reliable and accurate information about their strata property. You can access all the information below this episode by the show notes at [www.yourstrataproperty.com.au](http://www.yourstrataproperty.com.au). You can also ask questions in the comments section, which Amanda will answer in her upcoming episodes. How can Amanda help you today?