

INSITE

Canadian Condominium Institute Magazine
North Alberta Chapter

Dealing with
Problem Neighbours

Selecting the
Best Contractor





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The Canadian Condominium Institute

The Canadian Condominium Institute is an independent, non-profit organization formed in 1982 with chapters throughout Canada, including the North Alberta Chapter.

This organization is the only national association dealing exclusively with condominium issues affecting all of the participants in the condominium community. The Chapters throughout the country provide practical comparisons to the different provincial Acts and allow us to lobby for the better reforms as gained from practical experience. CCI assists its members in establishing and operating successful condominium Corporations through information dissemination, education, workshops, courses, and seminars.

CCI does not represent any one profession or interest group. Rather, it represents all facets of the condominium community, encouraging all interest groups to work together toward one common goal.

It is in the best interests of both successful and struggling condominiums, as well as industry professionals and suppliers to actively support CCI in its aim to improve condominiums throughout Canada. Your membership in CCI, through your North Alberta Chapter, will help achieve this goal.

CCI's Objectives

- **To Educate**
Our educational courses, seminars, and networking are designed to equip condominium Board Members, homeowners, and other industry participants with the skills and knowledge necessary to conduct the affairs of a condominium Corporation in a proper and diligent manner.
- **To Offer Professional Assistance**
Members may appeal to the Institute for information and direction on resolving condominium problems or for referrals to appropriate condominium professionals and services.
- **To Improve Legislation Affecting Condominiums**
The Chapter is constantly working with the provincial government in order to produce legislation that reflects the improvements required to properly protect Board Members and condominium owners.
- **To Develop Standards**
CCI has developed standards of competence in a number of areas pertaining to condominium life. These areas include: law, accounting, property management, insurance, real estate, building sciences, and several more. Through education and examination, the Institute extends Professional Associate status (ACCI) upon those of its members who attain the required standard.

Contributed Material

This publication attempts to provide the membership of CCI North Alberta Chapter with information on condominium issues. Authors are responsible for their expressed opinions and for the authenticity of all facts presented in articles. The CCI North Alberta Chapter does not necessarily endorse or approve statements of fact or opinion made in this publication and assumes no responsibility for those statements. Also, the advertisements are paid for by the advertisers and are in no way recognized as sponsored by the CCI North Alberta Chapter.

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This publication is issued with the understanding that the CCI North Alberta Chapter is not engaged in rendering legal, accounting, or other professional services. If legal or other expert assistance is required, the services of a competent professional should be sought.

INSITE Contents *Fall 2012*



Condominium Unit Owner's Insurance

How important is it? *Page 10*

Building Envelope Analysis

Your building under review *Page 12*



On the cover, *Tristone Villas*
Cold Lake, AB

Greetings from the Chairman
..... *Page 4*

Welcome New Members
..... *Page 5*

Membership Information
..... *Page 6*

Committee Reports
..... *Page 8*

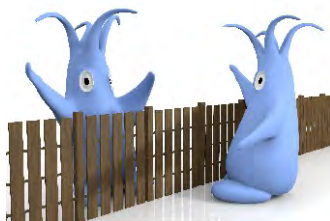
ACCI Designation
..... *Page 15*

Annual Conference 2012
..... *Page 20*

Education Report
..... *Page 22*

Resource Corner
..... *Page 29*

Member Directory
..... *Page 34*



Condominium Living

Dealing With Problem
Neighbours *Page 16*

Selecting the Best Contractor

Who is the right company to
perform the work? *Page 26*



Do You Have a Dispute?

Arbitration, Mediation, or
Fight? *Page 30*



Fall Greetings from CCI-NAC



Welcome to our fall addition of the 2012 year. It has been a busy few months since I last reported to you.

The CCI North Alberta Chapter held our first annual retreat for the Board of Directors. It was held on June 20, 2012 at Fort Edmonton Park and all Directors attended for a full day planning session for our upcoming year. We made some major decisions around the organization in the areas of education, communication, membership, and advocacy.

In the area of education, we reflected on the needs of the Condominium Corporations, in particular new Directors and condominiums. We are excited about the debut of our new CM 101 course, meant as a basic introductory course that covers day to day issues in the governance and operations of Condominium

Corporations. We all reflected on the need to involve professional stakeholders such as the legal community, contractors, and property management more fully into our educational events.

In the area of communication we recognized the strengths and weaknesses of our website and our web presence, with a commitment to make it more interactive and timely.

Of particular interest was a discussion on how to improve InSite, our longstanding magazine. We affirmed our position to hire a communications officer whose responsibility would be to produce a quarterly quality magazine that is reflective of the issues that affect Condominium Corporations and condominium owners.

Over the past four years, I have heard from a number of individuals involved in condominium who are frustrated about the lack of action on developer accountability by the various levels of government. We hear from owners and Boards of Directors about the difficulties they have experienced with developers in new construction, as well as condominiums developed in over the past decade. This is why CCI North Alberta will be engaged in a pilot research project to document and outline our concerns and provide solutions to all level of government in order to advocate on your behalf. We will be hiring a researcher to help outline our concerns and to provide solutions to protecting Condominium Corporations and their residents.

Finally, we discussed the need to expand our membership base and provide more direct benefit to your membership in terms of service and representation. Over the coming months we will unveil a stronger, more vibrant Chapter that educates, communicates, and advocates on your behalf.

On September 11, 2012 come join me at our Annual General Meeting held at the Chateau Louis in Edmonton. Help us elect a new Board of Directors and aid us in charting a new direction for CCI North Alberta.

Finally I wish to thank all the volunteers, staff, and Directors who help our organization run well. To those who are retiring, or not seeking re-election, I wish to offer my sincere appreciation for your efforts over the past year on behalf of the entire team and all of our membership.

Best Wishes,

Anand Sharma
Chairperson
Canadian Condominium Institute, North Alberta

Welcome New Members

Individuals

Douglas A. McGregor
Karen Kitt
Evgeny Fialkov
Ricky Hoyme
Bernice Mills
Frederik Van De Voort
Shauna Warwick

Professionals

Amanda Loveless
Bruce Drake
Chris Vilcsak
Nigel Dyck
Rami Alherbawi

Corporate Members

ABP Windows & Doors
ACM Construction Managers
AEGIS West Engineering Inc.
Bank West
Christensen & McLean Roofing Co.
Homestead Property Management
Karlen-Elecom
Magic Wand Cleaning & Restoration Services
Resort Development Funding Corporation
TCL Engineering
Thermotech Environmental Inc.
Ye Olde Plumber Ltd.

Condominiums

Arbor Ray Condominium
Bisset Bay
Chelsea Villas
Grand Carlisle
Grandin Village Phase I
Heritage Villas
Industrial Condominium
Kirkness
Mayfair Mews
Millton Court
Norcastle Condominium Association
Ravine Terrace
The Springs of Bridgeport
Woodbine Meadows
West Haven Green
West Haven Manor

Strength in Numbers

Help us grow the Chapter Membership!

Whether it's a friend or family member's condominium or a business that's looking for more customers, we all know at least a few people who would thank you for introducing them to CCI.

Ambassador Program

Current members receive a \$50 credit for every referral that becomes a paid member of CCI. Credits can be used to pay for membership dues, educational events, or advertising.

There are no limits on the amount of credits you can receive, but they must be used up in the fiscal year they were acquired. For more details, contact our office.

What are you waiting for?



Memberships

Membership Categories

Condominium Corporation Membership

This classification is for Condominium Corporations. With this type of membership, every owner and Board Member in the Member Corporation can enjoy the benefits of membership in CCI, including educational courses, seminars, and conferences.

Cost:

2-50 units	> \$200 + gst
51-100 units	> \$250 + gst
101-200 units	> \$350 + gst
201 + units	> \$450 + gst

Individual Membership

This classification is devoted to those individuals who live in a condominium and wish to become personally involved in CCI.

Cost: \$140 + gst

Professional Membership

A Professional Member is an individual who participates professionally in a field of endeavor related to condominiums. A Professional Member of CCI has access to the knowledge and experience of other members, receives materials published by CCI, and becomes a candidate for professional association with the Institute.

If the Professional Member meets certain criteria and passes a qualifying examination, the member is then entitled to use the designation ACCI (Associate of the Canadian Condominium Institute).

An ACCI individual must maintain their professional membership.

Cost: \$375 + gst

Corporate Sponsors Membership

This classification is available to Business/Trade/Service Suppliers who service the condominium industry. Corporate Sponsor members and every member of their staff enjoy all the benefits of membership, including: attendance at or sponsorship of education events, InSite advertising, Information Directory, and website Member listings, and voting privileges.

Cost: **Small Business (5 employees or less)**
\$300 + gst

Large Business (6 + employees)
\$500 + gst

Members of CCI North Alberta benefit from:

Reduced registration fees at all CCI courses, seminars, workshops, and conferences developed or sponsored by CCI on topics such as: The Condominium Property Act, insurance, condo bylaws, Board Members' responsibilities, reserve fund management and use, minutes, and meetings, and others.

Having an organization act on your behalf before various levels of government and other organizations on matters of importance to the condominium community.

Local and National newsletters that keep you up to date on recent issues of concern, articles of interest, upcoming courses, and the plans of the Institute. Invitations to National Condominium Conferences and CCI Chapter and National Annual General Meetings.

Networking opportunities with condominium owners, directors, trades people, and professionals who offer services to condominiums.

Access to member only sections of the North Alberta Chapter's website at
www.cci.ca/NORTHALBERTA

Additional Benefits of Membership

All members in good standing will have access to the "members only" section by logging on to www.cci.ca. Use the members only pull-down menu to access the "members only" portion of the website. There are several different topics that may be accessed. More information will be available as it is received and loaded.

User ID:

Member Password:
(supplied with Membership)

The password will be changed annually. Each year you will be advised of the new password when your membership fees for the new year have been received.

We encourage all members to use the "Discussion Forums", a feature located on the public portion of the National Website. On the menu click "Forum" to enter this portion of the website.

We hope you will enjoy all of the new information that is available to you as a member.



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Committee Reports

Membership Committee

The Membership Committee is responsible for recruiting new members, reviewing membership criteria, and examining ways to increase membership value.

Current members include:

Alan Whyte (chair)	Dawn Mitchell
Helena Smith	Barb Surry
Daryl McIntosh	Jim Wallace

Our first online membership survey is scheduled for late summer/ early fall and we look forward to honouring a few of our members for their volunteer efforts at the AGM in September. We will continue to focus on ways to increase membership value throughout the year and have set an aggressive target of 500 members for this upcoming fiscal year.

The membership committee meets monthly, typically on the second Wednesday for a fruitful one hour meeting. We would love a couple more hands on deck especially this fall which is our busiest time of year.

Contact Alan at alan@masteryconsulting.ca to volunteer.



Education Committee

The Education Committee is responsible for coordinating and scheduling all of the CCI educational events. This includes seminars, CM 100, CM 200, CM 300, luncheons, Condo 101, and the conference. Committee members often volunteer to take registration and facilitate at events.

This committee consists of the following people:

Sharon Bigelow (chair)	Dolores Gilbertson
Barb Surry	Gerrit Roosenboom
Arun Shourie	Janet Money
Carmen Zuurro	Jim Wallace
Dianna Morris	Rick Murti
Josepha Fille	TerriLynne Belzil

The education committee has been meeting the second Tuesday of every month. This committee is currently taking the summer off and will be meeting again September 11th at 11:30 AM at the CCI offices at 11810 Kingsway Avenue.

Should you wish to volunteer on this committee please contact Sharon Bigelow – sharonbigelow@shaw.ca.

Communications Committee

The communications committee has gone through some extreme disruptions this year. It has finally settled down with two new committee members and a new magazine developer. Committee members are currently Anand Sharma and Sharon Bigelow. The new magazine developer is Lisa Smithson.

CCI has decided to hire this position out and feels that Lisa is more than capable to complete the tasks that were previously done by 4 people. As always our administrator, Brenda Slobidian, is a huge helping hand to the communications committee.

This committee is not currently meeting on a regular basis, however it will be. Once the AGM has been held, it is hoped that more volunteers will sign up to assist this committee and Lisa Smithson in producing both the InSite Magazine and CCI North Alberta's website.

The communications committee is also responsible for overseeing all public and media communications. This has not been done well in the past and the committee is currently seeking someone to step up to the plate and direct CCI in becoming more vocal in the media.

Should you be interested in participating on this committee in any aspect, please contact Anand Sharma or Sharon Bigelow at anand_csm@shaw.ca or sharonbigelow@shaw.ca.





Canadian
Condominium
Institute

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North Alberta Chapter

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condominiums

Annual General Meeting

September 11, 2012 @ 7:00 pm

**Agenda, Nominations, and Proxy Forms
will be mailed to each member**

**Chateau Louis Conference Center
117th Street & Kingsway Avenue**

**If you are interested in running for the Board of Directors please
contact Sharon Bigelow. sharonbigelow@shaw.ca or 780-965-0965**



THE IMPORTANCE OF CONDOMINIUM UNIT OWNERS INSURANCE

By Tony Reed, Greg Cortese, & Brenda Klassen - Renfrew Insurance

You have just made the largest financial commitment of your life - the purchase of a beautiful condominium unit. You have worked for several years and spent many, many hours of research before you found just the right unit. What steps should you take to protect this new property from loss or damage which could cause you a major financial set back?

When your lawyer was assisting you with all the “purchase” paper work, you were assured that the Condominium Corporation has insurance. He or she also suggested that you might want to consider purchasing “unit owners” insurance.

WHAT IS “UNIT OWNERS” INSURANCE AND HOW IS THAT DIFFERENT FROM THE “CONDOMINIUM CORPORATION” INSURANCE?

The best source of information pertaining to all aspects of condominium living and ownership are the “Condominium Property Act and Regulations” and the “By-Laws” of your Condominium Corporation.

These two documents are very useful in that they collectively lay out the responsibilities, rules, and definitions for both the Condominium Corporation and for the unit owner. “Section 47” of the Condominium Property Act addresses specific insurance requirements of the Condominium Corporation and specifically references “common property”.

WELL WHAT DOES ALL THIS MEAN?

Simply put, the “Act” is saying that the “Condominium Corporation” can only purchase insurance for elements which fall under the definition of “units and common property” as defined in the “Act”.

There is one notable exception to this, being *clause 1(c) of Section 47*, which reads: a “corporation” shall, if required to do so by bylaw, place and maintain insurance on the improvements made to the units by the owners against loss resulting from destruction or damage caused by any peril prescribed by or otherwise by the regulations to be insured against.

Now that you know the building (common property) is insured by the Condominium Corporation, you need to deal with insurance for your personal contents and sort out this issue of “betterments and improvements”. To accomplish this you need to purchase a “condominium unit owners insurance policy”.

The “unit owner's policy”, provides coverage for your personal property (kitchen utensils, furniture, clothing etc.), additional living expenses, and personal liability.

Continued ⇨

This insurance policy will provide you with reimbursement of damages (i.e. fire damages in the kitchen) as a result of perils named in the policy. Should you be unable to occupy your unit following an insured loss, this policy will provide "additional living expenses", while you are temporarily residing at another location and subject to the limits you have purchased in your unit owners policy. The "personal liability" part of the policy provides coverage's for legal suits and judgements (subject to definitions and exclusions contained in your specific policy) where you have unintentionally caused another person a "bodily injury" or have accidentally damaged their property.

Please keep in mind that your policy will have a deductible and when you have an insurance claim, this amount will be deducted from the payment from your insurance company.

BUT WHAT ABOUT THE "BETTERMENTS AND IMPROVEMENTS"?

What are they? A simple example might be that you didn't like the Formica kitchen counter top and had it replaced with a granite countertop at a cost of \$8,000. The cost of a Formica counter top is \$1,500. The difference in costs of these two counter tops is \$6,500. and that is what is considered to be a betterment and improvement. Going back to the "Condominium Property Act" it says your Condominium Corporation will insure this \$6,500 difference if the by-laws of your Corporation require them to do so (*clause 1(c) of Section 47*). If your Condominium by-laws do not clearly address this section of the Condominium Property Act you should increase the amount of personal property value by \$6,500 for the counter tops and additional values for whatever other improvements you make from time to time.

Insurance companies offer a wide range of additional coverage's in their policy offerings and you should spend some time discussing these options with your professional service providers.



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Building Envelope Analysis

By Ron Shannon, Wade Engineering

What is a building envelope analysis?

A building envelope analysis is a complete review of the building's exterior claddings and components. This includes but is not limited to roof, attic(s), balconies, stucco, siding (also referred to as exterior cladding), windows, and building paper. It may also include review of the parkade waterproofing, foundation, and grade drainage. Owners and/or property managers in need of a building envelope analysis can request that all or some of the components be reviewed. Consultant's conducting the analysis should have an engineering background and be fully qualified to test these components for deficiencies. The visual review may be complimented with a technical audit during which time components will be removed and/or dismantled for a more in depth assessment. For example, a section of stucco or a window may be removed for additional testing.



How important is a building envelope analysis?

A building envelope analysis is of great importance; regardless of the age of your building. Any building showing evidence of moisture activity, soft and spongy balconies, ice damming or frosting windows, and identified staining on cladding should have a consultant review the building as quickly as possible.

Often this analysis starts off as a visual review. The trained eye of the Consultant is quick to note areas of concerns such as moisture entry, delaminated concrete, and poorly sloped grading. While these may seem of little consequence to the untrained eye, the results of ignoring these deficiencies can be very costly. For example, moisture entry can be indicative of the building's cladding failing as a watershed. Simply put, a stain on the building's cladding or walls may mean that there is water damage to the structure. Repeated exposure to moisture entry can lead to rot and eventually mycological contamination.

Poor grading can result in water moving back to the foundation and may allow moisture ingress through cracks and holes in the foundation.

Do you need to get one and if so, how do you get started?

Building envelope consultants are found in the Engineering Consultant section of your business listings. They can be found online by typing, for example, "Edmonton building envelope consultants" or "Edmonton building envelope analysis" into the Google search bar (adding your region will narrow your search to local listings). Do not be shy of asking for credentials. Qualified consultant teams are led by engineers with professional engineering designations as well as many years of industry experience.

Getting a building envelope analysis will allow the Corporation to catch and fix problems before they become larger, more costly issues. It is a very important part of best practice ownership that should not be deferred or overlooked. If you have an aging building or have concerns about the performance of your building, call a Building Envelope Consultant today.

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and include a short message of
why your Condo is great!





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ACCI Designation

The Canadian Condominium Institute recognizes certain members in the professional category as Associates of the Canadian Condominium Institute. Those members are entitled to use the designation ACCI. Persons who reach this status have satisfied the Canadian Condominium Institute that they have:

- at least three years of experience in their profession, specifically in the condominium industry
- been a professional member of CCI for at least two years
- been recommended by their peers for this status
- successfully challenged a rigorous exam set by CCI

CCI awards the designation of Associate in a number of professional fields. ACCI members may continue to use this designation as long as they remain members in good standing of CCI and pay their professional dues and obtain required continuing education credits. By becoming an ACCI member, the person agrees to abide by a Code of Ethics established by CCI Members. If they are in breach of the Code of Ethics, they may have their designation revoked after a disciplinary process.



Associate of the Canadian Condominium Institute

...the wait is over!!

We are excited to announce the ACCI exam is now available for two professions across the country!!

If you are a **Lawyer or Property Manager**, the new, updated and online exams are now available for you!! More professions will be added as exams are updated.

The **ACCI designation** is a National accreditation program that will set you apart from all the other professionals in your area demonstrate your expertise and knowledge in the area of condominiums.

Promote the ACCI to all your chapter's Professional Members. Having more ACCIs will raise the bar for the Condominium Industry in your area!

For more information and to apply for the ACCI, please go to www.cci.ca/acci or contact the CCI National Office at 416-491-6216 / 1-866-491-6216



Canadian Condominium Institute



Institut canadien des condominiums



your condo connection
...to professionals

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Allan Carr, ACCI, RRP, Broker

Midwest Property Management
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TD Insurance
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Kris Hendrickson, ACCI

Kris Hendrickson Management, Inc
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Condominium Living: *Dealing With Problem Neighbours*

By E. (Sonny) Mirth, Q.C. FCC1

Condominium living can have many advantages in a good project with good neighbours. One bad neighbour, however, can black out those advantages. A very bad neighbour can make condominium living intolerable.

The *Condominium Property Act* of Alberta (RSA 2000, c. C-22) (herein the “CP Act”) combined with most modern condominium by-laws, gives some effective tools to deal with most bylaw or statute violations. Fines or other monetary sanctions may be imposed under section 36. In the case of miscreant tenants, the corporation can take even more effective action including termination of the tenant's lease and occupancy (sections 53 to 57).

However, some owners also misbehave badly, sufficiently so to make co-habitation with them a continuing nightmare. What remedies does the condominium corporation have to deal with those persons effectively? Fines are sometimes not enough and the tenancy termination provisions of section 53 to 57 will not apply to an owner-occupant.

Sometimes the misbehaving owner is just mean-spirited and willfully nasty. However, others who are well-meaning but have pronounced health problems can also present serious concerns. For example, a senior resident with advanced Alzheimer's or an owner with serious mental health disabilities. The former may create fire or water-flood issues by forgetting food cooking on a stove or sinks or tubs being filled with water. The latter may periodically lose personal control when medications fail or are missed, resulting in health, pest, or safety risks for the whole building.

What can be done to treat these circumstances effectively?

The Developing Remedy

A series of cases across Canada have found an effective tool in court action to direct the problem owner to vacate his or her unit and/or put it up for sale. The underpinning for these remedies is found in condominium property statute provisions like *Alberta's CP Act section 67*, which in somewhat similar form is found in other provinces' statutes as well.

Section 67 is sketchy underpinning for such remedies, particularly for the ability to force an owner to sell. The section deals broadly with “improper conduct” by a developer, a Board of Directors, a Condominium Corporation, or an owner. “Improper Conduct” is defined to include:

- (i) *non-compliance with this Act, the regulations or the bylaws by a developer, a corporation, an employee of a corporation, a member of a board or an owner,*
- (ii) *the conduct of the business affairs of a corporation in a manner that is oppressive or unfairly prejudicial to or that unfairly disregards the interests of an interested party,*

- (iii) *the exercise of the powers of the board in a manner that is oppressive or unfairly prejudicial to or that unfairly disregards the interests of an interested party,*
- (iv) *the conduct of the business affairs of a developer in a manner that is oppressive or unfairly prejudicial to or that unfairly disregards the interests of an interested party or a purchaser or a prospective purchaser of a unit, or*
- (v) *the exercise of the powers of the board by a developer in a manner that is oppressive or unfairly prejudicial to or that unfairly disregards the interests of an interested party or a purchaser or a prospective purchaser of a unit;*

The section goes on to allow a court, on application by an interested party, if “the court is satisfied that improper conduct has taken place” to do one or more of the following:

- (a) *direct that an investigator be appointed to review the improper conduct and report to the Court;*
- (b) *direct that the person carrying on the improper conduct cease carrying on the improper conduct;*
- (c) *give directions as to how matters are to be carried out so that the improper conduct will not reoccur or continue;*
- (d) *if the applicant suffered loss due to the improper conduct, award compensation to the applicant in respect of that loss;*
- (e) *award costs;*
- (f) *give any other directions or make any other order that the Court considers appropriate in the circumstances.*

Sub-clause (f) is a catch-all, but it doesn't really say much. Normally such catch-all provisions are interpreted as limited by the more specific and direct statements preceding, and are construed as intending to supplement those more specifically-stated powers. None of remedies (a) to (e) would empower a court to force an owner out of his home, much less to sell it. So, clause (f) as an adjunct to (a) to (e) would normally not do so either.



Continued ⇨

However, cases in the past few years have given *section 67(2)(f)* (and its equivalent in other provinces) a much broader and wider-reaching operation. They have construed it (and them) as empowering a court to order an owner out of his home and also to sell his home. *Section 67(2)(f)* becomes a free-standing broad power in the court to do whatever it thinks is necessary to treat misconduct effectively.

The Alberta Court Decisions

To date, in Alberta there has been only one reported decision where the section has been relied upon to order a registered owner to vacate: the decision of Justice Lee in *Condominium Plan No. 022 1347 v. (N.Y.)* (2003), 13 RPR (4th) 185 (the “NY” case). That case is rather limited in its effect. The person ordered to be evicted was found in substance to be a mere tenant; and the ability to evict a tenant is pretty clear under sections 53-57 of the Act, where the powers under that section are adopted in by-laws. The comments by Justice Lee to the effect that the court can order eviction of a registered owner, under *section 67(2)(f)*, are in the circumstances obiter (or in lay terms “surplusage” or “an aside”).

In two other Alberta cases since Justice Lee’s ruling, the Courts have declined to use the section to order either vacation or sale of an owner’s unit: *The Owners: Condominium Plan 822 2909 v. 837023 Alberta Ltd.*, 2010 ABQB 111 (Justice Veit) (the “Water’s Edge” case) and *Condominium Corporation No. 8110264 v. Farkas*, 2010 ABCA 294 (the “Farkas” case). These later decisions do, however, recognize the ability under *section 67(2)(f)* to direct vacancy in a proper case; but a proper case would only occur where the misconduct is severe and cannot be thwarted by other means.

Generally, the Court should try mandatory orders - an order directing the miscreant to comply with the by-laws and other requirements. Such orders are expressly contemplated in *section 67(2)(b)*.

In Farkas, the owner who was the subject of complaint was accused of continuously violating the noise by-laws of the condominium. Mr. Justice Burrows, in the Court of Queen’s Bench, ruled that the remedies in *section 36* (the fining section) of the *Condominium Property Act* do not include eviction of an owner from her unit. He went on to say:

“Even if the remedy of eviction is available under s. 67, in my view it would be wrong to grant that remedy where the bylaws expressly require the Board to proceed under s. 36.”



He distinguished N.Y. as a tenants case.

The Court of Appeal reversed Justice Burrow's decision, but also declined to order the owner to vacate. The availability of the remedy to order vacation under *section 67(2)(f)* was however affirmed by the Court of Appeal. It said:

“Subsection 67(2)(f) permits the court to make “any other order appropriate in the circumstances”. This section is widely worded, no doubt to accommodate the varied and limitless circumstances that might arise under the collective ownership of condominium units. Counsel referred to other decisions where eviction orders have been made against owners. The power of eviction against an owner is an extraordinary one, and one which undoubtedly should only be exercised in exceptional cases, and when other incremental remedies have failed: **Condominium Plan No. 822 2909 v. 837023 Alberta Ltd.**, 2010 ABQB 111 at para. 53. [the Waters Edge case] However, there may be breaches that are so serious or persistent that they cannot be addressed in any other way. For example, if a unit owner really was operating a clandestine drug laboratory in the unit, eviction might well be appropriate. The chambers judge erred in concluding that eviction is not an available remedy under ss. 67(2)(f).”

However, the Court of Appeal went on in conclusion to say (par. 9):

“On this record there is sufficient evidence that the respondent has been causing at least some of the complained of noise. There having been breaches of the bylaw, the condominium corporation is entitled to a remedy, although the record does not justify

The appeal should accordingly be allowed, and an order granted that the respondent cease making any noise that unreasonably interferes with the use and enjoyment of other units. In the event that there is any breach of that order, the condominium corporation may apply on notice to the Court of Queen’s Bench to determine what further procedures or remedies are appropriate. Either party may also apply on notice to the Court of Queen’s Bench for variation of the order, should circumstances so require.”

Continued ➡

deals with other real property owners relative to municipal regulation. In both cases, the owners of real property are subject to appropriate restriction but in neither case is the integrity of the common scheme paramount.[55] In summary, I am of the view that it is not helpful for Canadian courts to rely on American case law without the usual safeguards that apply to the introduction of foreign law into a Canadian proceeding. There is nothing in condominium law that is particularly American; it is not one of the traditional areas of law, like insurance law, where Canadian courts look to American jurisprudence for guidance.

[56] In the result, I am of the view that caution should be exercised before coming to the conclusion reached in *N.Y.* to the effect that owners and tenants can be treated similarly."

She went on later to add (paragraphs 68 & 73):

"[68] As indicated above, I am of the view that the *Condominium Property Act* proposes an incremental approach to improper conduct. Eviction, as proposed by the applicants, is not an incremental remedy. Some opportunity should be given to the restaurant owner to remedy the breaches before the most serious relief possible should be invoked.

Just as, in criminal law, the most serious sentence available is not reserved only for the most serious offence committed by the most serious offender, it is not necessary to reserve eviction for the most serious breach by the most culpable condo owner."

[73] Even though this condominium's by-laws do not anticipate the eviction of owners, and even though the legislation does not expressly authorize the eviction of owners, there may well be situations in which the extreme sanction of eviction would be appropriate. For example, if, an owner allowed dangerous substances to escape from his unit and, after an appropriate warning, refused to stop the offending conduct, eviction may be the only safe and reasonable option. A breach of a by-law that caused structural damage to condominium property may justify eviction. Indeed, even a serious breach that was not dangerous might, if repeated despite warnings were unavailing, justify eviction. This restaurant owner has been a nuisance to the other owners, but there is no evidence that his breaches were dangerous either to the other

owners or to their tenants or to the structure of the condominium itself. Just as, in criminal law, the most serious sentence available is not reserved only for the most serious offence committed by the most serious offender, it is not necessary to reserve eviction for the most serious breach by the most culpable condo owner."

This *Water's Edge* decision cites the Queen's Bench ruling in *Farkas* and appears to have fallen between that ruling and the Court of Appeal ruling in *Farkas*. It is nonetheless consistent in its statement of principles with *Farkas*, and the Court of Appeal in *Farkas* appears to cite *Waters Edge* with approval (see the above quote).

To date, none of the Alberta courts have gone so far as to suggest that the Court's power under *section 67(2)(f)* might include an order directing sale of the miscreant owner's unit. Courts in other provinces have not been so reluctant (in a proper case) to go that further step.

Conclusion

It is quite apparent from cases in other jurisdictions that language that is actually less broad than the Alberta *section 67(2)(f)* may be construed to give a Court, on application by a Condominium Corporation, the power to force vacancy and sale of a condominium unit. Whether those cases will actually be reflected in future, Alberta decisions remains to be seen. To this point, at least the Alberta decisions make it clear that the Court in a proper case would view *section 67(2)(f)* as giving it the power to require an owner to vacate his own unit. Whether that would be extended in Alberta to include the power to force sale will need another case and a proper set of circumstances. The possibility is there; but would be more plainly there if the rationale for requiring a homeowner not only to vacate his home but also to sell it were more evident from the out-of-province rulings.



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North Alberta held their annual conference this year on April 21, 2012. The conference, *Bridging Gaps*, was held at the Holiday Inn Conference Centre. This year, the committee decided to have a one day educational component instead of two days as the previous years had done. This went over exceptionally well with all attendees. The conference started off with a Wine & Cheese Event on Friday evening. This event was sponsored by Colin Preszniuk & Associates and was well attended – much better than prior years. This event is a time for people to socialize and network with fellows of the condominium industry.

The conference started out on Saturday morning with a welcome from our Chairperson, Anand Sharma. Anand stressed that the conference was something we all looked forward to and thanked everyone for attending. The breakout sessions ran from 8:45 am to 5:15 pm with four sessions being held concurrently. Lunch was a little longer this year as we decided to have our Legal Panel Q&A during this time. Special thanks to our knowledgeable and entertaining lawyers: Robert Noce (Miller Thomson LLP), Hugh Willis (Emery Jamieson LLP), and Todd Shipley (Reynolds Mirth Richards & Farmer LLP). The educational component of the conference consisted of the following topics & speakers:

Maintenance & Repair - Al King, *Wade Engineering*

Bed Bugs & Other Pests

- Sue Trautman, *Sleep Tight Bed Bug Detection*
- Jay Harlow - *Payless Pest & Sanitation*

Social Media

- Rafal Dyrda, *Genie Pad*
- Stephen Cassady, *24/7 Condo*

ABC 123 of Project Management

- Phil Perry, *Pinnacle Realty & Management*

Insurance

- Paul Whittman, *Diverse Claims Adjusters*
- Tony Reed, *Renfrew Insurance*
- Pete West, *Reliance Consulting*

Maximizing Meeting

- Anand Sharma, *CS Management*
- Sandra Deuchar, *Av8 Solutions*

Financing & Borrowing

- Jim Wallace, *Condo Cash*
- Terri-Lynn Belzil, *Strata Capital*

Barely Bareland

- Todd Shipley, *Reynolds Mirth Richards & Farmer*
- Dawn Mitchell, *HUB International Phoenix Insurance*

Bylaw Enforcement

- Helena Smith, *Mayfield Management*
- Hugh Willis, *Emery Jamieson*

Contracts & Tendering

- Billy Huet, *Morrison Hershfield*
- Arun Shourie, *Shourie Bhatia*

Green Condo's

- Steven Vinci, *Morrison Hershfield*

Disaster Planning

- Brian Newbert, *Victorian Property Management*

Reserve Fund Studies

- Harold Weidman, *Reliance Asset Consulting*

Financial Statements & Budgets

- Barb Surry, *CMA*
- Alan Whyte, *Mastery Consulting*

Condo Corp or Communities

- Deborah Howes, *High Clouds Inc.*
- Victoria Archer, *Gledhill Larocque*

Condo Doc

- Rick Murti, *Pinnacle Realty & Management*

Continued ⇨



This year all presenters were asked to provide a copy of their slide show presentation. CCI ensured that these were available for all attendees at the beginning of the day. Bios of each presenter and the conference committee as well as a questionnaire were given to each attendee at registration. These questionnaires were returned and will greatly assist the committee in upcoming years. The Conference Committee consisted of: Sandra Deuchar, Sharon Bigelow, Anand Sharma, Jim Wallace, and Alan Whyte. Special thanks always goes out to Brenda Slobodian, our administrator, for assisting. The committee would also like to note their appreciation of all the other volunteers who assisted in this years conference.



Sponsorship for the event was greatly appreciated and assisted the Conference Committee in keeping the costs to a minimum for participants. In total, we had approximately 125 attendees who came to our education events. Special thanks to the following sponsors:

Gold Sponsorship, Wade Engineering Ltd
Silver Sponsorship, Renfrew Insurance
 Condominium First Management Services
 Colin Preszniuk & Associates
Bronze Sponsorship, Miller Thomson LLP
 Canadian Condominium Institute – National
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During the entire conference CCI held their annual tradeshow in the main ballroom. This is an opportunity for professional and corporate members (and non members) to access several potential clients all in one day. As always the tradeshow component of our conference is well received and appreciated. A significant amount of information can be gleaned from those having a trade show table.

Wade Engineering Ltd.
 Reliance Asset Consulting Inc.
 Capital Consulting
 Condo Cash Program
 Alberta Traffic Supply Ltd.
 ACM Construction Managers
 ABP Windows & Doors
 Strata Capital Corporation
 Reed Jones Christoffersen Ltd.
 Stevenson Douglas Insurance
 Universal Asset Management
 Pinnacle Realty & Management
 ConAsph Environmental Coatings
 Hub Phoenix Insurance Brokers
 Excel Building Inspection Services Ltd.
 Thermotech Environmental Inc.

CCI North Alberta is in the process of starting to plan our 2013 Conference. If you would like to participate in any way please contact our office. Remember – register early so you are not disappointed.



September 11, 2012

7:00 pm - 10:00 pm

Annual General Meeting & "Free" Seminar

Chateau Louis Conference Center
11727 Kingsway Ave, Edmonton

2nd Thursday Every Month

11:30 am - 1:00 pm

CCI Luncheon Presentation

Chateau Louis Conference Center
11727 Kingsway Ave, Edmonton

Luncheons will include a light meal (sandwiches), networking, 20-40 minute presentation, and a question time. Topics will be determined on an ongoing basis. Please check our website or call the office for exact monthly topics. No luncheon in December. Please pre-register. Non registered attendees (walk-ins) will be limited to ensure sufficient food and seating is available for pre-registers guests.

First luncheon will be on October 11th, 2012.

\$40.00 incl. gst

3rd Wednesday Every Month

7:00 pm - 10:00 pm

CCI Evening Seminar

Chateau Louis Conference Center
11727 Kingsway Ave, Edmonton

Seminars will include coffee & desserts, networking, 2.5 hour presentation, and a question time.

Topics: Insurance - November

Finances & Budgeting - January

Reserve Fund Studies - February

Act & Bylaws - May

CCI Members \$60.00 + gst

Non-Members \$80.00 + gst

September 19, 2012

6:30 pm - 9:30 pm

Condo 101

Chateau Louis Conference Center
11727 Kingsway Ave, Edmonton

Seminars will include coffee & desserts, networking, 2.5 hour presentation, and a question time.

Condo 101 is an introductory course geared to Condominium Board Members and Owners. The basics of Board Governance, Financial and Maintenance Responsibilities, as well as Legal

Obligations will be covered. This course is complementary to all paid individual or condominium (maximum 4/session) members only.

Registration in advance is important as space is limited.

CCI Members Free
(Condo & Individual Only)

Non-Members \$50.00 incl. gst

Continued ➔

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September 29 & 30, 2012

9:00 am - 4:00 pm (each day)

Condominium Management 100 (CM100)

Chateau Louis Conference Center
11727 Kingsway Ave, Edmonton

CM 100 is the introductory level of study on condominium, which offers an introduction into the responsibilities and liabilities of managing condominiums. This level is addressed to owners, Board Members, and new professionals. This level deals in detail with several issues fundamental to condominium, including management styles and everything you need to know about meetings. This course also addresses the basic principles of governance, administration, dealing with people, finances and maintenance and repair, each of which becomes a separate chapter in the 200 & 300 levels.

CCI Members \$275.00 + gst

Non-Members \$550.00 + gst

Additional Attendees Discount \$200.00 + gst

October 17, 2012

6:30 pm - 9:30 pm

Condo 101

Chateau Louis Conference Center
11727 Kingsway Ave, Edmonton

Seminars will include coffee & desserts, networking, 2.5 hour presentation, and a question time. Condo 101 is an introductory course geared to Condominium Board Members and Owners. The basics of Board Governance, Financial and Maintenance Responsibilities, as well as Legal Obligations will be covered. This course is complementary to all paid individual or condominium (maximum 4/session) members only. Registration in advance is important as space is limited.

CCI Members Free

(Condo & Individual Only)

Non-Members \$50.00 incl. gst

October 27 & 28, 2012

9:00 am - 4:00 pm (each day)

Condominium Management 200 (CM200)

Chateau Louis Conference Center
11727 Kingsway Ave, Edmonton

CM 200 Practical Management Principles – is the work intensive, hands on level of condominium study designed for directors and managers, who are responsible for the day to day activities associated with the control, management and administration of a Corporation. Topics include: enforcing & amending Bylaws; record keeping, disclosure requirements, contracts; dealing with rentals, dealing with difficult people, conflict resolution; financial records, budgets, setting condo fees, special assessments, collections, audits, Estoppel certificates and information statements; maintenance & repair, reserve fund studies; types of insurance coverage, appraisals, deductibles, bonding, brokers & trustees; complete with the resource materials and samples & examples.

CCI Members \$275.00 + gst

Non-Members \$550.00 + gst

Additional Attendees Discount \$200.00 + gst

November 17 & 18, 2012

9:00 am - 4:00 pm (each day)

Condominium Management 100 (CM100)

Chateau Louis Conference Center
11727 Kingsway Ave, Edmonton

CM 100 is the introductory level of study on condominium, which offers an introduction into the responsibilities and liabilities of managing condominiums. This level is addressed to owners, Board Members, and new professionals. This level deals in detail with several issues fundamental to condominium, including management styles and everything you need to know about meetings. This course also addresses the basic principles of governance, administration, dealing with people, finances and maintenance and repair, each of which becomes a separate chapter in the 200 & 300 levels.

CCI Members \$275.00 + gst

Non-Members \$550.00 + gst

Additional Attendees Discount \$200.00 + gst

Continued ➡

CCI North Alberta - 2012/13 Education Schedule

January 19 & 20, 2013

9:00 am - 4:00 pm (each day)

Condominium Management 100 (CM100)

Chateau Louis Conference Center
11727 Kingsway Ave, Edmonton

CM 100 is the introductory level of study on condominium, which offers an introduction into the responsibilities and liabilities of managing condominiums. This level is addressed to owners, Board Members, and new professionals. This level deals in detail with several issues fundamental to condominium, including management styles and everything you need to know about meetings. This course also addresses the basic principles of governance, administration, dealing with people, finances and maintenance and repair, each of which becomes a separate chapter in the 200 & 300 levels.

CCI Members \$275.00 + gst

Non-Members \$550.00 + gst

Additional Attendees Discount \$200.00 + gst

March 2 & 3, 2013

9:00 am - 4:00 pm (each day)

Condominium Management 100 (CM100)

Chateau Louis Conference Center
11727 Kingsway Ave, Edmonton

CM 100 is the introductory level of study on condominium, which offers an introduction into the responsibilities and liabilities of managing condominiums. This level is addressed to owners, Board Members, and new professionals. This level deals in detail with several issues fundamental to condominium, including management styles and everything you need to know about meetings. This course also addresses the basic principles of governance, administration, dealing with people, finances and maintenance and repair, each of which becomes a separate chapter in the 200 & 300 levels.

CCI Members \$275.00 + gst

Non-Members \$550.00 + gst

Additional Attendees Discount \$200.00 + gst

March 20, 2013

6:30 pm - 9:30 pm

Condo 101

Chateau Louis Conference Center
11727 Kingsway Ave, Edmonton

Seminars will include coffee & desserts, networking, 2.5 hour presentation, and a question time. Condo 101 is an introductory course geared to Condominium Board Members and Owners. The basics of Board Governance, Financial and Maintenance Responsibilities, as well as Legal Obligations will be covered. This course is complementary to all paid individual or condominium (maximum 4/session) members only. Registration in advance is important as space is limited.

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ADVANCE PAYMENT IS REQUIRED FOR CM 100, 200, & 300 Courses

Complete and mail this form, along with your payment to:

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Edmonton, AB T5G 0X5

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Space is limited, so please confirm your attendance by registering a minimum of one week prior to the course.

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Edmonton	\$288.75	\$210.00	\$577.50	Condo Members – free	\$40.00	\$60.00 + gst
Out of Town	\$341.25	\$262.50	\$682.50	Professional or Non-member - \$50.00		Non-member - \$80.00 + gst

*Members must be from the same condominium corporation or business. GST Reg No: 899667364-RT0002

All paid attendees will receive course material.

Cancellation Policy: If cancellation is received by the CCI office seven days or more prior to the course date, you will receive a refund. Cancelling seven days or less will result in no refund.

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☐ CM100 ☐ Condo 101
☐ CM200
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 Month Day Year Month Day Year

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Email: _____

Attendee 2 Name: _____

Daytime phone: _____

Email: _____

Attendee 3 Name: _____

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Daytime phone: _____

Email: _____

Condominium or business name: _____

Luncheon or Evening Seminar Registration

If attending a luncheon or evening seminar, please indicate the session name and date below. Payment can be accepted at the door for these events only. Please complete the attendee information above.

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Date of Session: ____/____/20
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Total amount submitted:

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SELECTING THE “BEST” CONTRACTOR FOR CONDO PROJECTS

By Philip H. Perry, P. Eng.



Many Condo Boards struggle with finding competent, capable contractors to do the work the Condo Corporation needs done. It doesn't matter if the project is large or small, easy or difficult – who is the right company to perform the work?

Quite often the Condo Boards do not have any construction management professionals as members and do not feel they have the expertise to make a qualified decision. Resources that are available include property management companies and designers (such as engineering companies). Consider recruiting an owner with a Construction Management background who is not on the Board to be on an ad hoc committee. They are often busy (the industry is heating up) and are reluctant to take on the time commitment of being on the Board. However they are owners and have a vested interest in selecting the “best value” for the Corporation.

First off, the Condo Board has to decide what needs to be done – what is the *project scope*. The scope should be defined such that contractors understand what they are being asked to bid on. The scope should also make sense and not be a hodgepodge of unrelated activities.

Second, the Condo Board has to decide on if they need any design work to be done. Talking to your local Permit Office can provide guidance. As a general rule, the larger and more complicated the project, the more likely that a designer, such as an engineer or an architect, will be required to develop the 100% drawings and specifications needed by contractors to provide a price.

Thirdly, the Condo Board has to decide on the *contracting strategy* – lump sum, cost plus, construction management, and design-build being common methods. The designer can provide advice on the “best” strategy.

More than 50% of the contracts are *lump sum*. The scope is developed and designed to the point where the contractor can give a *firm price* for the work to be done. The successful contractor then does the work for the firm price that was provided. It is best if three to five contractors are invited to bid on the work. They are provided the scope (along with specifications and drawings) to bid on so that the Condo Board can select the “best” contractor for their project.

There are many ways to determine who to approach to bid on the work to be done. Contractor Associations such as the Alberta Roofing Contractors Association at www.arcaonline.ca, the Edmonton Contractors Association at www.edmca.com, and the Calgary Contractors Association at www.cca.cc are good places to start. The Better Business Bureau is also a good resource. The property management companies generally maintain a list of contractors that they use.

The contractors **must be** licenced for the area they are performing the work so ask for their *Contractors Licence* (check with the local municipality for licencing requirements). Also, ask for their WCB (proof they have an account and they are current with their payments) and their Contractors Insurance Policy. There are far too many contractors providing services to Condo Boards who do not have these in place and the Condo Boards who use them are taking on unnecessary risk.

The Canadian Construction Association publishes “A Guide to Calling Bids and Awarding Contracts (CCDC 23 - 2005)” which is available from the local Construction Associations for about \$50. The guide outlines the process used in the Canadian Marketplace and is a very useful document.

Lowest Price is not necessarily the “best” way to select the successful contractor. Price should only be one consideration.

A standard line that I use when going out for pricing is “Contract Award will be based on Best Value to the Owner (Cost, Schedule, Quality, Safety, and Contractor Team). The Construction Contract may not be awarded to the lowest, or any, bidder.”

When bids are received, have a look at the cost, the schedule and the contractor team that are proposed (i.e. ask for and review the Project Manager and Site Supervisor resumes). A contractor who is 5% higher than the low contractor and will do it in ½ the time and has a far more experienced Site Supervisor should get the nod. Once the contractors who have bid the work have been ranked, approach the “best” contractor and interview them. How do they manage *quality*? How do they manage *safety*? How will they manage *the project*? Can you work *with* them? Check *references* (especially from other Condo Boards) and go look at previous work. If things check out, then proceed to *contract*.

Finally we get to the signing of the Contract.

A common mistake that is made is when Condo Boards sign off on the *Offer Sheet* the contractor provides. This provides **ZERO** protection to the Condo Corporation and is setting things up for a fight should there be a

Continued ⇨



disagreement between the contractor and the Condo Corporation. At a minimum, consider using the *Sample Renovation Contract* available free from the CMHC at www.cmhc-schl.gc.ca/en/index.cfm.

The Canadian Construction Documents Committee, www.ccdc.org, publishes a number of standard *construction contracts* that are considered by the industry to be “fair and balanced”. They are not one sided towards the contractor or the owner. Contracts such as CCDC-2 (2008) *Stipulated Price* (i.e. lump sum) are available from the local Construction Association in either electronic or paper form. Although it may seem overkill to have a 30 plus page contract for a \$30,000 project, there are many clauses in the contract which will be useful should the project start going sideways. There are also guides for the contracts that are available through the construction associations which help explain how to use the contracts. Institutions such as NAIT and SAIT also run Construction Contract Law Courses which cover how to use the contracts.

Selecting the “best” contractor is a challenging and stressful time for many Condo Boards. It will be even more challenging in the coming years as the construction market switches from a buyer's market to a seller's market. However, selecting a sound strategy and provided the proper information to competent and capable contractors to bid on will only help the Condo Corporation secure a contractor they can work with.

Good Luck.

about the author – Phil is the Senior Project Manager at Pinnacle Realty & Management and a Civil Engineer with over 20 years of Construction Project Management Experience. He teaches in NAIT's Construction Engineering Technology Program (2 Year Diploma) and leads NAIT's Construction Technology Certificate Program (Evening Professional Development).




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info@cci-north.ab.ca

www.cci.ca/NORTHALBERTA

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South Alberta

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Alberta New Home Warranty Program

(780)484-0572

www.anhwp.com

National Home Warranty Program

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www.nationalhomewarranty.com

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info@chbaalberta.ca

Alberta Government Services, Consumer Services Division, Edmonton

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Toll free in AB 1-877-427-4088

www.gov.ab.ca/gs

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Limiting Collateral Damage

By Gerrit Roosenboom

History books have recorded an abundance of fights, wars, and battles. Rights, wrongs, fair, or unfair did not seem to matter much. The strongest took what they wanted and if the defenders won, they in turn took their revenge. Common to all these struggles was the collateral damage to those that were bystanders. Homes, buildings, and crops were destroyed. Women and children were killed, tortured and taken as slaves.

Many of our present day societies have decided that physical fighting is out of fashion and fight now by proxy. They hire lawyers to do the fight in a court room. However, collateral damage is still often a result. The financial costs can be huge. The humiliation of the loss can be devastating. The urge for revenge may well persist. Even though the court has decided who has won or lost, the participants may well remain in close proximity to each other. Friendships will be destroyed, families broken up, children of the contestants losing their friends. Whether the dispute was between competing businesses, partners, or neighbours (as in condominiums), they still may have to live together in the same community or building. Is the fight over? We can be sure that the loser is not a happy person.

The challenge is to limit the **collateral damage**.

Fight,

small issues may be handled in small claims court, reasonably quickly (maybe) but the participants generally need legal advice regarding the procedure. Larger claims will entail lawyers and possibly court proceedings. The court proceedings are open to public scrutiny and may entertain unwanted publicity. There will be a winner and a loser. In the business world, losing may well portray negative image.

Large claims will require legal expertise, reports/testimony from experts/professionals. The costs will be expensive and the time extensive. Getting a court date may take many months. Some cases last for years. Court proceedings are open to the public.

Mediation,

takes place when both parties agree to meet and use a mediator to facilitate / moderate / control the meeting and help both parties arrive at an in-depth understanding of how the issues involved in the dispute is affecting the other party.

Both parties are encouraged to arrive at a solution that both can live with. An agreement is considered as a win/win situation. Is there a loser? An outside party might consider it as such. However, the proceedings and settlement are private and confidential to both parties.

The mediator does not recommend or suggest solutions. The resulting agreement is not necessarily legally binding. The disclosures made during these sessions are not admissible as evidence in court.

Mediation is comparatively inexpensive and can be arranged rather quickly. Usually both parties are tired of the argument/dispute and want to resolve the dispute/issue. My experience is that many issues/interests have not been shared or discussed before they come to light during mediation sessions. The issue first stated is seldom the sole reason for the dispute or disagreement.

Arbitration,

takes place when both parties agree to have an arbitration decide/rule on and make an award on the dispute/claim. Many contracts have a clause or requirement that a dispute must be handled through arbitration/mediation. This is often a requirement in a labour contract.

Although similar to a court proceeding, the procedure is less informal. People are still sworn in and witnesses may be called to testify. Legal representation may also be present as well expert witnesses. Cross-examinations are allowed as well as re-directs. The arbitrator listens to the information presented by the claimant and defendant. The arbitrator may ask questions and will study evidence offered, such as contracts, specifications, building codes, etc. The arbitration may request court/legal advice on issues pertaining to points of law.

On the conclusion the arbitrator will issue an award, mostly in writing. Arbitration awards have seldom been overturned or modified in court. The award is considered private and confidential. It is comparatively less expensive than court proceedings and usually much faster. An arbitration case can be concluded within 40 days. I have participated in an arbitration hearing that lasted 5 days and one that lasted 30 minutes. Sometimes the disputants, recognizing the obvious, have stopped arbitration in the middle of the hearing and agreed to settlement.

The justice system in Alberta has recently taken the position that more disputes are to be handled through mediation and arbitration. The courts are becoming backlogged. I expect that mandatory mediation and arbitration will be considered in the re-write of the Alberta Condominium Property Act similar to legislation in other provinces.

Gerrit Roosenboom serves as director on the board of the Northern Alberta Chapter of the Canadian Condominium Institute and frequently consults on condominium issues.

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			\$8.25		\$16.50
		Total	\$173.25	Total	\$346.50
1/4 Page	3.5"w x 4.75"h	gst	\$357.00	gst	\$714.00
			\$17.85		\$35.70
		Total	\$374.85	Total	\$749.70
1/2 Page	7.0"w x 4.75"h	gst	\$715.00	gst	\$1,430.00
			\$35.75		\$71.50
		Total	\$750.75	Total	\$1,501.50
Inside Full Page	7.0"w x 9.5"h	gst	\$1,072.00	gst	\$2,144.00
			\$53.60		\$107.20
		Total	\$1,125.60	Total	\$2,251.20
Inside Back Cover	7.0"w x 9.5"h	gst	\$1,347.00	gst	\$2,694.00
			\$67.35		\$134.70
		Total	\$1,414.35	Total	\$2,828.70
Back Cover	7.62"w x 8.48"h	gst	\$1,375.00	gst	\$2,750.00
			\$68.75		\$137.50
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ISSUE 2	November 19, 2012
ISSUE 3	February 18, 2013
ISSUE 4	May 21, 2013

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	Back Cover*					

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Solution 105 Consulting Ltd.	Chris Vilcsak	780-429-4774	vilesale@solution105.com	
Sunrise Window & Door Depot Ltd.	Terri Wilkes	780-413-0542	info@sunrisewindows.ca	
United Geospatial Ltd.	Bruce Drake	780-481-2230	bruce@unitedgeospatial.com	
Thermotech Environmental Inc.	John Van Ginkel	780-487-8878	admin@tteheat.com	
Wood Buffalo Housing & Development Corp.	Cynthia Woodford Christina Pear	780-799-4057	Cynthia@wbhadc.ca	780-799-4026
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Kirkside Real Estate	Carolyn Flexhaug	780-707-7264	carolyn@kirkside.ca	
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Royal LePage Summitview Realty	Rich Potter	780-852-5500	rpotter@royallepage.ca	
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Sharon Bigelow Reserve Fund Consultant	Sharon Bigelow	780-965-0965	sharonbigelow@shaw.ca	780-758-2781
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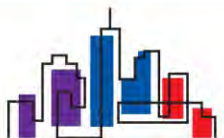
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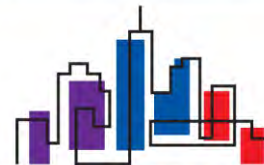
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