

VOL. 29, ISSUE 3 - SPRING 2016

# INSITE TO CONDOS

CANADIAN CONDOMINIUM INSTITUTE MAGAZINE  
NORTH ALBERTA CHAPTER

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Weathering  
Pothole Season

Condominium  
Communications

What to Do When the  
Police Come Knocking

Canadian  
Condominium  
Institute

CCI  
North Alberta Chapter

Institut  
canadien des  
condominiums

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# WELCOME NEW MEMBERS

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.

The CCI assists its members in establishing and operating successful Condominium Corporations through information dissemination, education, workshops, courses, and seminars.

## 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 in the year in which they were acquired.

**Over \$1500 in Ambassador Credits issued this year!**

For more details contact our office.

Help our Chapter Grow!!!

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

## CORPORATE MEMBERS

Abris Construction Inc.  
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The Addison  
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*Welcome to our spring edition of Insite!*

It has been a busy few months since I last reported to you. The Board of Directors has been working on a number of fronts.

Led by Vice President Susan Milner, the membership committee has been very active. I am proud to report that our membership this year has grown by more than 20%. This is due to the hard work of the membership committee and our staff members Alan Whyte and Joyce Schwan. CCI North Alberta's membership is the highest it has been in the past decade. While we have grown our membership, it is critical to expand our membership base to better allow CCI North Alberta to provide more services to you, our members.

We are in full preparation mode for the upcoming annual CCI North Alberta conference and trade show being held on April 30, 2016. CCI is hosting this conference in a new larger facility, the Doubletree West Edmonton Hotel to reflect the growing nature of our annual education event. This year, a number of new topics are being offered that I am really excited to present to our membership. We are also opening up the trade show to the public to expose our business allies and members to the entire condominium market. This year we are also involving the Real Estate Council of Alberta (RECA) and Service Alberta to present at our conference. I strongly suggest our membership attend this one day conference, it promises to be the best yet.

On the government advocacy front, a new minister for Service Alberta was sworn in. The Honourable Stephanie McLean

from Calgary will now be our minister responsible for the condominium industry. I look forward to meeting her in the near future to outline some of CCI North Alberta's advocacy positions.

An emergent issue that we have been addressing is a movement by a government MLA to remove the ability of Condominium Corporation's right to restrict age in Alberta. Our position on this issue was to push for greater consultation and discussion around the impact to condominiums as this could fundamentally change how condominiums are governed and operated in Alberta. I am happy to report that after many discussions with other stakeholders and members of the Alberta Government, the private member's bill has been withdrawn. However, the issue of restrictions in condominiums is not going to disappear, as we are one of only two jurisdictions nationwide that allow condominiums to restrict based on age under the age of 65.

CCI North Alberta's work continues on the Condominium Property Act and its implementation. The implementation of the Act will be completed in four phases over the next 1-2 years with regulations accompanying the particular sections of the CPA.

Have a restful spring and I look forward to seeing many of you at the conference and trade show on April 30, 2016.

---

**Anand Sharma**  
*President*  
*CCI North Alberta*

# COMMITTEE REPORTS

## Education Committee Report

Well, the education schedule for the 2015-16 year is half over and we are very pleased with the attendance at the completed events. The feedback we are getting from these courses is very positive. Thank you.

We are fast approaching our Conference and Trade Show – our biggest event of the year - to be held on April 30, 2016. As we are always growing, we are moving to a larger venue, one that will allow us to keep growing in future years. The new venue is the Double Tree (formerly the Mayfield Inn). As well as a new venue we will be offering many new courses. This year we are also offering the opportunity to take and pay for just one

or two courses if you can't come for the entire day. We look forward to seeing many new faces this year as well as many of our old friends. It should be a great day.

Please check the latest issue of the In Site magazine for the remaining education schedule. There are some very interesting courses coming up. I hope to see you there.

*Helena R. Smith, ACCI, FCCI  
Chair, CCI Board of Directors  
Chair Education Committee*

## Membership Committee Report

15 Months for the Price of 12!

CCI North Alberta Chapter is very pleased to announce a Special Offer for you to take advantage of for a 2016/17 Membership. Enroll yourself, your condominium corporation or your business for a new membership and begin enjoying the benefits CCI offers today! That's 15 months for the price of 12.

As a Member of CCI North Alberta Chapter, you will have access to our website, be able to discuss issues or ask questions directly to others in the condominium community through

our blog, and network with other individuals and businesses involved in our industry.

As a Member, a major discount will apply to any events you may wish to participate in. We offer various courses in Condominium operations and governance, luncheon events and evening seminars dealing with issues facing condominiums, as well as our Annual Trade Show and Conference. You can be a part of it at a reduced rate, if you join now.

We look forward to seeing you at an event coming soon!

## Communications Committee Report

The communications committee is currently working hard to help promote the upcoming CCI events. We are excited to be assisting the membership and education committee in the area of advertising.

The magazine and website continue to improve and been very fortunate with the team that we have. The magazine is consistently being produced and we thank our advertisers and sponsors for allowing that to happen.

If you have a strong background in marketing and you are interested in joining our committee to assist in the marketing tasks, we would welcome you to contact me at [Gregory\\_clark@cooperators.ca](mailto:Gregory_clark@cooperators.ca).

*Gregory Clark  
First VP and Chair Communications*

# *In Memoriam*



*William "Bill" Kerr*

**ACCI, FCCI  
1952-2016**

We are saddened to report the sudden passing of Bill Kerr, a long-time supporter of CCI. Bill was involved with our Chapter from its inception and was a Board Member in various positions including President up to the early 2000's. His company, Condominium Consultants Canada Ltd. provided both Property Management and Reserve Fund expertise which he utilized teaching courses including the initial CM 100 course with Don Kramer. He was awarded the prestigious FCCI (Fellowship of the Canadian Condominium Institute) by our National Office in 2004.

Bill was also a member of the government's Working Committee to revise the Condominium Property Act both in the late 1990's as well as with the current revisions.

Never one to mince words, Bill was a straight shooter who was very passionate about his work. A tireless worker he nevertheless enjoyed his life both at and away from work. His energy will be missed.

# 7<sup>TH</sup> ANNUAL CCI NORTH ALBERTA CONFERENCE & TRADE SHOW 2016

**NEW DATE:** SATURDAY, APRIL 30, 2016

**NEW VENUE:** DOUBLETREE WEST EDMONTON HOTEL  
16615 - 109 AVE., EDMONTON, AB

## FEATURING:

- ▶ Save \$\$ - Register by EarlyBird Deadline: March 31
- ▶ 12 New Conference Topics & Legal Panel Returns
- ▶ Keynote Luncheon- "Update on Condominium Legislation"
- ▶ NEW- Register for the Conference (Best Value) or any Individual Session (if Time is an Issue)
- ▶ Conference Rate Available for Out of Town Attendees
- ▶ Tradeshow is Free to the General Public
- ▶ Lots of Education, Information, Networking & Door Prizes!

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## CONFERENCE DETAILS:

### Full Conference (Best Value)

*Includes choice of 4 topics in each of 3 sessions, Legal Panel, Luncheon, Tradeshow, Breakfast*

**CCI Member Earlybird Rate:** \$100 + GST (until March 31)

**CCI Member Regular Rate:** \$125 + GST (April 1-28)

**Non-Member Rate:** \$200 + GST

### Individual Sessions (Register by Topic) and Legal Panel

*Includes Tradeshow Access. Subject to Availability*

**CCI Member Earlybird Rate:**

\$30 + GST (until Mar 31) per Session

**CCI Member Regular Rate:**

\$35 + GST (April 1-28) per Session

**Non-Member Rate:** \$50 + GST per Session

### Luncheon with Service Alberta

**"Update on Condominium Legislation"**

*Luncheon starts at 12 noon with Presentation from 12:30-1:30 pm*

**CCI Member Earlybird Rate** - \$40 + GST (Until Mar 31)

**CCI Member Regular Rate** - \$45 + GST (April 1-28)

**Non-Member Rate** - \$50 + GST

## TRADESHOW DETAILS:

- Tradeshow will be open from 9:30 am - 4:00 pm. Limited booth availability.

- Set up Saturday Morning from 7:30 am

- Free for Attendees and the General Public

- Half hour break between each session for full day Attendees to meet Exhibitors

**CCI Member Earlybird Rate:** \$300 + GST (Until Mar 31)

**CCI Member Regular Rate:** \$400 + GST (April 1-28)

**Non-Member Rate:** \$500 + GST

*Prices include power on request & 2 Conference admissions*

**REGISTER ONLINE AT**  
**WWW.CCINORTHALBERTA.COM**  
**OR EVENTBRITE**



# 7<sup>TH</sup> ANNUAL CCI NORTH ALBERTA CONFERENCE & TRADE SHOW 2016

## SCHEDULE

### SATURDAY, APRIL 30

7:30 AM to 8:30 AM	<ul style="list-style-type: none"><li>• Registration and Check-in</li><li>• Tradeshow set up</li><li>• Continental Breakfast for Conference Registrants</li><li>• Welcome Address</li></ul>
8:30 AM to 9:45 AM	Sessions #1
9:30 AM to 4:00 PM	Tradeshow Open
9:45 AM to 10:15 AM	Break with Exhibitors
10:15 AM to 11:30 PM	Sessions #2
11:30 AM to 12:00 PM	Break with Exhibitors
12:00 PM to 1:30 PM	Luncheon for Conference Registrants Keynote Speaker: Service Alberta, "Update on Condominium Legislation"
1:45 PM to 3:00 PM	Sessions #3
3:00 PM to 3:30 PM	Break with Exhibitors
3:30 PM to 4:45 PM	Session #4
4:45 PM to 5:15 PM	Closing Remarks and Door Prize Draws

# SESSIONS

## SESSIONS #1: 8:30 AM – 9:45 AM

### **Privacy in Condos- When to Speak Up and When to Shut Up!**

*Speakers- Christina Hopkins Crichton & Melissa Sadownik (Service Alberta)*

This practical, hands-on session will deal with Alberta's Personal Information Protection Act (PIPA) and how it applies in condominium communities. Attendees will learn about legislative requirements and practical strategies when managing personal information. There will be opportunity to ask questions of the privacy experts.

### **Opening the Building Envelope- Roofs and Windows**

*Speakers- Kevin Kramers (ARCA) & Ron Shannon (Wade Engineering)*

We will discuss two major capital expenses that require proper research before outlaying big \$\$\$. The roofing portion will provide an overview of the different commercial roof systems available in Alberta's challenging climate and important aspects to consider when either constructing new facilities or replacing existing roofs. We will also outline maintenance requirements, common roofing conditions and their associated repairs. The window portion will include a review of good/better/ best options currently available. We will discuss the impact of window replacement and the importance of the timing and coordination with exterior claddings. Other details include permit requirements and the value of involving a professional consultant to assist.

### **Top 10 Items to Review on Your Financials**

*Speaker- Barb L. Surry, CMA*

Regardless of your individual financial acumen it is incumbent on ALL Board Directors to understand how to read the important aspects of your financial statements. Although each bookkeeper and Management company can present the numbers in different formats there are basic areas of information that need to be presented and reviewed to ensure the financial health of your Corporation.

### **Stub it Right, Don't Ignite**

*Speaker- Blaine Stevenson (Fire Rescue Services- City of Edmonton)*

This newly introduced Campaign will review how Owners, Residents, Condo Boards and Managers can assist in curbing the number of fires caused by improperly disposed smoking materials. We will also recap some of the city's most devastating fires and their impact on residents. Additional information on materials available to educate residents will be presented.

## SESSIONS #2- 10:15 AM – 11:30 AM

### **Update on Condominium Management Licensing**

*Speaker- Kirk Bacon-Deputy Executive Director (Real Estate Council of Alberta)*

As the process to set up a regulatory model for condominium managers continues to evolve we will review the journey to date including the results of the initial province wide consultation process. A glimpse into the future plans for implementation and an updated timeline for registration and licensing will also be discussed.

### **The Reconstruction Process- The Devil is in the Details**

*Speaker- Leo Leibel (Wade Engineering)*

If your condominium has a building envelope failure and you need assistance with rectifying the situation, attend this seminar to learn how to engage the professionals who specialize in this type of work. Discover how they can assist you with identifying the exact failures, the scope of work needed to repair the building, a realistic budget of the total costs, a tendering process with competent general contractors, execution of a construction contract, inspection of the work in progress and the monitoring and certification of all progress payments and change orders.

### **Insurance AA- The Role of the Adjustor and the Appraiser**

*Speakers- Paul Whitman (Diverse Claims Adjustors) & Devin Baker (Suncorp Valuations)*

Two very different but both important roles when it comes to insurance matters for your Condominium will be explained by our two experts. When it comes to possible insurance claims your Adjustor will investigate the damage reported and will make recommendations based on the policy coverage. Learn how you prevent minor claims turning into major lawsuits. A proper Appraisal (details to be discussed) is fundamental not only to maintain appropriate insurance on your annual policy but also to ensure proper coverage in the unfortunate case of a major claim.

### **Best Practices for Self-Managed Condos Panel Discussion**

A surprising number of condominiums in the province are run by a volunteer Board of Directors without the assistance of a Management company. Our panel of self-managed board members will outline the reasons why they chose this route and how they delegate the day to day operations to take advantage of everyone's interest or expertise and to minimize burnout. Topics discussed will include Board Recruitment and Retention, Financial, Governance and Maintenance matters as well as unique challenges they have faced to maintain their self-managed status.



# SESSIONS, CONTINUED

## LUNCHEON 12 NOON — 1:30 PM

### Luncheon Keynote- "Condominium Legislation Modernization Project"

The Ministry of Service Alberta will present on new Regulations coming into force in connection with Bill 9: Condominium Property Amendment Act, 2014. The Phase One Regulations are the first set of legislative amendments the Alberta Government is implementing as part of a multi-phase Condo Legislation Modernization Project. Information will be provided on new measures to protect buyers of new condominiums and an explanation of what the new rules will mean for consumers, boards, developers and other professionals working in the industry. Service Alberta will also provide a glimpse into other topics and hot-button issues that will be examined in Phase Two of the project.

## SESSION #3- 1:45 PM — 3:00 PM

### Insurance Battle Royale - Whose Responsibility Should it Be?

*Speakers- Dawn Mitchell (Hub Intl Phoenix Insurance), Hugh Willis (Willis Law), Tony Reed (BFL Canada) and Todd Shipley (Reynolds Mirth Richards & Farmer LLP)*

One of the contentious insurance matters still to be resolved in the Condominium Regulations revolves around the Corporations responsibility when it comes to insurance claims. In this highly entertaining and informative session we have created two combatants consisting each of a lawyer and insurance professional to argue what would be the best solution going forward. As with any Battle Royale, the Audience will take on the role of judges to declare a Winner!

### Business or Banter: Time Savings Tips for Meetings

*Speaker- Deborah M. Howes, ACCI, FCCI (High Clouds Incorporated)*

How long is your average board meeting? How many meetings do you have? Explore ideas for adding value to board meetings –effective but shorter agendas, better use of time, useful preparation, relevant participation, enhanced satisfaction of directors, and an appropriate balance between business and banter. See how to use these tips to improve AGM's or EGM's. Take away a chair's agenda toolkit and

useful tips improve meetings for a variety of condominium governance styles.

### Condo Owner Primer - What Should I Know?

*Speaker- Rick Murti, ACCI (Pinnacle Realty & Management Ltd)*

If you are new to condo living or considering purchasing one in the near future, this session is for you! Despite all the marketing rhetoric of "worry-free living" there are a number of responsibilities that come with condominium living. Learn about the basic duties and responsibilities required of a Condominium Owner, Board of Directors and the Corporation itself. Knowledge is Power!

### Understanding your Utility Choices

*Speaker- Susan Enskat (Utilities Consumer Advocate)*

In Alberta, consumers are faced with a number of utility options for their electricity and natural gas providers. There are contracts, fixed rates, variable rates and variations of those to choose from. On top of that are administration fees and then distribution and transmission charges. How does the average customer make sense of all of these options, the lingo, and wade through the information to make an informed decision? The Utilities Consumer Advocate assists with these questions and more. Attend this session to learn more about the options available, what the benefits of various choices are, and what questions to ask when choosing an energy retailer.

## SESSION #4- 3:30 PM — 4:45 PM

### Legal Panel

*Speakers- Robert Noce (Miller Thomson LLP), Todd Shipley (Reynolds Mirth Richards & Farmer LLP) and Hugh Willis (Willis Law)*

The Three Amigos Blind Mice Musketeers Stooges Wise Men return to wrap up the Conference! Imparting their wisdom on whatever the Audience tosses their way with each lawyer providing their unique perspective on the topic at hand. Prepare your questions accordingly whether it was something brought up in one of the earlier conference sessions or a matter that's piqued your curiosity for awhile but you and your Board have been unable to resolve to date.



REMEMBER TO STICK AROUND AFTER THE LEGAL PANEL FOR ALL THE DOOR PRIZE DRAWS!



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# HOW A CONDO BOARD DIVIDED CAN REMAIN UNITED

## HAVE A HEALTHY DEBATE BUT SUPPORT FINAL DECISIONS, EVEN IF THEY'RE MADE BY NARROW MARGINS BY MARC BHALLA

Ideally, board meetings proceed with respect and decorum, where directors discuss issues and provide direction in a civilized manner. In some condominium communities, the boardroom is treated more like a battlefield.

Condo business can only officially be conducted at duly constituted meetings, so it is there that directors may feel that they must choose their battles and stand their ground. (What's the point of being on the board if directors are not going to express their opinions, or at least try to stop their condo corporation from making what they feel is a mistake?) Certainly, if there is any place that a director should speak up, it is not at the annual airing of grievances by owners (the annual general meeting) but rather in those monthly battles where business is transacted.

Conflict in the condo environment is bound to arise when many different people all live under one roof, each with their own take on what is logical and sensible. The differences Canadians celebrate may also give

rise to the misunderstandings and assumptions that breed feelings of ill will.

At the board level, this is no different. Most condos have an odd number of directors for good reason. The very concept of boards operating as a 'fourth level of government' is based on democracy – not consensus or dictatorship. Everyone gets an equal vote and the majority rules.

The reality that board meetings present the time for directors to speak up and that directors are not always going to see eye to eye, can give rise to stress and tension. In many ways, this stress and tension is similar to the anxiety people face as they prepare to take part in mediation.

When people know that they are going into a meeting with someone who is likely to disagree with them, it can make them anxious. Yet, just like in mediation, there are steps directors can take to ensure the meetings are productive and everyone feels comfortable:

### Find common ground

When helping parties with opposing views, any mediator's primary goal is

to find common ground. Quarreling parties can most easily achieve progress by jointly focusing their attention on the same thing. For a condo board, this should be straightforward – the community comes first.

Set the tone by recognizing that everyone in the boardroom is putting the condo corporation (as a separate, legal entity) first. When directors share this common goal of advancing the best interests of their overall community, they put themselves in a better position to examine the different views everyone brings to the table. This framework can help foster a healthy environment for debating the merits of various options – even if a decision is ultimately made by a 3-2 vote.

### Set healthy boundaries

Even in war, rules apply. Establish a common understanding of what they are and how alleged violations will be addressed. While directors will have their own opinions, an example of a healthy boundary may be to avoid personal attacks in the boardroom.

Address concerns about a perceived bully or intimidator outside of the heat of the moment – ideally, in

front of it. Of course, everyone should agree on the rules beforehand for them to be effective.

### Put process over position

People can often preserve relationships in the course of negotiations by focusing on interests instead of options. Directors on a divided condo board may find it helpful to step back from what they each think is the best position and first determine the best process for making the right choice for their community.


Consider strategies such as deferring to professional advice or circulating a request for proposal (RFP) to compare options in an "apples-to-apples" manner. If the board can establish objective criteria or a formula for making a decision, it can be easier to reach a difficult conclusion. What's more, any dissenting directors who do not get their way will understand why.

### Agree to disagree

There is rarely only one item on the agenda at a board meeting, and even rarer is the board that likes four-hour meetings. Discussion can be good; however, there must come a time

>>> *continued on page 16*

Paul Whitman, FCIP - President



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>>> *continued from page 15*

when the board needs to make a decision and move on.

Agreeing to disagree, casting votes and proceeding to the next item of business can prevent directors from dwelling on conflict or harbouring ill will. If directors feel it necessary, they can ask that their concern be documented in the minutes, but again, it's important to move on – there are other items that the board still needs to address for the community.

### **Stand united**

Directors can get themselves in trouble by violating the confidentiality of the boardroom setting – for example, by participating in gossip or spreading rumours within a commu-

nity. When a board makes a decision, directors need to recognize that they are members of that board, whether they personally voted for or against a particular decision. Have open discussions and consider different perspectives in the boardroom; however, when the meeting is over, the board should speak with one voice.

Be a team player and stand by fellow directors. Strong boards are united and there is no better way to strengthen the team than to stand together in the face of adversity. Dissenting directors should support fellow directors when the majority votes against their own preferred course of action. Those fellow directors will be more likely to act in kind in the future, when their roles are reversed. Being a condominium director is a

challenging – and sometimes thankless – job. However, no condominium director is alone. If nothing else, directors have their fellow directors. Directors are not expected to always agree; in fact, they should expect fellow directors to bring different perspectives to the table. There are healthy approaches to split votes and ways to go about both making difficult decisions and moving on that promotes harmony and nurtures a condo's sense of community.

*Marc Bhalla leads the Condo Mediators team. He focuses his mediation practice on condominium conflict.*

*Reprinted by kind permission of CONDO BUSINESS. The preceding article originally appeared in its April 2015 issue.*







BY ROBIN FARLEY

Pothole season is nearly here.

During the spring, more than at any other time of year, water infiltrates cracks in the pavement. As water freezes and thaws repeatedly, the asphalt flexes up and down, back and forth, and weakens. Adding to the assault, pooling water causes asphalt to breakdown prematurely.

When water makes its way below the asphalt, it begins to erode the sub-base, leaving little or no support for the asphalt. This increases the size of the original crack and creates a pothole. Left neglected, cracks and potholes get bigger and multiply.

Fortunately, pavement maintenance season is also around the corner.

Property managers face a wide variety of solutions to repair and replace failing asphalt. When making a selection, consider safety (eliminating a trip hazard), the size of the corporation's budget, and whether a short-term or long-term fix is needed. Here's a survey of five options:

#### **1. Cold patch**

For potholes, a quick, short-term fix is cold patch. A bag of cold patch can be bought at a hardware or home improvement store. The repair can be done in the winter time and quickly resolves urgent problems such as po-

>>> *continued on page 19*



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tholes, which are trip hazards. Cold patch is a temporary fix and the area often needs to be repaired again and again until a more permanent repair can be done.

## **2. Hot asphalt**

A fast, semi-permanent repair is placing hot asphalt into the pothole. The best time of year for this type of repair is from April to November. Hot asphalt will fail due to water penetration. Water will seep into the seams around the repair, the cracks will expand, and more potholes will form.

## **3. Saw cut, remove and replace**

Another similar repair is a saw cut, remove and replace. This is better than hot asphalt alone because the damaged edges are cut, debris is removed, and hot asphalt added then compacted. It lasts longer than hot asphalt alone, but potholes will form along the saw cut edges. Saw cuts do create seams and access for water. This is best suited for larger areas leaving only one cut at the perimeter, rather than many small cuts within the area.

## **4. Seamless asphalt repairs**

Infrared seamless asphalt repairs uses new technology to provide excellent, permanent patching and spot fixes. Water will not penetrate the seams because there are no seams.

Infrared light is used to heat an area slightly larger than the damage area. Once the asphalt is soft and pliable, new asphalt is added and the old and new asphalt are blended. The edges are then pinched and compacted. Seamless repairs can be done anytime of the year but are less costly

from April to November. If the asphalt is too far gone, too old or poorly maintained, the next choice is repaving.

## **5. Repaving**

The gold standard in asphalt repairs, repaving can fix any problems with slope and pooling water in a parking lot. It works best when the old sub-base is removed and replaced. Beginning with the sub-base, proper grading ensures water flows towards catch basins and gutters. This is the time to make sure the grade or slope drains water away from areas where people walk and park their vehicles. Repaving looks new because it is.

The downside of repaving is it is very expensive and disruptive to traffic and pedestrian flow. The repaving season is a short season (May to October), as there shouldn't be any frost on the ground.

The ultimate goal for many property owners and managers is to prolong the life of parking lots and roadways, and delay the need to repave until absolutely necessary.

Crack fill, which can be done from late April to early October, is cost-effective preventative maintenance. It seals the asphalt and fills and bonds to both sides of the crack, keeping water away from the sub-base, which prevents erosion. For crack fill to be

most effective, cracks need to be 1.5 inches to pencil width. The hot rubber needs to "fill a space," like an hour glass.

The key to good crack fill is preparation. A hot air lance will etch the walls of the cracks, using extreme heat to burn off and blow away any debris, such as sand, dirt or vegetation, allowing for proper adhesion. Crack fill adheres better to a rough edge. The crack fill material should be of sufficient quality to expand during the winter months and shrink during summer.

Pothole season provides an opportunity to think about how best to maintain parking lots and roadways. There are a range of options for asphalt repair and replacement, including short- and long-term fixes. With proactive maintenance, property owners and managers can avoid premature asphalt failure and postpone expensive repairs.

*Robin Farley is the vice-president of marketing and sales with Addaline Asphalt Maintenance and specializes in asphalt and catch basin maintenance and repairs, crack fill and line painting services.*

*Published with kind permission of the author and CONDO BUSINESS, and originally appeared in its March 2015 edition.*







# CONDOMINIUM COMMUNICATIONS

## A PRIMER, PART ONE BY BILL STEPHENSON, B.SC., MBA

From a condominium board perspective one of the least understood requirements for a positive condo community is, in my opinion, excellence in communications, both between a board and owners/residents and between residents.

The first impression from a condo board can be made upon a new owner moving into a building. What kind of a "Welcome" will the new owner receive? Will it be a list of "Don'ts" from the property manager? Will it be an immediate significant "move-in" fee (\$200, for example) for "administration costs" - whatever that means? Will there be a visit from a board member to tell you to make sure you break down your packing boxes for recycling?

**Observation #1:** If your board insists on a move-in/move-out fee then be sure it is reasonable, defen-



sible and there is consistency in the message. In 2013, an arbitrator in B.C. declared a condo's move-in fee of \$200 was "too high and unreasonable," a decision that could be precedent setting across Canada.

Don't burden them with a bunch of Do's and Don'ts upon their move. Give them an opportunity to unpack and appreciate their new home.

If, as a board member, you insist on visiting new owners as they move in, please just welcome them and perhaps leave a copy of Service Alberta's Consumer Tips on Buying and Owning a Condominium - a terrific summary of what a condominium is, an explanation of the board of directors' responsibilities, voting rights and the intent of a reserve fund to name a few. ([http://www.servicealberta.gov.ab.ca/pdf/tipsheets/Buying\\_and\\_Owning\\_a\\_condo.pdf](http://www.servicealberta.gov.ab.ca/pdf/tipsheets/Buying_and_Owning_a_condo.pdf)).

Once settled, the management company should provide the new owners with a list of the names of condominium board members and a contact phone number or email address. However, it is also important that the property manager inform the owners that all queries should go through the management firm and board members generally should not be contacted unless the issue concerns a bylaw or policy that you feel needs their attention. Refusing to provide the names and contacts for board members may only create a sense of "secrecy" for new owners and they can get the list anyway from Alberta Land Titles, if so desired.

**Observation #2:** Don't let your property management firm aggravate the situation. Instructions can clearly be left with a new condo owner that general property management issues should go through the management company. However, for the life of me I cannot understand why a condo owner should not know who is on their board and have a contact number or email for policy or bylaw issues/questions. Although board members are elected officers delegated to carry out the overall maintenance, by-law enforcement, financial and general management of the complex they are still co-owners of the building the same as any other condominium owner. Understandably, board members have a life of their own and deserve the respect of generally being uninterrupted by mundane queries but as directors they also have an obligation to hear and address serious issues of concern of the condominium

m's co-owners.

As a board be sure your bylaws and policies concur with the Alberta Condominium Act and its Regulations. A regular review of bylaws, either by your management firm and/or by the board itself should be undertaken to ensure possible conflicts do not exist.

I am familiar with a case where a new unit owner had a large bedroom window broken from the outside. Upon requesting the property management firm to have the window replaced, the owner was informed that, as per the corporation's bylaws, the responsibility was the owner's. This didn't sit well with the owner and upon reviewing the Condominium Act, determined the building was only constructed in 2007. Even with the evidence in hand the board/property manager only agreed to replace the window "on this one time only basis."

**Observation #3:** If a condominium board or its appointed property manager, take a position on an issue contrary to an owner's, be absolutely sure your position is both defensible and in compliance with the appropriate Act or Regulations. If, it is determined the board/property manager has erred, admit the error and immediately smooth the waters with the disgruntled owner. We all make mistakes but being big enough to own up to those mistakes is a true example of building relationships.

Another issue that looms large in terms of communications is the availability of board minutes to owners. Having reviewed dozens of reputable websites and legal cases regarding owner access to board minutes I began to realize that this is one of, if not the most, contentious issues in the world of condominium living. Too often condo owners are promptly told by the property manager

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and/or board members that minutes are not distributed, in any form, to owners.

**Observation #4:** Having done considerable academic research over the years on communications, openness and transparency in business, it absolutely astounds me that some condominium boards make access to board minutes, financials and reserve fund statements difficult if not impossible for owners! Why the secrecy and reluctance? Might there be a question from an owner on an approved board motion? Why shouldn't owners be able to question board decisions via a phone call, email or letter? After all they are co-owners are they not? They have absolutely as much interest and concern for their home as the board members!

The courts across Canada have clearly said that board minutes should be made readily available to owners for viewing or copying but still we see the stubborn reluctance of boards to share minutes. And, don't tell me it's because of the expense. We can live in condominium complexes worth millions with hundreds of thousands of dollars in annual budgets but we can't put in a line item for a few hundred dollars for distribution of board minutes? And besides, with email and condo communication platforms like "GeniePad," many boards/property management firms just need to be added to a distribution list at no additional cost.

For goodness sake, if condo owners wish to have a copy of monthly board minutes or financials give it to them without a fuss! They have a right to access these minutes as per the Alberta Condo Act so why throw up roadblocks and agitate your co-owners? Stubbornly holding onto minutes makes absolutely no sense and can only lead to suspicion of secrecy and autocratic behaviour from co-owners.

*Part Two will appear in the next edition of InSite*

*Bill taught university courses in Human Resources, Labour Relations and Organizational Behaviour in Edmonton, was Director of Physical Plant for a large school board in Ontario and was District Manager of Outside Plant Construction for Bell Canada for Metro Toronto and formerly Eastern Ontario.*

# Questions & Answers with Robert Noce



CCI member Robert Noce, Q.C. contributes a regular column to the Edmonton Journal, answering questions from readers about various aspects of condominium living. These are questions that tend to arise fairly frequently, so Mr. Noce and the Edmonton Journal have kindly allowed InSite to republish some of them for our continuing education on the condominium life.

Robert Noce, Q.C. is a partner with Miller Thomson LLP in both the Edmonton and Calgary offices. He welcomes your questions at [condos@edmontonjournal.com](mailto:condos@edmontonjournal.com). Answers are not intended as legal opinions; readers are cautioned not to act on the information provided without seeking legal advice on their unique circumstances.

Re-printed from the Edmonton Journal, with consent from the Edmonton Journal and Robert Noce, Q.C.

***Dear Robert: Is it a good idea to have the account requiring two signatures with any two being the property management company officer and the condo board president, or is it better if only board members are signing officers?***

A: The best approach is to do something convenient for board members that also provides security to this process. I believe that condominium corporations should always have a couple of people with signing authority, and the board should always be aware of what cheques are being issued and have the proper documentation attached to them.

To avoid problems, having certain checks and balances in the cheque issuing process, will provide the necessary protection.

*Helpful hint: It is essential you put together a checklist to ensure people who are signing cheques have the necessary authority to do so and are acting with the right information.*

***Dear Robert: In a previous column, you said that privacy laws have changed the manner in which we can supply personal information to third parties. When we speak of Condominium Corporations and owners, I find myself wondering who is a third party. I cannot see why an individual owner would be considered a third party by privacy laws. Please explain.***

A: A Condominium Corporation is

a separate and distinct entity from the owners. The owners own a part of the Condominium Corporation as indicated by their unit factors, but the owners are not the Condominium Corporation.

For example, when I am hired by a Condominium Corporation, my client is the Condominium Corporation, not the individual owners. A lawyer would take his/her instructions from the board who speaks on behalf of the Condominium Corporation.

An owner who is not a board member would not be permitted to instruct the lawyer for the Condominium Corporation to do something on behalf of the owners. Therefore, a „third party” would include an owner.

*Helpful Hint: Owners of a Condominium Corporation are like share-holders in a for-profit corporation. The owners (or in the case of a for-profit business, the shareholders) are distinct from the Condominium Corporation (or in the case of a for-profit business, the corporation).*

***Dear Robert: We believe that there is a conflict of interest between our property management company and our interim condominium board. Our interim board changed property management companies, who then arranged for one of our existing homeowners to be our site manager. We, as concerned owners, consider this homeowner, who is acting as our site***



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**manager, to be in a conflict of interest.**

**We would appreciate your thoughts.**

A: First, I do not understand why you reference your board as an interim board. Were they not duly elected by the owners? It looks like there is something here that requires further investigation.

As well, I would need more facts to understand the scope of the work that is being undertaken by your site manager. Therefore, I cannot answer your question.

The simple solution now would be to hire a lawyer to assist you in reviewing the facts in greater detail and provide an opinion on this issue.

*Helpful Hint: Conflicts arise from time to time within Condominium Corporations. It is incumbent on the board and the property management company to be aware of the conflict rules and ensure that both the perception of fairness and actual fairness continue within the corporation.*

**Dear Robert: The units in our condominium complex originally had undeveloped basements. Several owners have since developed their**

**basement areas. Can owners alter their units without prior approval from the board?**

A: Owners should always review their bylaws or check with the board to ensure they are following the bylaws and other code requirements relating to interior renovations.

The extent to which owners can make changes within their units without board approval varies case by case. Some bylaws require the written consent of the board prior to any renovations, alterations or additions to a unit. One would need to review the bylaws, the condominium plan and other code requirements to determine whether the proposed changes can be made without board approval.

As well, the onus is on owners to obtain the necessary permits from the city when making interior alterations. Some improvements may not require a permit. If, however, the board becomes aware of interior renovations and they are concerned that the appropriate permits have not been issued, the board can contact the city and have an inspector attend at the unit to determine whether proper permits have been issued.



Further, keep in mind that some interior renovations may alter or impact the common property. If renovations are undertaken that are in contravention of the bylaws or anything else, the board could force an owner to return the unit back to its original state.

*Helpful Hint: Given the cost involved in renovating, and the further cost in un-renovating if you have made a mistake, it is essential to review the bylaws and obtain the necessary permits prior to undertaking any alternations or renovations. It is also worthwhile to have*

*a discussion with the board beforehand.*

***Dear Robert: Our bylaws are silent with respect to the ability of our condominium corporation to issue fines for non-compliance with our bylaws. Our board wants to issue a policy regarding non-compliance of our bylaws outlining the action the board may take and the amount of the fine. Can we issue this as a policy or must we amend our bylaws?***

A: The Condominium Property Act states that the corporation may by bylaw impose a fine or other sanction against an

owner or tenant who fails to comply with the bylaws. The ability to impose a fine or other sanction must be given under the bylaws. If your bylaws do not give you the power to impose a fine or other sanction, the board cannot issue a fine or other sanction against an owner or tenant. You cannot impose a fine or other sanction by implementing a policy.

*Helpful Hint: It takes more work to amend the bylaws, but it is better to make the extra effort and do it correctly so that the fines or sanctions are actually enforceable.*

***Dear Robert: We have many "snow birds" living in our condominium. At a recent AGM, an owner who is away six months of the year was elected to the board. She plans on connecting with our meetings via Skype.***

***Can a board member be considered in attendance via the use of Skype?***

A: As long as your bylaws indicate that one can attend a meeting through some form of electronic means, either by telephone or Skype, then they would be considered in attendance. If your bylaws are silent in this regard, then



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the person would have to attend the meetings in person.

*Helpful Hint: Many Alberta condominium bylaws were drafted before people even considered teleconferencing options. It would be prudent on the part of condominium corporations to review their bylaws regularly and update them in accordance with new technology.*

**Dear Robert: Our condominium board is seeking a large loan to pay for repairs, some necessary and some unnecessary. There are no estimates for the work to be done, just estimates from the company that did the 10-year replacement schedule. The cost of the loan will be over \$30,000 for each unit. Can we do anything about this?**

A: Every condominium corporation in Alberta is required to obtain a reserve fund study to identify what needs to be replaced or maintained during a period of time, and allow the condominium corporation to generate sufficient funds through its monthly condominium fees for those eventual repairs or maintenance costs.

Your question suggests that your condominium corporation has done a poor job in preparing for future needs and does not have any reserve fund money available to pay for these future repair and/or maintenance costs. It is possible that your monthly condominium fees are too low. The condominium corporation is required to maintain and repair its property. Therefore, if the reserve fund study has identified certain things that need to be done, the condominium corporation will have to proceed with the repairs and/or maintenance.

If the condominium corporation does not borrow the money, the only alternative is to levy a special assessment on each owner. As well, it is important to review your bylaws to determine what borrowing powers the condominium corporation has in these types of situations. Finally, I trust the board will follow a process in which they will get bids for the various projects to ensure that the owners are getting value for their money.

*Helpful Hint: It is imperative for condominium corpora-*

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tions to set monthly condominium fees at a point where the money collected will not only cover day-to-day operations, but will also enable the condominium corporation to put some money aside for future needs. Although from a marketing perspective it is attractive to have low monthly condominium fees, if those fees fail to meet both current and future needs, then nobody wins.

**Dear Robert: Our multi-family duplex complex, now five years old, is registered as a bare land condominium. However, the developer set it up as a conventional condominium. The owners assumed that the units would be taken care of with the reserve fund, but this is not the case. Is this going to be a problem?**

A: There are a lot of bare land condominium projects in Alberta whose

bylaws assign repair responsibilities to the condominium corporation. This is often described as "managed property" of the condominium corporation. The bylaws purport to assign to the condominium corporation the responsibility to "maintain and repair" the owners' lands "as it would the common property."

Is such an assignment of an owner's responsibility to the condominium corporation valid? In my opinion, the answer is no. The Condominium Property Act clearly states that reserve funds can only be levied in respect of common property and corporation owned property. There is no power to impose reserve fund levies on owners for future repair obligations for property not owned by the condominium corporation. The condominium corporation has no authority in law to

obtain funds from owners to pay for the maintenance and repair of property which is not owned by the condominium corporation. The Condominium Property Act does not allow a condominium corporation to legally off-load its repair obligations to unit owners, and an owner cannot legally off-load his/her repair obligations to the condominium corporation, even where the bylaws say otherwise.

Your question indicates that you likely have a problem within your condominium complex.

*Helpful Hint: This is a serious issue that may have financial implications for condominium corporations and owners. It would be prudent for the board to retain a lawyer to review the bylaws and determine appropriate repair and maintenance responsibilities.*

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**Dear Robert: Our condominium corporation is more than 30 years old. How long do we have to archive minutes and financial records? This becomes a concern when we change property management companies.**

A: There is nothing in the Condominium Property Act or its regulations that answers your question. Therefore, common sense should prevail and I would suggest that a 10-year period is reasonable. I know of some corporations that have maintained records from the day that the condominium corporation was created. If you have the space to store documents, do so.

*Helpful Hint: This type of issue does not require any legal assistance. The board should put together a policy*

*that deals with old records and files.*

**Dear Robert: Five years ago, our condominium corporation allowed us to build and pay for a one-metre extension to our deck, subject to their inspection. Recently, our property manager advised us that the deck does not meet code. The corporation then made the repairs and sent us the bill for \$940. Since the board approved the extension, shouldn't the board inform us if they have a problem and allow us to correct it? Do we have the right to question the contractor's bill and the board's decision to only get one quote?**

A: Generally, if there is a deficiency, it is reasonable for the condominium corporation to ask the owner to take steps to repair the work by a certain

date, or the condominium corporation would undertake the work itself. Your facts suggest this was not the case. As well, there is no requirement to get more than one quote, but it is prudent to ensure that the owner and/or condominium corporation are getting good value for services.

*Helpful Hint: The \$940 invoice does not warrant hiring a lawyer. In a case like this, it's a good idea to do a cost-benefit analysis to determine whether or not the fight has any value.*

**Dear Robert: I own my condo unit, but I do not have an underground parking space. When the building was built, people had the opportunity to buy an underground parking space. I have been told by the property manager that the parking spaces are titled**



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**units. Since I do not have a space, and it is not common property, should I be excluded for any maintenance issues relating to the underground parking area? Right now, I am paying maintenance fees that cover the parking area.**

A: First, you need to confirm whether the parking spaces are titled or common property. Even if they are titled, there may be elements within the parkade that are common property. You, as an owner, are responsible to pay for the repair and/or maintenance costs for common property. You do this by paying your monthly condominium fees. You should obtain a copy of your condominium plan to determine what part of the parkade is in fact common property.

*Hint: Owners are not required to*

*pay for things that the condominium corporation does not own. Condominium corporations are not allowed to charge owners for things that are not owned by the condominium corporation. There is no obligation on the part of owners to pay for the maintenance and/or repair costs of property of other owners.*

***Dear Robert: Is there a general rule about whether or not condo owners are able to attend monthly condo board meetings? I am trying to deal with a problem, but I do not know who the board members are, and I am questioning their ability to act in the best interests of the condo owners.***

A: You should review your bylaws to determine whether there are any rules relating to board meetings.

Unfortunately, there is no provision under the Condominium Property Act that would give us guidance in this regard. However, I can advise you that boards are allowed to conduct some of their meetings in private. They are dealing with sensitive and private information. Some boards allow for an open portion of their meeting so that owners can attend and participate in some form. This does not often occur because the interest level is low in many condominium corporations.

I am surprised that you do not know who your board members are. Board members are elected by owners at the annual general meeting. I hope that you are attending these meetings, so that you can see and/or talk to these individuals. If you are not satisfied with a particular decision of the board, then I would strongly urge you to run for a position on the board and/or seek or assist people who share your similar perspective on issues.

*Hint: It is incumbent on condo owners to keep up to date by reading condo board meeting minutes and/or attending meetings when possible. You never know when the board will make a decision that will affect you in an important way.*



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# UNDERCOVER ON THE COMMON ELEMENTS

## WHAT TO DO WHEN THE POLICE COME KNOCKING... OR NOT

BY PATRICK GRECO

Condominium corporations are often presented with the challenge of how to deal with police seeking access to the corporation's property for various reasons. The question to be considered is what expectation of privacy from police – if any – a condominium resident should have on the corporation's common elements. This was the subject of a recent criminal matter heard by the Ontario Court of Appeal.

In *R. v White*, the police suspected that the resident of a condominium unit was a drug dealer and that the unit was being used as a "stash house" for considerable quantities of drugs. Over the course of two months, a police detective entered the condominium building where the suspect lived on three separate occasions. On the first visit, the detective followed a postal worker into the building through an otherwise locked door. On the second and third visits, the detective gained access through an exterior door leading into a stairwell which was designed to be locked at all times but which was malfunctioning. At no time did the detective seek the authorization of the condominium corporation or the suspect to access the building.

Once inside the condominium building, the detective entered and inspected the storage locker area, walked

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through the corridors, and hid in stairwells while observing and listening to the accused's unit. Based on evidence obtained from this access, the police pulled over the suspect's car and found significant quantities of drugs. This "find" was then used to obtain a search warrant for the suspect's unit, where more drugs were found. The police did not advise the judge issuing the warrant that its access to the condominium's common elements – which had been key to confirming the suspect's involvement in criminal activity – was done without prior authorization.

At trial, the accused brought a challenge under Section 8 of the Charter of Rights and Freedoms alleging a violation of his constitutional right against unreasonable search and seizure. Detectives on the case testified that, while they would never step foot on the lawn of a house to investigate, or install a video camera to record condominium events without a warrant, they felt entitled to enter the common elements of a condominium corporation because they were in the process of an investigation and believed the common elements were in the nature of public spaces.

The trial judge found that the evidence and warrant obtained by the



police, based on what he found to be unauthorized access, violated the Charter and the evidence was excluded from the trial. As a result, the accused was acquitted on most charges. On appeal by the Crown, the Court of Appeal upheld the trial judge's decision and looked closely at whether condominium residents have a reasonable expectation of privacy on common elements.

The Court of Appeal commented that if police were entitled to sneak in behind others, use broken doors and climb through windows into a condominium building – following which they inspect lockers and observe and listen to units – then "the concept of a reasonable expectation of privacy means little." The Court found that the accused had a reasonable expectation that the building's security system would exclude outsiders, that the lockers (while unregulated) were

not open to the general public, and that people would not be hiding in the stairwells to observe and listen to his unit. These actions constituted trespass by the police and, therefore, any evidence obtained as a result ought to be excluded from the trial. Even the fact that the condominium corporation's board testified that it would have granted the police access, if asked, did not change the fact that the access, when it happened, was illegal. The Court noted that the investigation by the police was not the result of a complaint of criminal activity being carried on in the building nor was the police access authorized by the condominium corporation.

The Court further found that, "There is nothing 'perverse' about providing a measure of privacy protection to the many Canadians who live in multi-unit dwellings. They, no less than those who live in detached homes,

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are entitled to the protection against unreasonable search and seizure the Charter provides.”

There are certainly times when a condominium corporation may wish to permit police access to the common elements in order to respond to or investigate a crime. So how does the corporation facilitate police access to the property in the appropriate circumstances? Below are some guidelines for a few common situations:

1. Where the police attend the condominium property in response to an emergency situation or unit owner complaint, access should be granted.

2. When presented with a search warrant, the condominium should comply with the terms of the warrant. However,

*the property manager or security staff is entitled to read the contents carefully before permitting access. If there is any ambiguity as to the terms of the search warrant, counsel should be called immediately.*

3. Conversely, if the police attend at the condominium without a warrant seeking access to the premises or the corporation's records, such as security video footage, access should be denied in a polite manner until such time as the board or property management has had the opportunity to review the matter with counsel.

4. Finally, if the police approach the board or property management seeking access to the common elements to investigate an ongoing, non-urgent crime, the board may consider executing an

*authorization under the Trespass to Property Act to permit the police to access the common elements. However, in order to balance the interests of the police investigation with the privacy of other unit owners, the authorization should set out clearly the purposes for which access is being granted, especially the specific unit(s) under investigation.*

It is beneficial for a condominium corporation to have a written protocol as to how police inquiries and visits will be dealt with. The board, property management and security staff should all have a copy of the plan on hand, and be familiar with its contents, so that the proper response can be given at a moment's notice.

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# DOES THE ALBERTA HUMAN RIGHTS ACT APPLY TO CONDOMINIUM CORPORATIONS IN ALBERTA?

BY TODD A. SHIPLEY

Condominium law in Canada is set by the provinces. Given differences in these laws, caution should always be exercised when considering cases and comment from outside of Alberta. For example, in Ontario condominium corporations must comply with Ontario's provincial human rights legislation. However, whether the Alberta Human Rights Act, RSA 2000, C A-25.5 (the "Act") applies to condominium corporations in Alberta is not certain and appears to depend upon who is asked.

The Alberta Human Rights Commission (the "Commission") claims the authority to regulate the actions of Alberta's condominium corporations. An example of the Commission's oversight is its decision in *Ganser v. Rosewood*, 2002 AHRC 2, which addressed a complaint by a unit owner regarding the loss of her assigned parking stall. The Corporation had a shortage of parking and its bylaws required the unit owner to own a vehicle, have a valid drivers' license and insurance, and drive their vehicle regularly.

As the unit owner's physical disabilities prevented

>>> continued on page 37



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>>> *continued from page 35*

her from having a license, she lost the assigned stall. However, the unit owner claimed the stall was needed by her granddaughter and friends who visited to assist her with her daily needs. The Commission ruled the Act provided it jurisdiction and found the Corporation discriminated against the unit owner on the basis of her physical disability and failed to show that accommodating the unit owner would create undue hardship.

The difficulty with *Ganser* is that in *Condominium Plan No. 931 0520 (Owners) v. Smith*, 1999 ABQB 119, the Court of Queen's Bench specifically held that condominium corporations in Alberta are not bound by the Act as such prohibits discrimination against any person or class of person with respect of accommodation or facilities that are customarily available to the public. This issue was again revisited in *Condominium Plan No. 9910225 v Davis*, 2013 ABQB 49, wherein Justice R.G. Stevens again confirmed that condominium corporations are not governed by the Act as they do not provide accommodation or facilities that are customarily available to the public.

Notwithstanding the Court's determination, the Commission's website still devotes a specific section to condominium corporations and their obligations under the Act. However, as the Commission is not entitled to simply disagree with the Court of Queen's Bench, it is likely that the question of the Commission's authority will soon end up before the Court on a judicial review of a Commission decision. Until that time, the only thing that is certain is that condominium corporations are subject to human rights legislation.....in Ontario.

*Todd A. Shipley is a member of the CCI North Alberta Chapter and a partner with Reynolds, Mirth, Richards & Farmer. tshipley@rmrf.com*



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# LANDSCAPE: FROM TURF

## THE IMPORTANCE OF A FIVE YEAR LANDSCAPE MANAGEMENT PLAN

BY MARIE-JOSEE READER

It is very common for a condominium corporation to have a landscape management program based on a yearly scope of work dedicated mainly to lawn care and weed control. There is a logical reason for that- turf and weeds are the first items people see and usually require the greatest amount of time and energy spent on the property.

Establishing a maintenance program over a five year period will take into consideration other aspects of the landscape that require longer maintenance intervals. This management practice has a long-term positive impact in many ways; it saves money by minimizing unexpected expenses, it allows the condo corporation to reach its landscape goals while raising the value of the property, it is a great selling point, and it promotes environmental sustainability. Although the tasks required for turf and weeds are high in frequency and time spent, they remain fairly easy to identify and will be more or less consistent year after year. It is quite a different story to establish a proper maintenance pro-



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gram and timeline for other aspects of landscaping on the property including fruit trees, blooming shrubs, formal edges, shade perennials, graceful ornamental grasses, and enhancements, just to name a few. These elements are the cornerstone of a land-

scape that raise the property value and therefore need to be included in the management program based on their own growth cycle.

According to Growing Greener Cities, a book published by the American Fo-

resty Association, trees have significant monetary benefits. They have found that "a single tree provides \$73 worth of air conditioning, \$75 worth of erosion control, \$75 worth of wildlife shelter, and \$50 worth of air pollution reduction." Compounding

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this total of \$273 for fifty years at 5% interest results in a tree value of \$57,151.

Trees at maturity can be worth many thousands of dollars if they are a good species, in good condition in a prime location, or they may be worth nothing if they are in poor shape or are poorly located.

### ***Establishing the (5) Year Landscape Management Program***

#### **Step 1 - Landscape Plan**

The first important thing to have on hand in order to set up a good long term maintenance program is a detailed landscape plan of the property, including, a plant survey, an inventory of features (turf, rock and flower beds, woodlands etc.) and their dimensions zoned by level of foot traffic. A description of the inert material should also be included (mulch, landscape edging and retaining walls).

For a newly built property, if not already on file, the condominium should enquire about the landscape plans from the developer and might want to hire a professional to review the draft's accuracy and update it as needed. For an older complex, it would be more beneficial to start fresh and create a new set of blueprints.

#### **Step 2 - Establishing Goals & Developing a Budget**

With the landscape draft on hand, the condo board should then determine an overall goal for the landscaping of the property. An example of some questions and points that should be answered are: Do we want to increase foot traffic on our landscaping (i.e. - sitting, viewing, or entertaining areas)? Are there safety issues? Do we want Seasonal Colour?, Removal/Addition of plants?, Removal/Addition of turf?, etc.

During this step, it will be worthwhile to include an expert landscape contractor as they will be able to help determine if certain items are plausible with your property, what type of material should or should not be used, and the quantity needed.

Once your property landscape goals are established, you must determine the budget. By using an expert landscape contractor, each project that is required to meet your




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goal should be priced out separately and itemized by units. This will help the condo corporation easily choose which items should be completed in each year.

### Step 3 - Scheduling Scope of Work and Determining Maintenance

Once the overall goal and budget has been set, the condo corporation should schedule the Scope of Work allowing for the most important item to be completed first and cascading down to the least important. A landscape maintenance scope and schedule should correlate directly with the overall goal. For example, some shrubs require a high level of care while others do better left alone. Additionally, not all shrubs should be pruned at the same time of the year. By using a qualified landscape professional, who will be acutely aware

of these requirements, the condo corporation will get a customized maintenance program perfectly adapted to their needs and budget, and will be able to incorporate these aspects into the long term plan.

### Choosing a Professional

Some corporations like to have a “do-it-all” year-round company while others would rather divide the scope by field (tree care, lawn care, landscape, snow removal, etc.) and attribute each part to numerous specialized companies. Whichever direction is taken, the corporation should always be asking for staff qualifications and experience. Requesting client references and the company’s existing portfolio, will also ensure that the scope will be executed as expected, and the 5 year plan will be on-time and on-budget.

Finally, tendering the landscape maintenance every year and seeking the lowest bid does not represent a savings in the long run. The condo board should look to develop a strong relationship with their landscape professionals. This way, all parties involved, including project managers, sales teams, operational crews and specialists, get to know the property and its history, and will be able to proactively address all the items required. Additionally, over time, people become invested in their projects and the properties they manage. A sense of pride develops, inevitably leading to a higher quality of service and resulting in a more beautiful and healthy space!

*Marie-Josée Reader, Horticulturist & Business Development, Seasonal Impact Contracting Ltd. E: [readerm@seasonalimpact.ca](mailto:readerm@seasonalimpact.ca) or 780-504-1317*

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\*Back cover requests are on a first-come, first-served basis.

Total Payable with GST

Enter the cost for each issue you wish to advertise in using the Advertising Rates 2014/2015 page. You may order advertising for one issue at a time, or for the entire year. Invoices will be sent quarterly. Submit this page and artwork, if it has changed, to: **insite@ccinorthalberta.com**

### BILLING INFORMATION

Company: \_\_\_\_\_ Submitted By: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_

Prov.: \_\_\_\_\_ Postal Code: \_\_\_\_\_ - \_\_\_\_\_ Phone: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Fax: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Email: \_\_\_\_\_

### PAYMENT

Payment may be made by cheque, Visa, or MasterCard. Do NOT send cash through the mail.

\*\* Make all cheques payable to the Canadian Condominium Institute.

**All ad payments must be received by CCI-NAC prior to the submission deadlines as indicated above.**

Choose either:

\_\_\_\_\_ A) To have an invoice forwarded to you for payment by : ☐ mail, ☐ email, or ☐ fax (Please choose one)

\_\_\_\_\_ B) Pay by credit card and:

mail to:

**CCI - North Alberta Chapter**  
**#37, 11810 Kingsway Ave NW**  
**Edmonton, AB T5G 0X5**

or

fax to:

**CCI-NAC Office**  
**780-452-9003**

If paying by credit card, please enter the required information ☐ Visa ☐ Mastercard Expiry Date MM/YY

Card # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Amount to be charged \$ \_\_\_\_\_  
Total Payable with GST from above

Name on card: \_\_\_\_\_

Signature: \_\_\_\_\_

GST Reg No. 899667364-RT0002

**Thank you!**

CCI - North Alberta Chapter  
#37, 11810 Kingsway Avenue NW  
Edmonton, AB T5G 0X5

Ph: 780-453-9004 / Fax: 780-452-9003  
Email: insite@ccinorthalberta.com  
Website: www.ccinorthalberta.com

Office Use Only

Date Rec'd: \_\_\_\_\_  
Invoice #: \_\_\_\_\_

Revised Feb 2016



## Registration Form

### Seminars, Luncheons, Condo 101 and Condominium Management (CM) 100, 200, & 300 Courses

**ADVANCE PAYMENT IS REQUIRED!**

**Register on line [www.ccinorthalberta.com](http://www.ccinorthalberta.com), mail or fax – NO CASH!**

### **FOR CM 100, 200, & 300 Courses**

Canadian Condominium Institute  
#37, 11810 Kingsway NW  
Edmonton, AB T5G 0X5

**Register Early to  
Avoid  
Disappointment**  
(Events may have limited seating)

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

Price includes GST	CM 100, 200 & 300 Courses			Condo 101 GST Included	Luncheons GST Included	Evening Seminars GST Included
	Member Price GST Inc.		Non-Member Price GST Inc.			
Location	First Attendee	Additional Attendees/person*	Each Attendee			
Edmonton	\$288.75	\$210.00	\$577.50	Paid Individual & Paid Condo Members FREE	Member \$30.00	Member \$45.00
Out of Town	\$341.25	\$262.50	\$682.50	Business Partner, Professional, Complimentary or Non-member - \$50.00	Non-Member \$40.00	Non-Member \$65.00

\*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.

<p>CM Courses (Circle one)</p> <p>CM100      Condo 101</p> <p>CM200      Luncheon</p> <p>CM300      Seminar</p>	<p>Event Date</p> <p>____/____/20____</p> <p>Month   Day   Year</p>	<p>Date Submitted</p> <p>____/____/20____</p> <p>Month   Day   Year</p>	
Attendee 1 Name: _____	Daytime phone: _____		
Email: _____			
Attendee 2 Name: _____	Daytime phone: _____		
Email: _____			
Attendee 3 Name: _____	Daytime phone: _____		
Email: _____			
Attendee 4 Name: _____	Daytime phone: _____		
Email: _____			
Condominium or Business Name: _____			
CCI Membership Category _____ Membership Year _____			

### **Luncheon or Evening Seminar Registration**

If attending a luncheon or evening seminar, please indicate the session name and date below. Please complete the attendee information above.

Name of Session: \_\_\_\_\_

Date of Session: \_\_\_\_\_

Month      Day      Year

CK # _____	Amount \$ _____
Visa/MC # _____	
Expiry Date	Mo _____ Yr _____
Name on Card: _____	

## CCI NORTH ALBERTA

## 2016 EDUCATION SCHEDULE

### Pre-Registration with Payment Required

### Via Online Registration ([www.ccinorthalberta.com](http://www.ccinorthalberta.com)), Fax or Mail

**2<sup>nd</sup> Thursday**

11:30 am to 1:00 pm

**CCI Luncheon Presentation – St. Michael's Room**

Chateau Louis Conference Centre – 11727 Kingsway Ave, Edmonton

Luncheons will include a light meal (soup & sandwiches), networking, 30-40 minute presentation, and question time.

**Cost    \$30.00 includes GST****Non-Members    \$40.00 includes GST**

Pre-registration with payment required! Limited Seating!

**April 14, 2016**

Loving (not Lamenting) your Landscaping

Keegan Andreas from Seasonal Impact will discuss plans to renew your landscape for the future. Topics discussed will include the importance of developing a long term plan, adopting landscape best practices and ongoing ways to keep your maintenance costs in line.

**3<sup>rd</sup> Wednesday**

7:00 pm to 9:30 pm

**CCI Evening Seminar – Executive Room**

Chateau Louis Conference Centre – 11727 Kingsway Ave, Edmonton

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

**CCI Members    \$45.00 includes GST****Non-Members    \$65.00 includes GST**

Pre-registration with payment required! Limited Seating!

**March 16, 2016**

Spring Walk Around – Condo Style

Does your corporation complete a Spring Walk Around? This is when the board of directors walks around the property and determines what components need further investigation, repair or possibly replacement. Lots happens to our properties over the winter months, snow and ice and cold temperatures can cause damage to building components and this damage needs to be repaired in a timely manner. What should the Board look for? Who should do the walk around, can you hire someone to assist? Areas of concern and common deterioration will be presented, along with procedures for the walk around inspection.



## Condo 101 Evening Courses – St. Michael's Room

7:00 pm to 9:30 pm Chateau Louis Conference Centre – 11727 Kingsway Ave, Edmonton

**Thursday, March 17, 2016**

**CCI Members (Paid Condo and Individual Members only) Free**  
**Non-Members \$50.00 includes GST**

Pre-registration required! Limited Seating!

This seminar is FREE to all paid CCI Condominium and Individual members only, however, non-members, Business and Professional Members may enroll at a cost of \$50.00/person including GST.

Seminar will include coffee & desserts, networking 2.5 hour presentation & question time.

This introductory course will assist Condominium Board Members understand their roles and obligations to better serve their complex. We will cover the basics of Board Governance, Financial and Maintenance responsibilities as well as common legal obligations. Our goal is for you take away a number of best practices to review and implement within your condominium.

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## Condominium Management 200 (CM200) – St. Michael's Room

9:00 am to 4:00 pm (Sat & Sun) Chateau Louis Conference Centre – 11727 Kingsway Ave, Edmonton

**March 19 & 20, 2016 – St. Michael's Room**

<b>CCI Members</b>	<b>\$275.00 + GST</b>	<b>Additional attendees</b>	<b>\$200.00 + GST</b>
<b>Non-Members</b>	<b>\$550.00 + GST</b>		

Pre-registration with payment required!

CM 200 Practical Management Principles – is a work intensive, hands on level of condominium study designed for directors and managers, 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, samples and examples.

**Condominium Management 300 (CM300) – Executive Room**

9:00 am to 4:00 pm (Sat &amp; Sun) Chateau Louis Conference Centre – 11727 Kingsway Ave, Edmonton

**May 28 & 29, 2016**

**CCI Members**    **\$275.00 + GST**  
**Non-Members**    **\$550.00 + GST**

**Additional attendees****\$200.00 + GST**

Pre-registration with payment required!

CM 300 is a specialty designed management level course for condominium managers, professionals and directors who oversee the self-management of a Corporation. Topics include dealing with the developer, bare land condominium, enforcing Bylaws using sanctions and Court action; handling insurance claims and using insurance claim proceeds; collecting condo fees after caveats, investing and borrowing money; disaster planning; evicting tenants, employee/employer relationships; and human rights matters.

**All of the above events are held at the Chateau Louis Conference Centre.  
 11727 Kingsway NW Edmonton, AB**

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***7th Annual CCI North AB Condominium Educational Conference & Trade Show***
***Saturday, April 30, 2016***

DoubleTree Hotel by Hilton – (formerly Mayfield Inn) 16615 – 109 Ave, Edmonton

Your best value of condominium education wrapped up in one day! Listen to a variety of industry experts tackle a wide range of important issues and network with other Condo Owners, Board Members, Managers and Business Professionals. Register for the full day Conference (Best Value) or if time is an issue register for individual sessions and/or the Keynote Luncheon. The Tradeshow is free to the General Public.

**Register on line for all events!**  
[www.ccinorthalberta.com](http://www.ccinorthalberta.com).

# BUSINESS PARTNER DIRECTORY

<i>Company</i>	<i>Full Name</i>	<i>Phone</i>	<i>E-mail</i>
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Ayre & Oxford Inc.	Roseanne Evans, CPM, ARM, ACM, Associate Broker	(780) 448-4984	roseevans@ayreoxford.com
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<i>Company</i>	<i>Full Name</i>	<i>Phone</i>	<i>E-mail</i>
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Fort Management Ltd.	Jerrica Ross	(780) 791-3948	jerrica@fortman.ca
	Kathy Bowers	(780) 791-3948	kathybowers@shaw.ca
Group Three Property Management Inc.	Michele Curtis	(780) 641-0222	mcurtis@groupthree.ca
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Harvard Property Management Inc.	Laura Sharen	(780) 413-6916	lsharen@harvard.ca
Homestead Property Management	Shirley & Ted Appelman	(780) 203-4105	ted.hpm@hotmail.com
JLR Property Management Inc.	Lisa Wallbridge	(587) 521-2090	lisa.jlr@gmail.com
KDM Management Inc	Brian Fischer A.C.M.	(780) 460-0444	bfischer@kdmmgmt.ca
Key Investment Property Management Inc.	Karen Schoepp	(780) 830-1331	info@keyproperty.ca; karen@keyproperty.ca
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Pinnacle Realty & Management Inc.	Rick Murti, ACCI, ACM, e-PRO	(780) 758-4434	rmurti@pinnaclemgmt.ca
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Prime Property Management	Mark Rousseau	(780) 538-0214	mark@grprime.net
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Real Canadian Property Management Elite	Lorna MacNeil	(587) 275-4663	lorna.macneil@realpropertymgt.ca
Simco Management (Edmonton) Inc.	Ray Pratt	(780) 455-4111	simcomanagement@telusplanet.net
Star Property Developments Ltd. (o/a Star Property Managers)	Dianna Morris	(780) 488-5401	office@starpropertymanagers.com
Stellar Condominium Management Ltd.	Alicia & Bernard Jentner	(587) 990-4583	contact@stellarcondos.com
Strategic Property Management	Diane Drew	(780) 739-6619	dianedrew@shaw.ca; leducpropertymanagement@shaw.ca
TEGA Property Management Ltd.	Susan Milner	(780) 757-7828	smilner@tegapm.ca

<i>Company</i>	<i>Full Name</i>	<i>Phone</i>	<i>E-mail</i>
The Property Shop Inc.	Judy Martin	(403) 346-6970	judy@thepropertyshop.ca
TRC Realty Management Inc.	Richard Kayler	(780) 962-9300	rkayler@trcmanagement.ca
Veritas Management Services Inc.	Tarek Merhej, RPA, FMA, CIM, ACM, ACom	(780) 328-3929	tarek@veritasms.com
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Victorian Property Management Ltd.	Brian Newbert, ACCI, ACM	(780) 463-0066	brian@victorianmanagement.ca
Western Realty Group Inc.	Sarah Henkel	(780) 437-2900	sarah@realtygr.com
<b>ENGINEERING</b>			
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C3 Engineering Technology Inc.	Cliff Swain	(780) 940-5578	C3Engineering@Shaw.ca
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Read Jones Christoffersen Ltd.	Nick Trovato, B.Sc., M.Eng., P.Eng.	(780) 452-2325	ntrovato@rjc.ca
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Williams Engineering Canada Inc.	Dan Mitchell	(780) 424-2393	dmitchell@williamsengineering.com
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Manulife Securities Inc.	Kevin Rendek, FICB	(403) 230-3909	kevin.rendek@manulifesecurities.ca
Morrison Financial Services Limited	Graham Banks	(416) 391-3535	gbanks@morrisonfinancial.com
Pacific & Western Bank of Canada	Karl Neufeld	(604) 984-7564	karln@pwbank.com
William J. Rhind & Associates Ltd.	Will Pozzo	(403) 283-1378	will@wjrhim.com
<b>INSURANCE &amp; INSURANCE APPRAISERS</b>			
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Excel Insurance & Risk Management Inc.	Kevan Letourneau, FCIP, CRM	(780) 453-8420	kletourneau@excelrisk.ca
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Lundgren & Young Insurance - Ironstone	Ryan Fowler	(780) 439-5927	ryan.fowler@landy.ca
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Stevenson Douglas Insurance Services	Dave Douglas, CIP	(780) 758-4144	dave@stevensondouglas.ca
Suncorp Valuations Ltd.	Lisa Pruden	(780) 421-7300	Lisa.pruden@suncorpvaluations.com
Westgate Perma Insurance Ltd - The Co-operators	Gregory Clark	(780) 448-7137	gregory_clark@cooperators.ca

<i>Company</i>	<i>Full Name</i>	<i>Phone</i>	<i>E-mail</i>
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Abris Construction Inc.	Nathan Kawulka	(780) 906-8055	nkawulka@gmail.com
Alberta Beverage Container Recycling Corporation	Chelsea Webster	(403) 264-0170	cwebster@abcrc.com
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All Weather Windows Renovation Div.	Trevor Derewlanka	(780) 451-0670	efradsham@allweatherwindows.com
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C3 Engineering Technology Inc.	Cliff Swain	(780) 940-5578	C3Engineering@Shaw.ca
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Christensen & McLean Roofing Co.	Phil Roy	(780) 447-1672	phil@cmroofing.ca
CK Condominium Consultants Ltd.	John Setterlund	(780) 729-0031	johns100@shaw.ca
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Ebert & Company Construction & Renovation Ltd.	David Ebert	(780) 983.9222	david@ebertco.com
En-Pro International Inc.	Kim Greatrex	(905) 686-6400	kgreatrex@en-pro.com
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G & J Parking Lot Maintenance LP	Grant Wall	(780) 454-0700	services@gjparking.com
Garland Canada Inc.	Richard Lucid	(780) 485-7612	lucid@garlandcanada.com
GeniePad	Rafal Dyrda	(800) 274-9704	rafal@geniepad.com
Great Canadian Sundeck & Railing Ltd.	Mike Buwalda	(780) 490-5539	gcdecking@telus.net
Harlow Pest Control Ltd.	Carly Olcen	(780) 757-2999	info@harlowpestcontrol.ca
Karlen-Elecom Ltd.	Mickie Poon	(780) 453-1362	mp@elecom.ca
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- ✓ Provide tenant with a copy of the Move-out Inspection and estimated damages (if any)

**117-355 Loutit Road, Fort McMurray**  
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