

CANADIAN CONDOMINIUM INSTITUTE
NORTH ALBERTA CHAPTER

INSITE TO CONDOS

THIS ISSUE:

Condos in Bloom
Contest Winners

Managing Board
Conflict

Effective Evidence for
Court Applications

VOL. 32, ISSUE 1 - FALL 2018

Canadian
Condominium
Institute

CCI

North Alberta Chapter

Institut
canadien des
condominiums

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.

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MESSAGE FROM THE PRESIDENT

BY ANAND SHARMA

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Welcome to the fall edition of the *Insite Magazine*.

CCI North Alberta has been busy over the summer due to the draft Condominium Property Act Regulations being released. I outline some more details in my government advocacy report further in this magazine however I do want to thank all the volunteer committee members for their immense work over the summer on behalf of the condominium community.

CCI North Alberta held its annual golf tournament this year at the fantastic Broadmoor Public Golf Course in Sherwood Park. I thoroughly enjoyed meeting our members and their guests, along with condominium industry participants on a warm

and smoky day! Thank you to Trinity Player and Duane Anderson along with the entire volunteer crew for once again organizing an amazing tournament. The best part was raising nearly \$1000 for the Food Bank along with food donations!

CCI North Alberta is excited to welcome Veronica Bishop as our new Marketing and Administration Coordinator. Veronica has already had a positive impact on our office, I look forward to working with her to meet our member needs in the coming weeks and months. Welcome Veronica!

If you have not renewed your membership yet, or know of potential members who could benefit from joining our organization, please do not hesitate to contact our

office. We have set lofty membership goals this year, and we could use your assistance in reaching our targets!

Finally, our Annual General Meeting will held at the Chateau Louis Hotel and Conference on the evening of October 2, 2018. I encourage all members to attend. This year we will have a volunteer appreciation event, followed by the AGM, and then conclude the evening with a legal panel session where you can ask any burning questions that you may have. Hope to see everyone there!

Anand Sharma

President, CCI North Alberta





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Barb Surry is a CPA and CMA who graduated from the University of Alberta and now has her own public practice.

MEET THE BOARD

BARB SURRY

Q: Your involvement with CCI has spanned well over a decade. How has the role of CCI changed in that time?

A: *CCI has become more professional over time. In the early days, the legislation was less informative, and owners and managers were not as knowledgeable because the information sources were not very good. CCI has grown in its success in "showing many Board Members how things should be done" and has had great success in providing valuable and accurate information for owners, Board Members, Managers and industry professionals. It is an organization that I am proud to be able to say, "I have been a part of that."*

Q: What's the biggest reason you have stayed involved with CCI as a board member?

A: *I believe in CCI's value as an educator and as an organization that brings people together so they can learn from each other. I also very much like the team and the opportunity to work with such a great group of people.*

Q: What is the best advice you've ever received?

A: *Don't take it personally.*

Q: What's the best piece of financial management advice you would give to condo corporations?

A: *Contribute what is recommended to the Reserve Fund, budget wisely and adequately, and live with that budget. Follow the Act.*

Q: If you were to go back to school,

what major would you choose?
A: *Politics.*

Q: Why should condo corporations engage in annual audits?

A: *An audit provides assurance to the owners that what is being reported to them is correct, provides information as to how the funds are being spent, whether the corporation is meeting the budget, and the financial position at the fiscal year end.*

Q: How did you get started in the industry?

A: *I was on the Board of a Condominium and a property manager asked me if I would like some work.*

"[CCI] is an organization that I am proud to be able to say, 'I have been a part of that.'"

Q: What's your favourite technology tool to date that has made your job easier?

A: *Good audit software, email and PDF documents.*

Q: What person, living or dead, would you most want to have a conversation with?

A: *Winston Churchill.*

Q: What are you most grateful for?

A: *My education, and that I was lucky enough to have a dad that said, "get an education."*

MEET THE BOARD

TRUDY ANDERSON



Q: With your wealth of experience, what is the biggest change in condo management you've seen?

A: Board members and owners are (trying) to be more educated as they learn the responsibilities of each. Interest is high on all sides of the table.

Q: What job would you be terrible at?

A: Healthcare for others, especially children. I have so much respect for those folks but I would spend most of my time hiding with a crying towel in my hands. I believe in angels and they fill that bill for sure.

Q: What do you feel are the key components to your role as a Manager with your boards?

A: The Manager needs to help Board make decisions that are in the best interest of the owners as a whole. Personal "shopping lists" must be left at home and a Board member needs to leave his/her owner hat outside of the Board room. In some cases Boards are administering the business of a community larger than some small towns and this no easy task or responsibility.

Q: How would people communicate in a perfect world?

A: It would be nice if we could get some voice to voice back into communication. Some folks don't see each other for months and they are so busy texting that they don't see the world around them. I remember being at the seawall in Vancouver watching people walking around playing that game on their phones and I honestly sat there waiting for someone to fall over the wall! People walking with others and not paying attention to anyone in the group and oblivious of the park around them.

Q: In your opinion what are the ingredients for a successful condo board?

A: More education and awareness of the indus-

try and the ongoing changes.

Board members need to learn to work with each other, respect the other's opinion even if we don't agree with each other, which can often happen. Decisions made at the Board table are made by the TEAM all must be supportive of those decisions.

Q: If you were the CEO of your own company name one thing you would make compulsory in the office and one thing you would ban in the office?

A: Facebook

Q: Congratulations on your new position as the Chair of the Education Committee! Are there any new aspects of condo education we can look forward to this year?

A: We are hoping to be able to bring the rules and regulations to Boards so they are aware while making important decisions. Just we don't like a rule doesn't mean we don't have to follow it. Things are changing quickly and I am hoping that Boards will learn that they need to build a professional team around them - lawyer, auditor, engineer, manager The professionals can offer such wonderful advice and hopefully Boards will take that advice and move forward in a responsible manner. We plan to put some of these professionals in front of our information/education sessions for the benefit of everyone. Much of this information and advice can be hard to come by without the benefit of CCI and their speakers.

Q: What person, living or dead, would you most want to have a conversation with?

A: President Obama without a doubt. I went to see Michelle Obama when she was here but I would pay double to hear him speak.

Q: Technology has become a huge part of daily life. How did you manage previously without a cellphone and internet?

A: Frankly I have no idea how I managed without a cell phone. At one time all I wanted to do was dial a number and press send to make a call. Now, after being challenges my children I have learned that I NEED text and email contact. What amazing time savers these are. I remember the days of the good old fax machine and I am in no way sorry to see that gone for the most part. Of course the downside of these is the need to be immediate with response and

"The Manager needs to help Board make decisions that are in the best interest of the owners as a whole."

information. I find often that some people do not take the time to think about what is in front of them.

Q: What are you most grateful for?

A: My family without a doubt. I am so proud of them all. My children are grown and I have 8 fabulous grandchildren and one great granddaughter. I have a daughter and granddaughter both born on my birthday and a granddaughter born on my mother's birthday. Grandma's bragging for sure but somewhere down the line I think I have earned it!



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GOVERNMENT ADVOCACY REPORT

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Your Government Advocacy Committee has been very busy this summer working on your behalf to address the new proposed Condominium Property Act Regulations.

Our committee has met several times this summer to respond to the draft regulations that were released to the public in early July. Many thanks to the committee comprised of Hugh Willis, Melissa Stappler, Victoria A. Archer, Chris Vilcsak, Dawn Mitchell and Executive Director Alan Whyte for their tireless work this summer to ensure that CCI North Alberta's voice is heard by the Alberta Government on these critical regulations in a timely manner.

While CCI North Alberta support the concepts of enhanced consumer and owner protections as well as board transparency, this must be balanced with the idea that condominium governance should not be so onerous that it is unmanageable and extremely costly to the owners it purports to protect. Good policy addresses remedies for the exceptions, not wholesale changes in areas where best practice is the norm.

On July 12, 2018 we held a sold-out event outlining areas of concern proposed in the new regulations. This event was free for all members and open to the public thanks to the sponsorship of KDM Management, Condominium Financial, HUB International

Insurance Brokers, REALTORS Association of Edmonton, and Wade Engineering. Committee members Dawn Mitchell, Hugh Willis, and Victoria A. Archer participated in this panel discussion. A heartfelt thanks to the panelists and sponsors for making this event a success.

Our committee completed a 34-page submission outlining areas of concern and proposed solutions, both conceptual and language based, that would improve the regulations. We also completed two separate submissions related to issues of chargebacks and changes to voting that are currently in the Condominium

Property Act. These submissions are currently on our website and were circulated to our members. We have asked the Alberta Government to not proclaim these sections as they do not benefit the condominium community and are ill-advised.

On July 24, 2018 members of the Government Advocacy had the privilege of meeting our new Service Alberta Minister, the Honourable Brian Malkinson. In this meeting we shared areas of concern related to the Act and the regulations. Minister Malkinson expressed his thanks for our work, and indicated that Service Alberta would follow up with our submission.

On August 13, 2018 members of our committee met with Service Alberta to review aspects of our submissions. A hearty and informative discussion ensued.

In the coming months our committee will be preparing seminar and course material related to educating the public on the changes in the regulations and how they impact condominium corporations. We will also be looking to address cannabis in condominiums more comprehensively through educational articles and sessions.

Anand Sharma

Co-chair, Government Advocacy Committee



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GOLF MIXER 2018

Even the smoky haze didn't deter us from enjoying a great day in the outdoors for the 2018 CCI North Alberta Condo Golf Mixer. 136 golfers registered for this year's event which featured a new venue, the Broadmoor Public Course and a morning start time after years of hosting afternoon events.

Golfers gathered in an array of outfits and dispositions (some people just need their coffee before meeting anyone in public) to round up their teammates, locate their carts and start preparing their excuses. A few diehards even took to the driving range in hopes of either ridding themselves of a few bad swings or trying to recover the skillset of their long lost youth. Meanwhile, Hole Sponsors patiently waited to set up at their assigned holes with last minute details either revised or resolved in short order. Course Volunteers led everyone out to their assigned starting holes and shortly after 9:00 am the fun began.

The course was in great shape and golfers found

lots of activities to keep them entertained during the round. No one was able to fill their wallets on either of our Hole in One Par 3's (did anyone even come close?) however when it came to our Speed Hole, teams found their stride with 9 teams breaking the 2 minute barrier and the fastest team completing the 5th hole (318 yard par 4) in a record time of 1:07. Additional skill sets were required to perform feats such as super spy nerf guns, ping pong, as well as old time favourites such as Jenga and Plinko. Golfers were also treated to a variety of treats throughout the round including not one but two sponsors offering mini donuts and slushies, along with other goodies such as freshly made popcorn, a charcuterie board and a candy confectionary.

By mid-afternoon the golfers had finished their round and headed into the clubhouse for a well-deserved lunch buffet and try their luck on a variety of draw prizes. Emcee Duane Anderson did a masterful job of moving things along while also



building the necessary tension as we headed to the Grand Prizes. Highlights included a \$500 West Edmonton Mall shopping spree, a unique "Visit the Pandas at the Calgary Zoo" package and a \$1000 West Jet travel voucher. In addition thanks to everyone's generosity we collected 70 kg of food and almost \$1000 for the Edmonton Food Bank. Nobody went home emptied handed however as all golfers received a customized CCI portable Bluetooth speaker to enjoy their favourite tunes on.

THANK YOUs

An event of this magnitude is not possible without the assistance and efforts of our wonderful volunteers. Special thanks to all who assisted starting with our Committee Chair- Trinity Player and Sponsorship Chair- Duane Anderson. On Site volunteers included Board Members Anand Sharma, Chris Vilcsak, Dawn Mitchell, Sandi Danielson, Susan Milner and Trudy Anderson as well as Anna Chorzempa, Breanna Newbert and Deah Harrison. Our newly hired Marketing and Administrative Coordinator, Veronica Bishop did a lot of the preparation work behind the scenes and introduced herself to the masses during the day.



Kudos to Trent, Heather and the staff and volunteers at the Broadmoor Public Golf Course for all of their efforts in making the day the success that it was.

To our Title Sponsor - HUB International Insurance Brokers and all of our hole and prize sponsors, many thanks for your much needed support to allow us to keep entry fees reasonable and your creativity in keeping everyone refreshed and entertained throughout the round. Please pass on our thanks to your volunteers who hosted your sponsored holes as well.

To our supporting and prize sponsors, thanks for your donations that allowed us to perk up a number of golfers spirits at the end of the day. It didn't matter whether they won through some aspect of skill or just sheer luck, the smiles on the winners faces showed how much they appreciated your contributions.

Last but certainly not least, our grateful appreciation to all of the golfers who took time out of their busy schedule to find hopefully an escape from your day to day rigours. We received lots of positive feedback from our post event survey along with some well-meaning suggestions to help us improve for 2019!

We look forward to seeing a combination of new and familiar faces back next summer for another great event!





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MEMBERSHIP *Musings*

Welcome to Membership Musings – the Membership Corner of Insite. Our commitment is to work on various initiatives this year to increase our value to our members. We value our members and want to hear from you, come and join us at our events.

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BECOME A MEMBER

Condominium Owners/Board of Directors – You are Invited!

Become a part of the local condominium community and take advantage of the educational and networking opportunities offered. The Canadian Condominium Institute ("CCI") is an independent non-profit organization formed in 1982 with chapters throughout Canada including a very active North Alberta Chapter. It represents all facets of the condominium community, from individual owners to condominium corporations as well as professionals and businesses that service the condominium industry.

All paid members receive the following benefits:

- **Complimentary Condominium 101 Directors Course- "Board Basics and Best Practices"** for any Board Members (limit of 4 members/session) from a CCI NAB Condominium member. A 3 hour introductory seminar that will cover the basics of Board Governance, Financial and Administrative Responsibilities as well as your Legal Obligations as a Corporation.
- **Complimentary Condo Owner Essentials Session- "Understanding Condo Living"** for all Individual members and any resident/owner of a CCI NAB Condominium member. This introductory course is geared specifically for condominium owners to understand their rights and responsibilities and how condominiums operate within the province of Alberta.
- **Discounts of up to 50%** on educational courses, seminars, luncheons and annual Alberta Condo Expo for any Board member, owner or resident of the condominium.
- **Complimentary "InSite to Condos" Magazine** sent to all Board Members on a quarterly basis with a wide range of current and informative articles and updated Business Partners Directory.
- **Website access for the Members Only section** that includes posting questions on our Online Message Forum to get assistance from other members as well as access to a number of online resource materials only available to current Members.
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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.

For more details contact:
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CCI represents all areas of the Condominium industry, including Condominium Corporations, Owners, Professionals and Business Partners. CCI is celebrating over 30 years of success, and the organization is still growing and developing through the input of its members to better meet the needs of the entire condominium community. Thank you for supporting CCI, so that CCI can continue to support you.

Take advantage of all the benefits your membership offers including:

- **Free listing in our Business Partner Directory** (Quarterly Magazine and Online Listing)
- **Direct access to Condominium Managers and Board Members** at all events throughout the year
- **50% discount on advertising rates** in our "Insite to Condos" Magazine (Circulation 4500 plus online viewing)
- **Become a valuable industry resource** by lending your expertise as an author of relevant articles and assisting with speaking engagements or course instruction.
- **Sponsorship opportunities** at various educational and social events to help increase your profile.
- **Opportunity to give back to the industry** by assisting on a committee or volunteering to run for a position on the CCI Board of Directors.

Whether you are a small operation looking to take the next step or a well-established firm with the opportunity to increase your market share, joining CCI will open numerous opportunities to build your business. Why not take advantage?

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Condos in Bloom

Our second annual Condos in Bloom competition was held over the summer to recognize the gardening efforts of both condominium complexes and individual units. The contest was open to all condominium owners and corporations in the Greater Edmonton area and we received double the amount of entries compared to our inaugural year. The quality of the gardens along with the variety of flora and creativity of design was most impressive!



Learning from last year we moved up the judging a month earlier to be able to view the gardens closer to their prime. Even with that advantage, the extreme summer heat created a challenge for the gardeners to keep their prized possessions looking pristine. Each entry was judged on three criteria - Visual Impact, Design and Creativity, and Maintenance. Our three volunteer judges spent a full day being chauffeured from one entry to the next and tabulated their own scores before reviewing all entries and determining the winners. Special Thanks to Sandi Danielson, Sharon Kilbride and Cathy Whyte for their time and insight to judge this year's entries.

We want to thank all of the individuals who took the time to nominate entries and of course to all of our participants whose dedication to their craft plays a role in brightening up their community. The winners for the best individual unit and condo complex will be recognized at our Annual General Meeting on Tuesday, October 2nd.



GRANDIN HOUSE



**CASCADES AT
LARCH PARK**



CONDOMINIUM COMPLEX

Winner - Grandin House

Honorable Mentions - Hudson House /
Kennedale Ravine / The Place at Lakeside



CONDOMINIUM UNIT

**Winner - Deanna & Larry Nemirsky,
Cascades at Larch Park**

Honorable Mentions - Bonnie Evans, Regency
Heights 2 / Charlene Sinclair, Manor 1910 /
Gilda Valli, Yellowbird Court



CCI EDUCATIONSTATION

LUNCHEONS

Cost: \$35.00 incl. GST – Non-Members: \$45.00 incl. GST
Cost includes light meal (soup & sandwiches), networking, 30 to 40 minute presentation and question time.

Dealing with Tenants in Condos - What You Can and Can't Do Friday, September 28, 2018 @ 11:30 AM - 1:00 PM

This session is geared for condominium managers and board members to discuss how to manage difficult situations that may arise in rental units. Whether the issue is tenant or landlord focussed, residents, tenants and owners alike must be able to live in a community with minimal confrontations and effects on the community. Share your concerns, questions and solutions with our panel and those attending.

Improving your Financial Awareness Thursday, October 25, 2018 @ 11:30 AM - 1:00 PM

Understanding what the numbers tell you goes a long way to understanding the financial health of your condominium. Learning the basic terminology, key areas to focus on when reviewing financial statements, creating an arrears protocol and expense approval process are all tools that are included in any Financial Best Practices play-book. Both Managers and Board members will feel more confident following this session when dealing with future financial matters.

EVENING SEMINARS

Cost includes coffee and dessert, networking and 2 hour presentation and question time.

Creating a Fire Safety Plan Wednesday, October 10, 2018 6:30 PM - 7:00 PM Networking / 7:00 PM - 9:00 PM Cost: \$40.00 incl. GST – Additional Members* - \$20.00 Non-Members: \$60.00 incl. GST

This session is being held during national Fire Prevention Week to increase awareness for the unique challenges condominium properties face when it comes to fire prevention. Nobody can anticipate whether or not their building will be the next bad news story so make sure at the very least that you have procedures in place to minimize the devastating impact that these fires create. Remember it's not as simple as deter-

mining a muster point and having a current list of residents for the fire department. There are Fire Code requirements, Insurance implications, resident training and communication plans to consider as well. Join our panel of professionals to understand the obligations to complete your due diligence on the important matter.

The Ins and Outs of Meeting Minutes Wednesday, November 14, 2018 6:30 PM - 7:00 PM Networking / 7:00 PM - 9:00 PM Cost: \$40.00 incl. GST – Additional Members* - \$20.00 Non-Members: \$60.00 incl. GST

What do you put in and what do you leave out? Whether it's questions on proper wording of motions, recording of votes, inclusion of reports and financials, etc., we receive inquiries on proper minute taking regularly. Privacy is a concern for everyone and this session will help you know what is to be protected and what must be included to make meeting minutes inclusive with the business of the meeting. Accurate and complete minutes are imperative as they are a records of the business of the Corporation and they will (should) support decisions and actions taken by the Board.

Condo Owner Essentials: Understanding Condominium Living Tuesday, November 20, 2018 @ 7:00 PM - 9:00 PM FREE to All CCI North Alberta Members – Non-Members: \$50.00 incl. GST

This introductory course is geared specifically for condominium owners (and those individuals considering becoming one) to understand their rights and responsibilities and how condominiums operate within the province of Alberta. We will cover the basics of Governance, Financial and Administrative obligations and identify key documents every owner should have in their possession. We will touch on how to best address issues you may have with the Board, manager or a fellow resident as well as your additional duties as a landlord in a condominium setting. We will also leave time for additional questions from those attending.

WEEKEND COURSES

Condominium Management 100 (CM 100) Saturday, October 20, 2018 (NEW- One day only) 9:30 AM - 4:30 PM

Cost: \$175.00 incl. GST – Additional Members* - \$100.00
Non-Members: \$250.00 incl. GST

This course is invaluable for new managers, Board members and owners who are interested in being aware of the overall process of Condominium Management and administration. Part of the CM 100/200/300 series, this session delves into how condominiums are created and governed, Board administrative and financial responsibilities, management considerations and meeting protocol.

A continental breakfast and light lunch are provided along with a significant resource binder that will be very beneficial for future reference.

Condo 101 – Board Basics & Best Practices

Saturday, November 3, 2018

9:30 AM - 12:00 PM / 12:00 PM - 12:30 PM Networking

FREE to All CCI North Alberta Members – Non-Members: \$50.00 incl. GST

An introductory session to help outline and clarify the responsibilities of the Board to properly execute the administration, financial and governance aspects of the Corporation. We will address a number of Best Practices for you to review with your Board and consider implementing. Take advantage of the networking session following the course and meet others who may be able to share first-hand knowledge of similar challenges that you may be experiencing.

MANAGEMENT COURSES

Condo Manager Session:

How the Upcoming Changes Affects your Role

Thursday, November 29, 2018

9:30 AM - 12:00 PM / 12:00 PM - 1:00 PM Networking

Cost: \$75.00 incl. GST – Additional Members* - \$50.00

Non-Members: \$125.00 incl. GST

We anticipate by this time that the Government will have released the Stage 2 Regulation updates as well as indicate which sections of the Condominium Property Amendment Act will be coming into force. This session will help make managers aware of the key changes that will affect the management of the Corporation once enacted. The changes are substantial and will vary in detail and complexity so it is critical for any condominium manager providing direction for their clients that they understand the nuances of the added responsibilities.

A networking luncheon will follow to discuss any concerns and learn of possible solutions for ongoing challenges the legislation changes may bring.

* - Additional Members of the same CCI NAB
Member Condominium or CCI NAB Member Company

Pre-registration is required for all sessions. To
register visit our website at:

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ON BOARD

THIS ISSUE:

- ▶ **Owner Authorization to Receive Documentation via Email**
- ▶ **Managing Board Conflict**
- ▶ **Top Ten Ways to Communicate with Condo Owners**

OWNER AUTHORIZATION TO RECEIVE DOCUMENTATION VIA EMAIL

As of January 1, 2018 the Condominium Property Act of Alberta was amended (among a number of other changes) to allow a corporation to send notifications to owners electronically provided the owner has provided consent to do so. The Act reads as follows:

Service on owner 71.1(1) A document, including any written notice or request, may be served by a corporation on an owner

- (a) by personal service on the owner,
- (b) by ordinary mail or recorded mail addressed to
 - (i) the owner's address as registered at a land titles office, or
 - (ii) an alternative address for service provided by the owner to the corporation, or
- (c) by electronic means to an electronic address that the owner has specifically provided as an address to which information may be provided by those electronic means.

Willis Law has kindly provided CCI North Alberta with a proposed template that condominium corporations can use to obtain an owner's written consent to receive documents by email. **An electronic copy of this template is available on our website to download.** Please ensure to review the disclaimer listed below.

DISCLAIMER

The attached Owner Authorization to Receive Notices and Other Information By Email form is a suggested form for use by condominium corporations.

We recommend the use of this form as one piece of a larger strategy and set of controls implemented by condominium corporations to demonstrate that owners have been engaged and notice has been provided pursuant to the Condominium Property Act, R.S.A. 2000, c. C-22. Condominium corporations, Condominium Managers and Boards of Directors of

condominium corporations should document their strategies and communication efforts. This includes measures taken to demonstrate that consent was obtained, notices sent out, and that all obligations pursuant to the Personal Information Protection Act, R.S.A. 2003, c. P-6.5 have been met. Condominium corporations, Condominium Managers and Boards of Directors of condominium corporations are encouraged to consult their legal advisors with any questions they may have.

The information contained herein is provided for informational purposes only. It is not, nor is it intended to be, legal advice. You should consult with a lawyer for advice regarding your individual situation.

Sincerely,
Hugh Willis, Willis Law

CONDOMINIUM CORPORATION LEGAL NAME, operating as AAA

Owner Authorization to Receive Notices and Other Information By Email

I/we, the Owner(s) of the following unit(s):

(print legal and/or municipal unit description(s))

expressly authorize **CONDOMINIUM CORPORATION LEGAL NAME, operating as AAA** (the "Corporation") to send any notice or correspondence required under the Bylaws, the Condominium Property Act, the Condominium Property Regulation, or as may otherwise be directed by the Board of Directors, to me/us at the email address listed below.

It is further acknowledged that I/we will check the email address periodically. Neither the Corporation nor its Board of Directors is responsible for spam filter settings or any other problems (electronic or otherwise) resulting in an email not being received or read by me/us. It is my responsibility to update the Corporation if my email address changes.

Email address: _____

Owner: _____ Date: _____

Owner: _____ Date: _____

Note: If there is more than one person on title, a signature is required for each person.

If a unit is owned by a Corporation, an individual authorized by the Corporation must sign on behalf of the Corporation.

For the Corporation's use:

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MANAGING BOARD CONFLICT

BY JULIE ADAMEN

I know it's a shock, but, there's a lot of conflict in community management. Some of the most difficult, from a manager's point of view, is that which arises between Board members. That conflict can be very stressful, particularly when the members try to drag the manager in to their internal spats. Some you can help, but the vast majority of Board conflict is not only rife with danger for the average manager, but can't be solved by them anyway.

Conflict you should see coming (and can help resolve):

Board members don't understand their role(s)

Most folks have no idea what is in store for them when they join a Board of Directors; and they sure don't know what is expected of them, unless someone provides that information. It's either going to be the manager, a veteran member of the Board, or both. If the Board is savvy, they will require some sort of Board Orientation take place every year, right after the Election of Directors. Orientation gives everyone some knowledge of how the Board operates, how the chain of command works and which office does what.

Lack of information

As the manager, this is right in your bailiwick: You are the provider and purveyor of information for all things association, communicating early, often and with a smile. Give those Board members the information they need to be comfortable with their role (and yours). Good managers can see these guys coming a mile away, so there's no ex-

cuse not to address the uninformed Board member and their concerns right up front and avoid the conflict that will be inevitable otherwise.

The above are likely the only scenarios where the manager can actually mitigate conflict. The other sources of conflict that arise between Board members due to personalities, competing agendas, the need for attention, etc., are issues usually unsolvable due to their personal nature; thus, the only thing you can manage is the stress that conflict induces on a long-term basis. By taking this tack, you manage your mental health, your job, and the account around the conflict.

Short-term conflict management

Short-term political conflicts usually

consist of issues that Board members can resolve themselves because the issue is negotiable and the members accommodating. For example, two members of the Board may put their name in for the office of President. The vote is close, but Mark wins out over Kellie. Kellie is very unhappy with the election results. Mark immediately nominates her to become Vice President, negotiating with Kellie by throwing his support behind her for the # 2 slot. She accepts and is a party to the negotiation. The Board votes Kellie in, accepting the negotiation and moves forward. The manager did an "excellent" job of sitting quietly and letting the situation play out.

Managing long-term Board conflict

Long-term conflict between Board members is simply a fact of life. If

you are going to survive and manage within these environments, here are some key things to remember:

- **Remain impartial.** *You can be empathetic to the conflict, but resist - with a smile - being dragged in to it and on one side or the other. Taking sides in any conflict where you are the expendable person (i.e., you are an employee) has danger written all over it.*
- **Listen attentively - but not too long.** *When the parties to conflict call you or drop by your office to complain about the other person (and they will), listen politely and attentively, but always find a reason to cut it short. Listening for too long not only wastes time but can give the impression that you are sympathetic to their cause and thus on their side.*



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- **If they are persistent in dragging you in to the conflict,** firmly but politely decline the invitation to this disaster-in-waiting. What to say? Think the language of politics and diplomacy (or, stone-rubbing and incense): "I see both points of view, and I like both of you, so I am hopeful you can work things out and we can move forward together. I have no opinion on this matter."
- **Rarefied air:** Use a professional mediator. If your community has the budget for occasional experts (and are big thinkers) this is a great way to go: An impartial third party, skilled in dispute resolution, that isn't free and isn't you. Excellent.



Anytime a Board member knowingly or unknowingly poses risk to themselves or the association the manager should attempt to inform the Board of the risks. This can be dicey on a good day and dangerous on a bad day. Provide the information in a professional and unbiased manner and allow the Board to come to their own conclusions.

to manage around Board conflict as best you can by remaining impartial and resisting every effort they make to drag you in to it.

Remember: It's their life and their community. Conflicts will come and Board members will, eventually, move on. We are the professional administrators and our job is to go the distance with the community and for companies. To do that, we need to avoid the mine fields wherever we can and insert ourselves only when it's appropriate and when odds are it will have a positive outcome for all involved.

Julie Adamen is President of Adamen Inc., a consulting, education and employment firm specializing in the community management industry. Julie can be reached via email at: julie@adamen-inc.com

Are you the cause of the conflict?

If you are the source, or perceived to be the source, of conflict, examine why that is and change your behavior with regard to the issue. Or, go to your executive and ask for help and be honest about your involvement. Sometimes, your relationship with a community has simply run its course. Again, you are the expendable party and when it comes down to you or a homeowner who lives there.

Should a manager become involved in conflict?

So, what's your job?

- (1) **To keep the account for your company; and,**
- (2) **to manage it in a professional manner.**

These two points are all that matter. The daily conflicts or long-term conflicts between Board members are just a part of human nature and, as a result, a part of your job. The interplay of board politics and personalities do make our work very interesting. Know that resolving conflict is only some times within your abilities or your purview. For the most part you need

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TOP 10 WAYS TO COMMUNICATE WITH CONDO OWNERS

1

Welcome Package / Committee

What better way to communicate with owners but when you first receive notification of the change in ownership. Creating a simple FAQ (Frequently Asked Questions) sheet along with a document checklist to ensure they have all the required condo documents (and where to get it if they don't) is invaluable. Having a welcoming committee to say hello once someone moves in so they can put a name to a face helps with the transition as well.

2

Condo Website

You no longer have to be really tech savvy to utilize any number of the website template services available specifically for condominiums. CCI NAB Members include GeniePad and Togondo and there are also plenty of other options available for you to check out. Determine what features each provider offers before you commit to anything and don't hesitate to start with the basics until you feel comfortable adding more website tools. The key factor is to ensure someone is designated to keep the information posted as current as possible.

3

Community Bulletin Board

Best suited for apartment style condominiums, having a central area to post notices where residents constantly walk by on their way to and from their unit can help spread the word. Whether it is by the entrance doors, inside the elevator, or next to the mailboxes having a designated area that residents see on a daily basis will be useful. Try to limit the text and add some colour or images to make things stand out.

4

Newsletters

The advantage of having a newsletter, whether it is digital or physical, is the ability to add a little colour into your message. Not only do condo owners get a more visual representation of what you're talking about, but you can get the owners personally more involved by allowing them to submit messages or photos about the condominium. Avoid the trap of becoming the "wagging finger" where everything starts with "Don't do this..." and balance each issue with praise when warranted, project updates and of course a little bit of humour.

5

Online Storage

Online storage services such as Google Drive, Dropbox, iCloud and OneDrive have a free starter package to host condominium documents if you don't want to go the website route but have somewhere where owners can get their condominium documents from anywhere at any time. There are different options for access to consider (for example separating Board and Owner documents) and there may be additional minimal monthly costs if you exceed the basic storage limits which vary with each provider.

6

Board Meetings

Use Board Meetings as an opportunity for owners and residents to make inquiries or bring forward any concerns prior to the start of each meeting. If the Board needs to consider the request it can be added to the New Business portion of the Agenda and discussed in private at that time. Make sure to follow up with the individual owners in a timely manner following the matter so they know what decisions were made or what steps need to be taken to review the matter further before finalizing a plan of action.

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7

AGM (Annual General Meetings)

Typically the AGM is the one time each year that Owners get together to get caught up on the business affairs of the Corporation. Make the most of this opportunity by ensuring the owners have all of the pertinent information in advance so they can review in advance of the meeting. Make a point of having an Owner Q & A as part of the New Business portion of the Agenda and encourage owners to submit relevant agenda items in advance so that the Board and Manager can prepare some information to share with those in attendance rather than being blind-sided at the meeting. Watch for changes in the upcoming Condo Regulations that will likely address this issue in more detail.

8

Information Sessions

Sometimes a situation can't wait to be discussed at the next AGM and either due to the scope or urgency of the matter it is best discussed in person. Examples would include unexpected large capital expenses that may require either a loan or special assessment to take care of or perhaps a review of your current bylaws to deal with recent legislation changes. Providing an opportunity for owners to hear from professionals when required and to provide some direct feedback prior to decisions being finalized helps reduce the "Board vs. Owners" perception.

9

Social Events

Life is too short to focus just on the business side of things all the time. Whether it's a pancake breakfast and spring cleanup, potluck picnic, charity food or clothing drive, any idea to create more community within your complex is beneficial. Getting to talk to your residents on a more casual basis also tends to keep things relaxed and you may find some additional skill sets or other opportunities to help share the work-load in the future.

10

Face to Face

Some Board members have a tendency to keep their visibility to a minimum for fear of being inundated with complaints or worse yet harassment. On the other side of the coin however, the more face to face interaction you engage in, the better idea you have of who lives in your community and this helps create a persona of the Board rather than a faceless entity. Who knows, you may find a prospective committee or Board member just by introducing yourself when the opportunity presents itself.

Thanks once again to all of you who sent in your suggestions to help us create this list!

CAVEATS TO CONSIDER

Any correspondence sent out to the Owners should be reviewed by someone on the Board prior to it being sent out. The assumption regardless of who sends the communication out is that it was done with Board approval so review accordingly.

- Never make it personal no matter how upset you may be over the matter you wish to communicate to the owners about.

- Don't be afraid to ask your owners if you require some expertise to assist with things like creative design, notification deliveries, or organizational assistance for upcoming events.
- Remember to respect people's privacy and ensure no personal information is shared on your communications without prior consent.



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THE CAUSE & EFFECT OF EQUIPMENT NEGLECT

PREVENTATIVE MAINTENANCE TO CURE YOUR HVAC WOES BY AMBER FOREST

When it comes to a building's Heating Ventilating & Air Conditioning (HVAC) system, often it's a case of out of sight, out of mind. That is, of course, until it's not working on the hottest or coldest day of the year. This reactive approach can cause many operational issues, with increased costs and repairs being at the top of the list. Driving a car for miles on a flat tire or without oil is unsafe and would cause considerable damage to the inner workings of the vehicle. A building's HVAC system is no different - equipment neglect is never a good thing.

Here are a few common issues to look for in your HVAC system:



Plugged, Low Quality or Dirty Air Filters

Low quality, plugged or dirty air filters can reduce air flow, increase energy costs and cause poor indoor air quality. The main purpose of a furnace filter is to protect the blower fan from all the dust, hair and other particles that the return air duct pulls in. While it does help maintain the building's indoor air quality, an air filters primary job

is to protect the blower fan, not to clean the air as many people believe. Clean filters result in a better running fan causing lower energy costs, proper air-flow, increased indoor air quality and comfort.



Dirty Coils

If a system has air conditioning, there will be coils that need to be maintained. Typically, on air-cooled units, there are two coils: the evaporator (inside the furnace plenum) and the condenser (mounted outside). Keeping the coils clean allows for proper air flow. Dirt can cause coils to freeze up creating high operating temperatures as the equipment runs continuously trying to meet the temperature set point. This continuous running causes stress and unnecessary wear and tear decreasing the overall life of the equipment.

Loose or Cracked Belts

The belts in your HVAC system are one of the key components of the system. If they are loose, cracked or improperly installed they'll wear prematurely. A broken belt will cause complete equipment shutdown instantly stopping the flow of hot or cooled air.

Standing Water and Leaky Pipes

Standing water in or around your HVAC system is a hint that something isn't right. It can be caused by a leak in the heating or cooling system which, over time, can damage the equipment and the property itself. The white noise sound of a toilet running, or the musical 'tap, tap, tap' of a leaky faucet are not only the sounds of money flowing down the drain; these can also be signs of piping wearing out and an affect on the hot water recirculation line. Often people assume that water or flood damage can be claimed on insurance, however an unattended standing water or leaky pipe claim can have a big impact on a condo corporation's insurance policy after only one claim.

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Dirty Burners

A gas burner is typically found in a furnace, rooftop unit or makeup air system. Gas burners can have a deposit of carbon when subjected to incomplete combustion. When covered with a substantial carbon build up, the burners run inefficiently and can create a fire hazard. The inefficient burners cause equipment to run longer and hotter than normal, increasing operating costs and decreasing equipment lifespan/expectancy.

Miscellaneous Debris

Poor housekeeping around HVAC equipment such as improperly stored filters, motors or belts are not only a safety hazard but can also ruin new parts or, cause damage such as leaks or rust in the area. Properly cleaning around equipment not only looks good but is also important for the longevity of the equipment and safety of the building and its inhabitants.



All of this is great to know but how do HVAC equipment issues actually impact real-life situations?

We received a call from a new client whose in house team had exhausted all the obvious possibilities to explain why a makeup air unit was constantly running in the dead of



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Edmonton's winter. VETS' Facility Service technicians diagnosed the problem and discovered that a faulty CO2 sensor located in the parkade was responsible for the problem. The CO2 sensor was consistently, mistakenly registering high levels of CO2, causing the unit to work overtime in an effort to expel the gas. This type of misreading can be caused by improper calibration or a faulty sensor. Unfortunately, prior to solving the issue, the incessant running of the equipment cost the condo corporation as a whole (every unit owner) \$30 000 in gas in one single month.

Benjamin Franklin had the right idea when he said: "an ounce of prevention is worth a pound of cure". The individual who is proactive with regular preventive maintenance on their vehicle: diligent about getting regular oil changes and checking the tire pressure before a long road trip, for example, could see the benefits by not having to replace the car prematurely and incurring unexpected costs. Building owners who understand the risks of putting off regular preventive maintenance are better able to manage their assets and their budgets, keeping risks of unplanned spending or uncomfortable building occupants top of mind.

Amber Forest is the Sales Manager at VETS Facility Services. Founded in 1921, VETS' purpose is to provide healthy and comfortable environments and is also the winner of the 2018 BOMA Pinnacle Award for Customer Service. Email: aforrest@vetsgroup.com



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Disrupting A 6 Billion Dollar Industry:

A Story Of Two Condo Boards In Northern Alberta Who Chose Two Completely Different Paths...

On a dark, crisp, winter's evening, approximately a year ago, two condo boards had their AGM. Both chose new boards.

Both boards were alike. Each had 8 members representing a similar number of total units and average age. There was equal representation of men and women with similar past board and business experience. All had the same outcomes in mind for their term.

Both boards were eager. Their philosophy was to run the board as a business, not a social club, thereby improving on the status quo. This would in turn have a positive impact on the lives of their owners, while being fiscally responsible and protecting and growing their investments.

Looking back over their term, there was a distinct difference between the boards. One was effective, efficient, thoroughly enjoyed their time on the board (even considered another term), and owners literally praised their progress. The other had dysfunctional communication which infuriated owners, went over budget, were left liable for an oversight on a major building upgrade, and wanted to resign.

What Was The Difference?

It came down to a single choice each board made.

Who would they partner with for property management?

Taking the time to research for a reputable PM company is essential to success in our unregulated industry - board members take on major risk and financial responsibility while volunteering their time.

Managing your condominium, when done right, is largely a predictable process. When done wrong, can leave owners exposed and the board liable.

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It became clear when the successful board engaged Mayfield Management Group Ltd. and enrolled in their **Trusted Condo PM Program**, they had made the right decision.

The other board didn't take the time to perform due diligence on their PM company and it turned into their worst nightmare, leaving them at risk of being held liable.

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THE WONDERFUL WORLD OF WATER & WINTER

WHAT YOU CAN DO TO REDUCE THE CHANCE OF HAVING FROZEN LINES BY DAWN MITCHELL

Living in a Condominium is a shared responsibility. Your actions (or inactions) could affect your neighbour, and vice versa.

Most Condominiums are responsible for placing the Insurance Coverage for the Units and Common Property. Part 6 of the Condominium Property Regulation list the perils that a Corporation is to insure against. One such peril is "water damage caused by sewer back up or the sudden and accidental escape of water or steam from within a plumbing, heating, sprinkler or air conditioning system or a domestic appliance that is located within an insured building."

Water Damage has surpassed fire as the number one cause of loss for Condominiums. The result is higher premiums and higher deductibles. It is in the best interest of both the Board and Owners to take steps to make the Corporation less vulnerable to these types of losses.

As can be seen, "normal" Edmonton winters come complete with multiple freeze and thaw cycles. It never fails that a round of very cold weather is followed by a sudden temperature increase, and the water damage claims arise.

Pipes that contain water do not like cold air. When they are exposed to cold air for an extended period of time, the water contained in them tends to freeze. When the water freezes, more pressure is put on the pipe. While the water remains frozen, there are no problems. However, once the water thaws, the cracks made in the pipes by the pressure allows the water to escape.



Being proactive is always better than being reactive. To lessen the chance of a pipe freezing, along with the inevi-

table escape of water, be proactive! If you are going to be away during the "normal heating season", turn off

the main water supply and drain your pipes. If there is no water in the lines, it can't freeze. If you don't know where your main shut off is, ask your Board or Condominium Manager.

If turning the water off is not possible, ensure that the furnace is operational and arrange for someone attend your unit on a regular basis to ensure that the heat is on. This may be a requirement on your Unit Owners Policy, so please check with your Broker to enquire as to the wording on your "vacancy exclusion" and how often the Unit is to be checked.

If the unit is heated by radiant heat, make sure the area around the pipes is kept clear of all furniture or drap-eries. Do not open the windows – es-



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pecially if the drapes are closed. Doing so pushes the cold air down to the pipe.

Buildings that are heated by boiler heat should look into the cost of putting glycol in the system. Glycol reduces the freezing point of water, which reduces the chance of a freeze up.

More and more homes are becoming “connected”. This allows an Owner to be able to control lights, heating, etc. remotely. Many of the “connected” homes have alarm systems that will notify the owner when the temperature in the house falls below a certain temperature or when water reaches a sensor. As well, there are sensors that can be attached to shut off valves, which will close automatically when it senses an unusual amount of water running through it.

Water detection systems can be either passive or active. A passive system would produce an audible alarm and/or light indicator when a leak is detected. The alarm can be monitored via a smartphone or a central monitoring station. The disadvantage with these is that someone needs to be on site to turn the water off.

An active system detects the leak, but also has the capability to shut down the main water supply once the leak is detected. They may be connected to the main building water supply line. When the leak is detected, the valve closes, preventing any additional water from entering the building. The advantage is that the supply can be shut down quite quickly.

Having to move in the middle of winter – with no notice – because you Unit is damaged due to a broken pipe, is not fun and could end up being very expensive for you. Do your part to keep your Unit warm and dry!

Dawn Mitchell is an Insurance Broker with Hub International and specializes in the placement of Insurance Coverage for Condominiums.

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EFFECTIVE EVIDENCE FOR COURT APPLICATIONS BY HEIDI BESUIJEN

You might engage a lawyer for the purpose of making an application before the courts to obtain an Order. This could relate to the non-payment of contributions or a special assessment, to tenants within a condominium corporation, or even be an aspect of a larger piece of litigation which is ongoing. No matter the reason, your application will require evidence put before the Court in order to assist the Court in making its decision.

What does it mean to make an application? Not all legal matters are resolved by trials. Unlike a trial, the evidence in an application does not require witnesses to come before the Court to give evidence. Instead, the evidence the Court considers is in the form of an affidavit. An affidavit is a sworn statement of facts which the person swearing the affidavit (the “affiant”) says is true. The affidavit is part of the documentation which is filed and later referred to when the lawyer goes to court and makes the application. Often statutes, such as the Condominium Property Act, give the ability to ask the Court for an Order – to make an application. In those cases lawyers will draft the application document which is filed and becomes the basis for what is sought.

The strength of an application lies in the evidence that supports it. The Court takes that information and decides if it makes sense in that case to give the Order sought. If the evidence is weak, inconclusive or otherwise unreliable then the Court might deny the application.

But what makes good evidence? First, it's always best for the person that "saw it, heard it, or felt it" to be the one swearing the affidavit. This is because that evidence will be a firsthand account of what happened. A second hand account of what happened is most often referred to as hearsay and is not considered very reliable (with some exceptions). If, for example, a condominium corporation is seeking to evict a tenant, then it is better to have "I saw the tenant spray painting the hallway" than "Sarah called me and said that she saw the tenant spray painting in the hallway".

If you are gathering information for the purpose of providing it to your lawyer to make an application then it can be helpful to make detailed

notes. If we return to the example of the problem tenant, then your notes might describe, how it can be determined that the tenant is the source of the problem, what the problem is, who it is affecting, how it is a violation of the bylaws, the efforts that have been taken to address the problem and so on. It can be helpful to remember the basic questions (*who, what, when, where, why, how*) and to try and answer those as best you can.

Keep in mind that what the Court is doing, at its most basic, is problem-solving. Your application is seeking a

resolution to a problem so you need to be able to describe that problem – and explain that it is a problem – so that the Court will agree that a solution is needed and that the one your lawyer is proposing is the best one.

Some applications will relate to documentation. If a series of notices has been posted to the problem tenant then copies of those notices should be provided to your lawyer. Your note-taking skills will complement these documents. It will make your affidavit stronger to have information about the circumstances of how

"Affidavit: a sworn statement of facts which the person swearing the affidavit (the "affiant") says is true."

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a notice was given to the tenant than to just attach the notice.

Sometimes words are inadequate. Taking pictures can be helpful but if you are taking photos to accompany your information then it is important to note the date, time, and place of where the photo is taken so that it can be carefully described in your affidavit. Sometimes photos don't make sense unless the viewer can understand the context of them. A series of pictures can become a jumble, but that jumble can tell a story if you know for example, that the first picture was taken from the hallway leading into a unit, then from the front doorway, then from the kitchen doorway and finally looking out from the kitchen itself.

Finally, some statements assume a conclusion: "Mrs. Smith's dog was on the loose". How do you know that it is Mrs. Smith's dog? This evidence is more helpful if you can also give evidence about how you know it is her dog.

The examples in this article are simplistic but the principles and tips for gathering evidence can be applied to more complex situations as needed. The main takeaway to keep in mind is that your evidence will become part of the information that the Court will rely on in making its decision. Better quality evidence will be of more use to the Court, and be more effective support to help make your next application a successful one.

Heidi Besuijen is a lawyer that focuses on condominium law at the Edmonton firm of Reynolds Mirth Richards & Farmer LLP.

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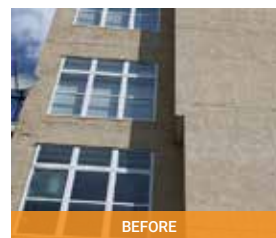
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BLAST FROM THE PAST

A MATTER OF FAIRNESS

BY BERNIE WINTER

We go back to an article printed 15 years ago for this timeless piece that re-emphasizes the additional Board requirement updated this year in the Condominium Property Act.

Section 28(2) Every member of a board, in exercising the powers and performing the duties of the office of member of the boards, shall

(b) "exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances"



The term "fair and equitable" is often used when describing how a condominium should be governed. But what does this phrase mean to each unit owner and the condo board?

The Condominium Property Act and Regulation govern the condominium plan and empower the bylaws, the board of directors and the owners.

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The bylaws, and any policies created to administer them, must not conflict with or contradict the plan, the Act or Regulation.

The condominium corporation must operate in a fair and equitable manner. Each unit owner, who together make up the corporation is given rights, and responsibilities, under this legal structure.

It operates something like a business corporation, with the difference being it is governed by the Condominium Property Act and not the Business Corporations Act.

With this structure in mind, when a board is establishing the criteria for operating the condominium, in other words, creating the policies that the board of directors must follow, it must treat all owner/members of the corporation fairly and equitably.

In simple terms, this means decisions must always be applied to everyone in the same way, with finances managed in a fashion favourable to the members of the condominium corporation as a whole.

For example, if the directors receive a complaint about a pet being on the common property and they decide to fine the animal's owner, to be fair they must apply the same fine to all owners and tenants who have a pet wandering on the common property.

They can't exclude an owner or tenant because they know he or she is a nice person, or because the pet rarely escapes. A board must be careful not to favour neighbours, friends or fellow directors when making decisions.

Acting in an unfair manner or with inconsistent behavior could limit the ability of the board to enforce its bylaws.

With the proper wording in the bylaws, the board may have the power to levy a fine against the owner or tenant, or both, for breach of a bylaw. Under the Act, by-



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laws of a condominium corporation are a contract between the owners and the corporation; when a breach occurs, it is legally treated as a breach of contract.

The board can either impose a fine or petition the court for enforcement of the bylaw and, provided the corporation is acting fairly and reasonably, the courts typically support such bylaws.

The manner in which the board records meeting minutes is also important. These are to be made available to any owner or purchaser that requests a copy.

It is good business practice to refrain from naming an owner who is said to be breaching a bylaw. What should appear in the minutes is the statement that the by law was

breached and that the remedy applied is in line with the policy created by the board.

There are two options available to the board of directors in how it charges fees.

Condominium contributions and special assessments are levied based either on the unit factors shown on



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the condominium plan and title to the unit or on a formula stated in the bylaws. A unit factor defines each condo owner's undivided interest ownership in the common property and their voting share.

Condo corporations with large financial inequities can resolve the problem by amending the bylaws to adopt the formula on which fees will be based.

However, it is the responsibility of the board to manage the finances of the corporation in a prudent but proactive manner.

It needs to ensure there is enough money to keep the condominium in good repair at all times. It must also have a reserve fund plan that allows for future capital replacement.

Other duties include regular updating of the operating budget, with the goal being a corporation that stays in the black.

While the board of directors has great flexibility in how it manages the corporation's funds, its practices must comply with general accounting principles. For example, it is important that the board provide detailed financial reporting to its owners, including supporting statements when a surplus is being accumulated and possibly earmarked for future needs.

However, it should be noted that these examples and comments are general. They are intended to provide insight on the term "fair and equitable."

All condominium corporations are different, so circumstances will vary. It is important that professionals be consulted when the application of these concepts is not clear.

Bernie Winter, A.C.C.I., F.C.C.I. is the president of Condo-Check, (Condominium Support Services Inc).



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