

CANADIAN CONDOMINIUM INSTITUTE
NORTH ALBERTA CHAPTER

INSITE TO CONDOS

THIS ISSUE:

Alberta Condo
Expo 2018

When Your Condo
is Damaged

Legal Corner

VOL. 31, ISSUE 3 - SPRING 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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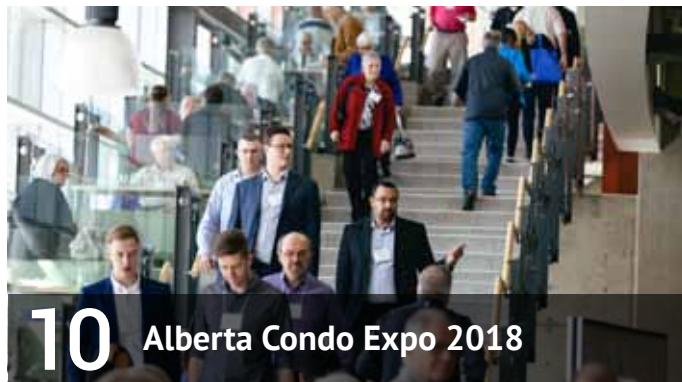
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MESSAGE FROM THE PRESIDENT

BY ANAND SHARMA



Welcome to the spring edition of the *Insite Magazine*!

Things have been buzzing since my last report to you. CCI North Alberta is in preparation mode for our 9th Annual Condo Expo being held at Grant MacEwan University in the Robins Health Centre. Last year we received very positive feedback about our conference and trade show, and we will continue to look at ways at improving the experience for all involved. Look for further details in this *Insite* magazine and on our website at www.ccinorthalberta.com.

I am pleased to report that CCI North Alberta has been working with the Alberta Government to provide in-depth feedback on the Condominium Property Act Regulations. This has included a number of consultations with our experts. We held a seminar on updates to the Regulations and the Act on January 16, 2018

that was sold out with over 300 participants. Many thanks to my co-panelists and lawyers Todd Shipley and Hugh Willis whose thoughtful comments and analysis are very much appreciated by our community.

Hugh Willis and Willis Law also presented on the Phase 1 Changes to the Act and Regulations to the general public in Red Deer, Leduc, St. Albert and Sherwood Park with the support of CCI North Alberta. Thank you to Willis Law for their immense efforts.

Many thanks to Marsha Thurlin, our Communications Chair and Chairperson of the Board of Directors who has had to step back from her duties. I am confident Marsha will return and thank her greatly for all of her efforts on behalf of the membership. I would encourage anyone interested in joining the communications committee to contact Candace at the CCI office, we could use your talents!

I am pleased and proud to announce that CCI North Alberta is embarking on a new educational mission, where on-line content will be easily accessible, and seminars and courses will be available on-line. We are hoping to pilot aspects of this new educational model in late 2018 and 2019. Rest assured we will continue to offer educational content in person and in a classroom setting, however we recognize that time constraints, geography, and how individuals learn varies. Our focus is being North Alberta's one stop condominium education provider both on-line and in the classroom. While we are in our infancy of the project, I am excited about where our chapter is headed.

In solidarity,

Anand Sharma
President, CCI North Alberta



MEMBERSHIP MAILBAG

CCI Magazine, North Alberta Chapter, Winter 2017 edition, reported on the Brentwood Village 50th anniversary celebration. We were very pleased by the interest generated by this event and felt that it was a great success. As noted in the article, much has changed in the concept of condominium living over the years and we hope that our experience may be part of a growing body of information that may be used in furthering knowledge and understanding of this form of home ownership.

We would like to express our sincere thanks

and appreciation to everybody who attended and supported this event. A few details to clarify: **HUB International** arranged for the planting of a commemorative tree and plaque, as well as very much appreciated food trucks. **CCI** provided us an honorary lifetime membership and a monetary donation, which together with additional funds donated by **Wade Engineering**, allowed for a bouncy castle, piñatas, handouts for the kids, as well as many other miscellaneous items. A special shout-out goes to **KDM Management** and, in particular, our property manager, **Nancy Vuksa**, who spent many hours

arranging for tents, signs, candyfloss and ice cone machines, pastries, an anniversary cake, putting together swag bags – this was a huge undertaking which went far beyond our expectations.

On behalf of all Brentwood Village owners, thank you all so much for the effort that you made resulting in an enjoyable (and very well-fed!) day.

Board of Directors
Brentwood Village CDE 100



Put the Petal to the Metal

OUR CONDOS IN BLOOM CONTEST IS BACK!

STAY TUNED FOR DETAILS COMING THIS SPRING

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North Alberta Chapter



Sandi Danielson has come far and on a varied path, to where she is today as the owner of Prince Property. Born and raised in Saskatchewan, she married her high school sweetheart, and together they traveled to Ontario for college. Sandi achieved a degree in fashion design and worked for a time before taking time off to raise three children. She was an active leader in the community, volunteering in the public schools, as a local 4H instructor, and with church youth groups. Time found her in Alberta, once again working in the fashion industry, in small group settings as an instructor and also as a custom dressmaker for a bridal boutique. She traded her dresses for doors in 2008 and hasn't looked back since, continuing to grow her business as a property manager from single family homes initially, and on to condominiums. Naming her company Prince Property is more than a nod to her roots (it is her maiden name), but rather a reflection of her life experiences that have shaped and developed her person and the company that now exists. Sandi has served on the CCI Board for one term and currently holds the Membership Committee Chair.

MEET THE BOARD

SANDI DANIELSON

Q: What do you see are the advantages of the upcoming licensing of condominium managers?

A: I believe it will strengthen consumer protection and support, and add more structure to the industry by providing a level playing field with guidelines for the industry. It will also add legal recourse for negligence/dishonesty!

mon issues – such as the Condo 101 course which is offered free with membership. These educational events as well as the online message forum provide networking opportunities with other board members and business partners. The annual conference also provides further education and networking!

all dream of not having to work, being financially secure so that we could live our dreams? My dreams are to travel the world with my husband, children, and grandchildren. To give them opportunities to experience the world in a way that would allow them to see through the eyes of those who live in different cultures, climates and environments. I would also like to contribute to my family and community possibly as a volunteer or perhaps contributing financially and share what I have learned from my life experiences through speaking engagements.

Q: Is the glass half empty or half full?

A: Big question... my glass is half full and constantly being refilled. Since I was a little girl growing up in a tiny hamlet in Saskatchewan, I have known that I could refill my glass whenever I felt the need. My glass has constantly been filled with my family and their enduring love and support and their belief in my ability to succeed. I have learned to be open to new ideas, education opportunities and to network with my colleagues. This is how the glass continues to be refilled.

"Every life experience contains a lesson and some lessons we have to look harder at than others to find the lesson."

Q: What are the key components a manager can bring to assist their boards?

A: Key components would include honesty, integrity and transparency – which are top of the list. As well as:

- A good understanding of the Condo Act and its current changes;
- Open communication – being clear & concise;
- Positive attitude – looking for the best in all situations;
- Expertise in mediation; and
- The ability to create a positive community atmosphere.

Q: What have your boards told you are the biggest advantages of becoming a CCI member?

A: The education provided is undoubtedly the greatest advantage to become a CCI member. There are self-help tools for resolving com-

Q: What would the title of your autobiography be?

A: EVERY DAY IS A GOOD DAY: Life Is What You Choose to Make of It. Our reticular activating system filters in what we see as valuable and filters out what we see as a threat. The key is to clean out that filtering system in our brain so that we recognize what is valuable to us. In doing this, we see more opportunity than threats. Every life experience contains a lesson and some lessons we have to look harder at than others to find the lesson. I have been practising my whole life to be in this place and my lessons have taught me that EVERY DAY IS A GOOD DAY!

Q: If money was not a concern, what would you do every day if you didn't work?

A: Life without work would look very different for me. Isn't that what we

Q: Which came first, the chicken or the egg?

A: I often wonder who first asked the question: "which came first, the chicken or the egg?" The reality is that chickens lay eggs and eggs come from chickens. Obviously some higher intelligence took care of both for us. I am grateful for that I like eating chicken and I love a good omelet. My question is: "Does it really matter?" What matters is that we have the benefits of both!

Q: What is the last photograph you took?

A: The last photograph I took is of my granddaughter as she played volleyball. She was setting and she has this amazing back arch! I am so proud of her. I know that her glass is more than half full! She has an amazing future ahead of her!



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Shantel Kalakalo has worked for Wade Engineering for the past 14 years dealing with aspects of managing a business along with her previous 10 years of office experience. During her tenure at Wade she has been part of the team that has completed hundreds of Reserve Fund Study reports and also presents the reports to condominium corporations, as well she assists other managers in preparing reports and budgets. Shantel has experience with condo management and also served in various capacities on condo boards. Prior to joining Wade Engineering, Shantel worked for a real estate brokerage firm, a real estate holding company, two engineering firms, a government entity established to build the SkyTrain line in the Vancouver area, a home builder in Edmonton and has brought all of this experience to assist in her capacity at Wade Engineering and CCI. Shantel has been a Board Member with CCI for the last 8 years filling the position as the Board Secretary for 7 years and helping with advertising in the Insite Magazine, golf tournaments and sponsorship for events and most recently as the 1st Vice President, Education Chair.

MEET THE BOARD

SHANTEL KALAKALO

Q: What have you found boards struggle most with when understanding reserve fund studies?

A: I find that boards struggle with having to save for long-term future replacement costs of components. Most are accepting and understanding of the first 10 years but after that it seems like a long time and it may not seem in their best interest. Most boards are starting to understand the importance of this requirement now and want to avoid having to pay Special Assessments.

Also, I would say boards struggle with understanding the process involved when a corporation has to complete a major project which can be overwhelming, particularly understanding all of the costs that are involved and what is required.

they should take advantage of that. In addition, this gives the board the opportunity to explain to the provider what they feel should be included if something was missed and a revised report submitted that allows the corporation to prepare their 5-year Board Plan with as much information as possible.

Q: Do you foresee a time when educational content will also be presented online?

A: I think educational content online would be useful for some aspects and general knowledge of condominium living but perhaps not practical for some of the aspects that would be best heard from condominium managers, other board members, and professionals in the industry.

mitting a bid to build the SkyTrain line from Vancouver to Burnaby. Soon after I was given the opportunity to work for the company overseeing the construction of the same SkyTrain line. I loved the process of starting and finishing a project. I had a few other jobs that weren't in the engineering field and did not find them as rewarding or as challenging. When I moved to Edmonton I got a job working for a homebuilder and I worked as a warranty coordinator doing walkthroughs with new condo homeowners. I enjoyed the job but it was not as challenging as I would have liked. A year later a co-worker gave me a job ad for Wade Engineering and the rest is history!

Q: How long have you worked in the condominium industry?

A: 15 years.

Q: What are some of your biggest challenges working in the condominium industry?

A: The biggest challenge in this industry is making decisions and good communication. One of the aspects I bring to the table is that I have dealt

with every side of the condominium industry. I have worked for the developer, owned condos and sat on the board, was a condo manager for a year, and I work for an engineering firm with a team that prepares Reserve Fund Studies. I have received that letter asking for a \$20,000 Special Assessment so I definitely know how that feels and how it impacts one's life. When I'm reviewing the reports prepared in my office, I always try to come up with a solution that impacts the owners the least because I have been there. Corporations should increase their contributions as needed as it makes a huge difference in the long run.

Q: What is your greatest achievement?

A: I would definitely have to say being a Mom. Watching them grow up, influencing them to make good decisions and that they are happy/healthy is what matters at the end of the day. I've had days where I worked so long I didn't see my kids and that was not satisfying to me and definitely made me realize what's important.

"The biggest challenge in this industry is making decisions and good communication."

Q: How can boards assist Reserve Fund Study providers to produce an accurate report?

A: The best thing boards can do is meet with the provider once the report is completed so that the provider can explain the report findings, recommendations and the philosophy of funding. This allows the board to have their questions answered and have a better understanding of the report & spreadsheets. Typically there is no additional charge for the provider to attend a board meeting and


Q: If you could sit on a bench in a beautiful woods, who would you like sitting next to you on the bench and why?

A: My husband. Being beside him is my happy place and it doesn't matter where we are as long as we are together.

Q: How did you get started in the industry?

A: When I was living in Vancouver I took a temp job working at an engineering company to prepare a very large RFP for a firm that was sub-

Paul Whitman, FCIP - President



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CCI North Alberta has been very busy on the government advocacy front since I last reported to you.

Updates to the Condominium Act Regulations

Phase 1 regulations have been ratified by the Alberta Government and came into effect on January 1, 2018 and April 1, 2018 respectively. This includes portions of the Condominium Property Act that relate to the regulations.

Phase 2 stakeholder consultation occurred in late January in seven sessions. CCI North Alberta was invited as a key stakeholder to all sessions. Below are the participants on behalf of CCI North Alberta:

Proxies and Voting

Victoria A. Archer (Gledhill Larocque), Alan Whyte (CCI North Alberta)

Insurance

Dawn Mitchell (HUB Phoenix Insurance, Hugh Willis (Willis Law)

Meeting Notice, Rules, and Condominium Board Accountability

Hugh Willis (Willis Law), Alan Whyte (CCI North Alberta)

Reserve Funds

Al King (Wade Engineering), Anand Sharma (113 West Management)

Condominium Documents

Todd Shipley (Reynolds Mirth Richards and Farmer LLP), Anand Sharma (113 West Management)

Sale of Condominium Parcel following Termination

Victoria A Archer (Gledhill Larocque), Alan Whyte (CCI North Alberta)

Arrears and Sanctions, Borrowing, and Rental Deposits

Natasha Sutherland (Willis Law), Todd Shipley (Reynolds Mirth Richards & Farmer LLP)

CCI North Alberta is currently working on additional submissions for each topic for Phase 2 and will post these submissions on our website when completed. Many thanks to all the members who participated and gave of their time freely, we could not have been as responsive without their generosity of time and energy on behalf of our industry.

CCI North Alberta will be hosting a series of educational seminars related to the imple-

mentation of Phase 2, which could be ratified by the Alberta Government as early as the fall of 2018. We will send out more details related to these seminars once the legislation is confirmed.

Cannabis Legislation

CCI North Alberta has received many inquiries related to the pending Cannabis legislation and how it will affect condominiums. Our intention is to hold a seminar during our annual Condo Expo on May 12, 2018. The Alberta Government has released their framework as it relates to cannabis legislation and it is available on their website <https://www.alberta.ca/cannabis-framework.aspx>. We encourage our members to review the content.

Anand Sharma

Co-chair, Government Advocacy Committee



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CCI NORTH ALBERTA CHAPTER PRESENTS ALBERTA CONDO EXPO

SATURDAY, MAY 12, 2018 – MACEWAN UNIVERSITY

Western Canada's largest condominium conference and trade show returns this spring! Book your calendars now and take advantage of the numerous condominium educational presentations and networking opportunities with other Condo Owners, Board Members, Managers and Business Professionals during our Alberta Condo Expo.

REGISTER EARLY to avoid missing your choice of topics as over half of the sessions were SOLD OUT last year, and save by registering prior to the EarlyBird deadline (April 12, 2018). Choose between either the full day conference (best value) or, if time is an issue, register for any of the individual sessions that interest you the most.

CONDO EXPO HIGHLIGHTS:

- *Choose Between Four (4) Topics in each of the three Time Slots (see schedule on next page)*
- *Keynote Luncheon with Service Alberta providing a Legislative Update*
- *Condominium Legal Panel Returns to answer your questions*
- *Condo Owner Education Primer: Understanding Condo Living*
- *Tradeshow is FREE to the General Public*

LOCATION: Robbins Health Learning Centre – MacEwan University
10910- 104 Avenue, Edmonton, AB



CONFERENCE PACKAGES:

FULL CONFERENCE PACKAGE (BEST VALUE)

Includes: ONE choice of four (4) topics in each of the 3 sessions, Legal Panel, Tradeshow, Continental Breakfast, Keynote Luncheon and Parking Pass

CCI Member EarlyBird Rate (until April 12)	\$125 + GST
CCI Member Regular Rate (April 13- May 10)	\$150 + GST
Non-Member Rate	\$225 + GST

INDIVIDUAL CONFERENCE SESSIONS (REGISTER BY TOPIC) AND LEGAL PANEL

Subject to Availability. Includes Tradeshow Access.

CCI Member EarlyBird Rate (until April 12)	\$35 + GST per Session
CCI Member Regular Rate (April 13 - May 10)	\$40 + GST per Session
Non-Member Rate	\$50 + GST per Session

CONDO OWNER ESSENTIALS: UNDERSTANDING CONDO LIVING

Same session offered once in the Morning and once in the Afternoon (see schedule)

Subject to Availability. Includes Tradeshow Access.

EarlyBird Rate (until April 12)	FREE with Food Bank Donation
Regular Rate (April 13 - May 10)	\$20 + GST

TRADESHOW DETAILS:

- Tradeshow will be open from 9:30 am - 4:00 pm. Limited booth availability (SOLD OUT last 3 years).
- Set up Saturday Morning from 7:30 am
- Free for Attendees and the General Public

Cost: Includes a 5 foot skirted table, power on request (limited availability), Wi-Fi access & 2 Conference admissions with parking passes.

Exhibitor CCI Member EarlyBird Rate (Until April 12)	\$450 + GST
Exhibitor CCI Member Regular Rate (April 13 - May 10)	\$550 + GST
Exhibitor Non-Member Rate	\$800 + GST



CONFERENCE SCHEDULE:

7:30 AM - 8:30 AM	Registration & Welcome Address Registration and Check In / Tradeshow Set Up Continental Breakfast for Conference Registrants Welcome Address
8:30 AM - 9:45 AM	Conference Session #1 Choose from one of four (4) Topics
9:30 AM - 3:30 PM	Tradeshow Open Free to General Public
9:45 AM - 10:15 AM	Break with Tradeshow Exhibitors
10:15 AM - 11:30 AM	Conference Session #2 Choose from one of four (4) Topics
11:30 AM - 12:00 PM	Break with Tradeshow Exhibitors
12:00 PM - 1:30 PM	Keynote Luncheon for Conference Registrants
1:30 PM - 2:45 PM	Conference Session #3 Choose from one of four (4) Topics
2:45 PM - 3:15 PM	Break with Tradeshow Exhibitors
3:15 PM - 4:30 PM	Conference Session #4 Condominium Legal Panel
4:30 PM - 5:00 PM	Grand Finale Door Prize Draws/ Closing Remarks



CONDO OWNER ESSENTIALS SCHEDULE:

9:00 AM - 11:00 AM	Understanding Condo Living Morning Session
1:00 PM - 3:00 PM	Understanding Condo Living Afternoon Session

For more information on the sessions being offered, visit our website at:
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Kelly Barclay	Direct # 780-453-8415
Randy Frost	Direct # 780-453-8427



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.

What is a Spring Walkabout and Why Are They Important?

Thursday, April 12, 2018 @ 11:30 am to 1:00 pm

As the long, cold winter slowly turns into the wonder that is spring, Mother Nature surely knows how to leave plenty of work behind! Condominium complexes face the bulk of the work as residents slowly return to the great outdoors. So after the winter thaw, it's a good time to perform a spring walkabout to evaluate and inspect common areas such as sidewalks, driveways, parking lots, steps, roofs, exterior cladding and list goes on! Many Boards can often become overwhelmed with the daunting task of what to look for and how to prioritize your walkabout. Come and learn best practices on how to structure a spring walkabout for your complex.

EVENING SEMINARS

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

Condo 101 – Board Basics & Best Practices

Wednesday, April 18, 2018 @ 6:30 pm to 9:00 pm

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

Condo 101 is an **introductory** course that will assist Condominium Board Members to **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 each attendee to take away a number of best practices to review and implement within their condominium. Reg-

istration in advance is important as space is limited (maximum of four (4) members from the same condominium or company per session).

Next Session – Wednesday, June 13, 2018

WEEKEND COURSES

CCI Members: \$275.00 + GST – Additional attendees: \$200.00 + GST – Non-Members: \$550.00 + GST

Cost includes Continental breakfast, lunch and coffee both days.

Condominium Management 300 (CM300)

Saturday & Sunday – May 26 & 27, 2018 @ 9:00 am – 3:00 pm each day

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.

To register to attend any event, please visit our webpage and click on the Title of the Event:

<https://cci.geniepad.com/public/pages/education>

Note: You will be directed to the Eventbrite website.

Please Note: All sessions will be held at the
Chateau Louis Conference Centre
11727 Kingsway Ave NW



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.

WELCOME NEW MEMBERS

BUSINESS PARTNERS

Borealis Property Management
Classic Elevator Interiors Ltd.
Entuitive Corporation
Owners' Rep. Inc.
Pinnacle Decorating South Inc.
Priority Submetering Solutions Inc.
PuroClean Restoration Edmonton South
RE/MAX Fort McMurray
ReNew FloorCovering
Royal LePage, Andre Kopp & Associates
The Alberta Bookkeeping Company Ltd.

PROFESSIONALS

Cory Gilliam
Jordan Gogal
Ray Dam
Toni Kozak, CPA, CGA

CONDOMINIUMS

Amberwood Village Phase I
Burlington Tower
Californian Capilano West
Court 112 Condo Association
End of Steel Townhomes
Grand Trunk Landing Condominiums
Heritage Valley Station II
La Tierra Condos
River's Edge Phase IV
Southern Belle Condominiums
Spruce Ridge Terrace
The Parc at Edgemont Ravine
The Uplands Condo Corp
Victoria Park Condominium
Windermere Court Condo Corporation

INDIVIDUALS

Corinne L. Kushneryk
Dayle Ehry
Elizabeth Turner
Jim Dalby
Joe Shymanski
Percival Lee

As always, the Membership Committee is looking for new ways and opportunities to increase the awareness of CCI.

If you know anyone that owns a condo, lives in a condo – let them know CCI is "Your Condo Connection." We would thank you for introducing them to us.

As an incentive for membership, we have offered Half-Year memberships. Many condo boards have taken advantage of the savings.

The committee attended the Legislation Update meetings in St. Albert, Leduc, and Sherwood Park. Interest was very positive.

Thanks to all Committee volunteers for their time and effort.

The Membership Committee Members are: Gerrit Roosenboom, Heather Cournoyer, Chris Vilcsak, Michael Gibson, Trinity Player.

Sandi Danielson
Membership Committee Chair
sandi@princeproperty.ca



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 \$2000 in Ambassador Credits issued last year!

For more details contact info@ccinorthalberta.com



YEAR-END MEMBERSHIP PROMOTION UP TO 3 FREE MONTHS OF MEMBERSHIP

SIGN UP NOW AND EXTEND YOUR ANNUAL MEMBERSHIP UNTIL JUNE 30, 2019 AT NO ADDITIONAL CHARGE

UPCOMING EVENTS

CondoSmarts

Expertise to Assist Condo Boards and Owners

FREE SESSION – PRE-REGISTRATION IS REQUIRED

DATE: TUESDAY, APRIL 24 @ 7:00 PM

VENUE: CHAPPELLE GARDENS
RESIDENT ASSOCIATION
1059 CHAPPELLE BOULEVARD SW



CCI BUSINESS NETWORKING EVENT

DATE: WEDNESDAY, APRIL 11 • 6:00 PM - 9:00 PM **VENUE:** 14620-118 AVE

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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.

On the outside, PM companies appear somewhat similar - **they are not.**

The successful board did their research. They wanted a team whose expertise and experience could guide them in all aspects of Property Management, including construction, asset management, maintenance, accounting, operations and more.

They wanted integrity and trust to be an integral part of their PM partnership. They didn't want to be "just another number".

They wanted to make informed, objective decisions about next steps - they know "knowledge is power".

They found industry leading technology that made their role

effective and communication with all stakeholders timely - they know "time is money".

Their PM company had a full-service maintenance team with proven systems. This allowed them to track required maintenance from request to fulfillment, ensuring items were addressed quickly and more cost efficiently.

Financials and reports were always accurate and up to date. Relationship management was a key focus and as such meetings were always professional and organized.

There were seamless, turn-key processes in place. This got them up and running quickly, so transition was smooth.

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.

Which path will your board choose? Mayfield Management Group Ltd. ~Committing to excellence in everything we do.



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ON BOARD

THIS ISSUE:

- ▶ *Condominium Privacy Policy Template*
- ▶ *Best Practices for Monthly Financial Statements*
- ▶ *Top Ten – Get the Most Out of your Reserve Fund Study*

CONDOMINIUM PRIVACY POLICY

As most of you are aware, condominium corporations are subject to the Personal Information Protection Act (PIPA) and therefore have an obligation to follow certain policies and practices accordingly. They are required to protect owners' personal information but are allowed to collect and use the information in a reasonable matter for the operation of the condominium.

Two of the key requirements for a condominium in regards to PIPA are:

1. *Designating a Privacy Officer who is responsible for ensuring the corporation complies with PIPA. This can be an appointed board member or your condominium manager for example.*
2. *Creating a Privacy Policy for the board and manager to follow and for the clarification of owners who are providing the information.*

We have included a sample privacy policy template provided by Service Alberta to give your condominium some

guidance as to what is required to ensure compliance with PIPA. The highlighted areas indicate where you can tailor the policy to fit the unique aspects of your condominium.

WE NEED WRITERS!

We are always looking for riveting content for the magazine and welcome all experts in their field of business to submit an article for consideration.

If you have a fear of writing but have excellent ideas or a story you want to share, we encourage you to contact our editor who will work closely with you until we are both pleased with the outcome.

For more information, please contact:
insite@ccinorthalberta.com

Sample Privacy Policy: A non-profit organization subject to PIPA

Name of your Organization

Personal Information Protection Policy

Is this for members, clients, customers, volunteers, employees? Choose the words appropriate for your organization.

Include some examples of personal information that your organization collects.

Fill this in with the purposes for which your organization collects personal information.

Choose an example that fits your organization. When are your clients likely to volunteer personal information?



You do not need to obtain consent to use personal information collected before the Act applied, but it is a good practice to seek consent when you update that information.

Name of your organization is committed to safeguarding the personal information entrusted to us by our clients. We manage your personal information in accordance with Alberta's *Personal Information Protection Act* and other applicable laws. This policy outlines the principles and practices we follow in protecting your personal information.

This policy applies to Name of your organization and to any person providing services on our behalf. A copy of this policy is provided to any client on request.

What is personal information?

Personal information means information about an identifiable individual. This includes an individual's name, home address and phone number, age, sex, marital or family status, an identifying number, financial information, educational history, etc.

What personal information do we collect?

We collect only the personal information that we need for the purposes of providing services to our clients, including personal information needed to:

- deliver requested products and services
- enrol a client in a program
- send out association membership information

We normally collect client personal information directly from our clients. We may collect your information from other persons with your consent or as authorized by law.

We inform our clients, before or at the time of collecting personal information, of the purposes for which we are collecting the information. The only time we don't provide this notification is when a client volunteers information for an obvious purpose (for example, producing a credit card to pay a membership fee when the information will be used only to process the payment).

Consent

We ask for consent to collect, use or disclose client personal information, except in specific circumstances where collection, use or disclosure without consent is authorized or required by law. We may assume your consent in cases where you volunteer information for an obvious purpose.

We assume your consent to continue to use and, where applicable, disclose personal information that we have already collected, for the purpose for which the information was collected.

Sample Privacy Policy: A non-profit organization subject to PIPA

Fill in as appropriate for your organization.

We ask for your express consent for some purposes and may not be able to provide certain services if you are unwilling to provide consent to the collection, use or disclosure of certain personal information. Where express consent is needed, we will normally ask clients to provide their consent orally (in person, by telephone), or in writing (by signing a consent form).

Include this paragraph only if you use opt-out consent.

In cases that do not involve sensitive personal information, we may rely on “opt-out” consent. For example, we may disclose your contact information to other organizations that we believe may be of interest to you, unless you request that we do not disclose your information. You can do this by checking the appropriate box on our application form or by telephoning our local number/toll-free number.

A client may withdraw consent to the use and disclosure of personal information at any time, unless the personal information is necessary for us to fulfil our legal obligations. We will respect your decision, but we may not be able to provide you with certain products and services if we do not have the necessary personal information.

Choose examples relevant to your organization.

We may collect, use or disclose client personal information without consent only as authorized by law. For example, we may not request consent when the collection, use or disclosure is to determine suitability for an honour or award, or in an emergency that threatens life, health or safety.

How do we use and disclose personal information?

Include one of your organization’s purposes.

We use and disclose client personal information only for the purpose for which the information was collected, except as authorized by law. For example, we may use client contact information to deliver goods.

If we wish to use or disclose your personal information for any new business purpose, we will ask for your consent. We may not seek consent if the law allows this (e.g. the law allows organizations to use personal information without consent for the purpose of collecting a debt).

What is personal employee information?

Use this section if your organization’s policy includes personal employee information.

Personal employee information is personal information about an employee or volunteer which is collected, used or disclosed solely for the purposes of establishing, managing or terminating an employment relationship or a volunteer work relationship. Personal employee information may, in some circumstances, include a Social Insurance Number, a performance review, etc.

We can collect, use and disclose your personal employee information without your consent only for the purposes of establishing, managing or ending the employment or volunteer relationship. We will provide current employees and volunteers with prior notice about what information we collect, use or disclose and our purpose for doing so.

Sample Privacy Policy: A non-profit organization subject to PIPA

Fill this in with the purposes for which your organization collects, uses and discloses personal employee information.

What personal employee information do we collect, use and disclose?

We collect, use and disclose personal employee information to meet the following purposes:

- Determining eligibility for employment or volunteer work, including verifying qualifications and references
- Establishing training and development requirements
- Assessing performance and managing performance issues if they arise
- Administering pay and benefits (paid employees only)
- Processing employee work-related claims (e.g. benefits, workers' compensation, insurance claims) (paid employees only)
- Complying with requirements of funding bodies (e.g. lottery grants)
- Complying with applicable laws (e.g. *Canada Income Tax Act*, *Alberta Employment Standards Code*)

We only collect, use and disclose the amount and type of personal employee information that is reasonable to meet the above purposes. The following is a list of personal employee information that we may collect, use and disclose to meet those purposes.

- Contact information such as your name, home address, telephone number
- Criminal background checks
- Employment or volunteer information such as your resume (including educational background, work history and references), reference information and interview notes, letters of offer and acceptance of employment, policy acknowledgement forms, background verification information, workplace performance evaluations, emergency contacts, etc.
- Benefit information such as forms relating to applications or changes to health and insurance benefits including medical and dental care, life insurance, short and long term disability, etc. (paid employees only)
- Financial information, such as pay cheque deposit information and tax-related information, including Social Insurance Numbers (paid employees only)
- Other personal information required for the purposes of our employment or volunteer relationship

We will inform our employees and volunteers of any new purpose for which we will collect, use, or disclose personal employee information, or we will obtain your consent, before or at the time the information is collected.

We will obtain your consent to collect, use and disclose your personal information for purposes unrelated to the employment or volunteer relationship (e.g. such as providing you with information about our workplace charity program).

Choose an example that fits your organization.

Sample Privacy Policy: A non-profit organization subject to PIPA



Remember you will be held to what you say in your policy, so your policy must reflect your actual practices.

Include examples of your practices.

Fill this in with information for your privacy contact person.

What information do we provide for employment/volunteer references?

In some cases, after your employment or volunteer relationship with us ends, we will be contacted by other organizations and asked to provide a reference for you. It is our policy not to disclose personal information about our employees and volunteers to other organizations who request references without consent. The personal information we normally provide in a reference includes:

- Confirmation that an individual was an employee or volunteer, including the position, and date range of the employment or volunteering
- General information about an individual's job duties and information about the employee or volunteer's ability to perform job duties and success in the employment or volunteer relationship

How do we safeguard personal information?

We make every reasonable effort to ensure that personal information is accurate and complete. We rely on individuals to notify us if there is a change to their personal information that may affect their relationship with our organization. If you are aware of an error in our information about you, please let us know and we will correct it on request wherever possible. In some cases we may ask for a written request for correction.

We protect personal information in a manner appropriate for the sensitivity of the information. We make every reasonable effort to prevent any loss, misuse, disclosure or modification of personal information, as well as any unauthorized access to personal information.

We use appropriate security measures when destroying personal information, including shredding paper records and permanently deleting electronic records.

We retain personal information only as long as is reasonable to fulfil the purposes for which the information was collected or for legal or business purposes.

Access to records containing personal information

Individuals have a right to access their own personal information in a record that is in the custody or under the control of **Name of organization**, subject to some exceptions. For example, organizations are required under the *Personal Information Protection Act* to refuse to provide access to information that would reveal personal information about another individual.

If we refuse a request in whole or in part, we will provide the reasons for the refusal. In some cases where exceptions to access apply, we may withhold that information and provide you with the remainder of the record.

You may make a request for access to your personal information by writing to **Name or position title of individual in your organization designated to ensure compliance with PIPA**. You must provide sufficient information in your request to allow us to identify the information you are seeking.

Fill this in with information for your privacy contact person.

You may also request information about our use of your personal information and any disclosure of that information to persons outside our organization. In addition, you may request a correction of an error or omission in your personal information.

We will respond to your request within 45 calendar days, unless an extension is granted. We may charge a reasonable fee to provide information, but not to make a correction. We do not charge fees when the request is for personal employee information. We will advise you of any fees that may apply before beginning to process your request.

Questions and complaints

If you have a question or concern about any collection, use or disclosure of personal information by Name of organization, or about a request for access to your own personal information, please contact Name or position title of individual in your organization designated to ensure compliance with PIPA.

If you are not satisfied with the response you receive, you should contact the Information and Privacy Commissioner of Alberta:

Office of the Information and Privacy Commissioner of Alberta
Suite 2460, 801 - 6 Avenue, SW
Calgary, Alberta T2P 3W2

Phone: 403-297-2728

Email: generalinfo@oipc.ab.ca

Toll Free: 1-888-878-4044

Website: www.oipc.ab.ca

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Associate, Building Envelope Specialist

charles.world@entuitive.com

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TOP 10 WAYS TO GET THE MOST OUT OF YOUR RESERVE FUND STUDY

1 When requesting quotes **ask the possible Providers for sample reports** for a condominium of a similar style to yours (e.g. – townhome, high rise tower, bareland, etc). Compare funding models along with services offered and costs being charged. If you have questions or concerns regarding any proposal, identify them and ask for clarification.

Prior to awarding the contract, **request references from the Provider** (preferably from complexes similar to yours). Call a few Board members for feedback.

3 **Supply the Provider with the previous Reserve Fund Study, Condo Plan and Bylaws.**

Poll residents to identify any capital item deficiencies and supply to Provider along with a spreadsheet that identifies previous capital repairs/replacements, when they were completed and the costs associated with the work.

5 Review the draft report and **notify the Provider if you have any questions before approving.** Within 30 days of approval, complete a Reserve Fund Plan using the Reserve Fund Report as your guide. Forward both the Report and Plan to all Owners. Consider sending the report digitally to reduce your costs, providing you have the Owners' permission to do so.

Correct areas of concerns (deficiencies or safety concerns) noted in the report. Keep a record of items addressed in the report.

7 **Complete preventative maintenance** on the capital components on a regular basis to extend their life span.

Adjust contributions to the Reserve Fund as recommended in the Report and notify your Bank and Bookkeeper accordingly.

9 **Contact Professionals for further review(s)** if recommended in the report. Generally, Service Proposals are produced at no cost and this will allow you to budget in advance for the work identified.

Once you have completed a major capital project, consider **requesting an updated Report** instead of waiting for the end of the 5 year cycle.

BEST PRACTICES FOR MONTHLY FINANCIAL STATEMENTS

The following documents should be made available to all board members PRIOR to the upcoming meeting to allow time to review:

- **Statement of Operations for Operating and Reserve** (also known as Income Statement or Profit & Loss Statement).
- **Statement of Financial Position for Operating and Reserve** (also known as the Balance Sheet).
- **Accounts Payable Statement** (monies the Corporation owes to Vendors).
- **Accounts Receivable Statement** (monies owed to the Corporation).
- **Bank Reconciliation Statement** (reconciling financial records with the Bank Statement) and corresponding Bank Statement for each account.
- All statements should be for the same month end date for comparison purposes. An updated AR statement closer to the date of the meeting could also be provided if there are arrears issues.
- Best Practices would also include a detailed statement of expenses for the month including Vendor, Amount & Expense Category assigned.

What are the key things boards should be reviewing within the financials?:

- Significant variations between Actual and Budgeted projections
- Significant variations between Current Year and Previous Year
- Balance Sheet: Do Assets = Liabilities + Equity? / How is our Cash Flow?
- Arrears and Payables greater than 30 days
- Reserve Plan vs. Reserve YTD revenues and expenses

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Chester Quaife, ACM
PRESIDENT/BROKER

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GREEN WITH ENVY

CHOOSING THE BEST FERTILIZER FOR THE JOB BY RAYMOND DAM

With spring around the corner, we begin to think about the landscaping around the complex, signing new contracts with the lawncare people, and organizing spring clean ups. Fertilizing the lawn after spring clean up is a great way to keep the lawn green, healthy, and weed-free. However, fertilizer choices can be overwhelming nowadays. What is the best type of fertilizer to use? Do you go with a company that applies it in a liquid form, or one that uses granular? What are the differences between the two? I will give you the pros and cons of both so that you can better decide which fertilizer best suits your needs.

First, it is important to know that nitrogen is food for the grass and what makes the lawn green. Nitrogen is also a mobile nutrient, meaning that it does not have to be applied on every square inch of ground. Once it is in the ground, it can travel to the roots and be absorbed. However, if it is not used up right away, it can be released back into the atmosphere and wasted. It is possible to lose up to 30%-40% of the nitrogen if there is no rain for two weeks.

When buying fertilizer, look for the guaranteed analysis on the bag. This guaranteed analysis will tell you exactly what is in the packaging, as it is very similar to nutrition facts on food labels. The guaranteed analysis will list three numbers: the first number is nitrogen, the second is phosphorous, and the third is potassium. The numbers represent the ingredients by the percentage of the weight of the bag. So, for a 25 pound bag with a guaranteed analysis of 25-10-12, it will contain 6.25 pounds of nitrogen. When the contractors buy fertilizer, pound for pound, the cost of liquid fertilizer will always cost more, due to a higher concentrate of nitrogen. However, it gets diluted with water and the final amount when applied, is less than granular.

Granular fertilizer

Pros: This is a very easy product to use. You will only need a broadcast spreader and you are in business! Contractors do not need a special license to use this product and they cannot “dilute” the ratio of nitrogen. It is very difficult to “burn” the grass with granular fertilizer, and if an excess amount is spilled onto the ground, it can be easily cleaned up and blown off. In addition, the tracks from the spreader allows the contractor to see which areas have already been covered, and which areas have been missed. There is usually a higher amount of nitrogen and due to the slow release of the granules, your grass will stay green longer. As a bonus, granular fertilizer can be applied even on windy days, as over-spraying it will not harm bushes and other vegetation.



Cons: Due to city by-laws, this cannot be a “Weed & Feed.” This service also usually costs more than liquid applications. Moreover, granular fertilizer requires water to activate, so it also must be applied when there is rain in the forecast, or if the property has an irrigation system.

Liquid fertilizer

Pros: This fertilizer is already in liquid form, so it is much easier for the grass to absorb, resulting in the lawn turning green immediately. A weed control product can also be mixed in the solution and applied at the same time. This service is also lower in cost.



Cons: The exact mix ratio is not always known to the customer. It is easier to “burn” the grass, as it can sit on the blade, so usually the nitrogen content is lower. This minimizes the risk of staff burning the grass. Due to the lower nitrogen content, the “green” can fade faster and will need another application sooner. In addition, liquid fertilizer cannot be applied when it is too windy, due to the weed control that is mixed in. Contractors will not risk over spraying on bushes and

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trees and will postpone to another day.

It is recommended that you fertilize three times a year. Once in the spring, then in the summer, and finally in the fall. After a long cold winter, grass will need some work to come out of its dormant stage. After the spring clean up, fertilize with a higher nitrogen content to help give it a boost. But be careful not to fertilize too early, as the roots need to establish in early spring, and there may be some remnants of nitrogen left over from fall fertilizer application.

A summer application can strengthen grass blades, helping them recover faster from the heat and drought. When the temperature rises and there is no rain in sight, grass can turn brown and brittle. Potassium, the

third ingredient listed on the guaranteed analysis, will help with drought. It is responsible for maintaining water use efficiency and plant rigidity. If you walk on your lawn, and the foot print depressions stay for a few days, that indicates a potassium deficiency. However, do not apply during the high heat, as fertilizing without enough water can also damage your lawn.

It is advisable to apply fertilizer with a higher phosphorus content during the late fall. Phosphorus is the second ingredient in fertilizer, and its job is to stimulate root growth. This will give it a good strong base and have a better start in the spring. You must be thinking ahead to the next season.

Both liquid and granular fertilizer,

when applied correctly, will result in a beautiful lawn. If budget is an issue, then I would go with liquid. But if you want a better value for your money, then I would be using granular. A beautiful and green lawn will give your complex better curb appeal and make you the envy of the neighbourhood. Hiring a good contractor and having a professional fertilize your lawn will give you peace of mind, and allow you to better enjoy your lawn!

Raymond Dam is the owner of Sting Ray Building Maintenance Ltd. His company services condominiums and commercial properties in the Edmonton and surrounding areas. Raymond also has a YouTube channel where you can check out his visit to the Sturgeon Valley Fertilizer facility: <https://youtu.be/luQ2Hc1J6GU>

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WHEN YOUR CONDO IS DAMAGED

THE BENEFITS OF A CONTROL ADJUSTER BY CORY GILLIAM

The condominium insurance industry certainly has faced its challenges in recent years. Multiunit residential and commercial structures, by their nature, are susceptible to many risks that can result in significant damages. When an insurable loss happens it often leads to many challenges with communication, continuity of claims handling and cost control. You may not be aware that you can arrange for an independent adjuster to be your control adjuster for all claims that may arise at your properties with no additional cost; as the insurers pay the expense. Control adjusters are provincially-licensed independent adjusters in Alberta.



Many condominium management companies, and their insurance brokers, are turning towards a control adjuster to effectively manage these challenges and work closely with all interested parties. A control adjuster can also assist in a consulting capacity to help with uninsured losses, recovery of deductibles or general insurance/claims questions.

Experience and communication are key. When considering a control adjuster you want to ensure they have experience handling claims for condominium corporations and their insurers. Experience handling unit owner claims is also important. There are many overlapping concerns for condo corporations and unit owners alike. A good adjuster is constantly communicating with your condominium manager, condo board, unit owners, tenants and their respective adjusters, various contractors and experts who assist with assessing damages and repairs. Control adjusters are also in communication with the various insurers involved to ensure there are no coverage issues and all payments are made in a timely fashion. Having the same



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control adjuster each and every time there is a claim is extremely valuable. Too often insurers will assign an adjuster who has limited experience, no interest in client relationships and no reasonable expectations to meet certain deadlines and address problems promptly when they arise. They often have too many claims and they will not make your claim a priority. That is why many condo boards and managers are moving towards control adjuster arrangements. This way you deal directly with the same adjuster every time.

Your control adjuster program should be structured to work closely with the condominium managers, or in the case of a self-managed building, works closely with board members, and their respective insurance brokers and insurers. A competent adjuster will have a comprehensive system that manages the challenges faced when damages occur to a building.

A brief summary of the key areas a control adjuster can assist your condominium with are listed below:

FIRST RESPONSE

- *Phone calls, email, communicate with all parties and contractors on mitigating damages.*
- *Site attendance in a timely manner to mitigate damages and ultimately minimize the cost of repairs.*

INVESTIGATE

- *Interview witnesses, unit owners, tenants and in most cases obtain detailed statements.*
- *Determine the ultimate cause of the loss and confirm if any liability against any third party.*
- *Gather important information like unit owner/tenant insurance policy information for future subrogation/recovery efforts.*
- *Hire experts if the need arises such as engineers, mold and asbestos hygienists, etc.*

EVALUATION AND NEGOTIATION

- *Create emergency and repair scopes.*
- *Obtain multiple contractor bids if required.*
- *Meet with contractors on site to review scope and repair timelines.*
- *Set expectations for unit owners and tenants on the repair process and timeline.*
- *Resolve conflicts about the scope of repairs if there is*

disagreement.

- Review and settle potential disputes with contractors regarding deficiencies.

SETTLEMENT

- Confirm with insurers on repair scope/cost and arrange for payment/settlement.
- Assist/negotiate settlements for owners with unit improvements/upgrades that may not be covered by the condominium corporation policy, to pay their upgrade repairs and communicate with their adjusters.

LIABILITY

- Common Law and Statute Law and how they apply to condo property damage scenarios.
- Condo bylaws and Condominium Act of Alberta and communicating this to

all parties.

- Burden of Proof established through thorough investigation.
- Limitation period (2 years in Alberta).

As you can see, there are various components of handling a claim. They can be complex and very time consuming. A control adjuster provides these services so that you have the same adjuster for each and every loss. You get to know your adjuster, rely on him/her to provide the same quality of service each and every time. Consistency is paramount on communication with all interested parties in order to provide continuity in claims handling. The expectations and processes are in place in order to minimize your workload and added stress when damages occur. Each building and each condo

manager and/or board has different challenges. We can create a plan of action that works for you. Having a good adjuster will reduce the cost of claims and hopefully result in keeping premiums lower in the long run.

Contact your insurance brokers and/or local independent adjuster offices to see how they can assist you with your future claims.

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POOL RESOURCES

WHAT DO CONDO BOARD
MEMBERS NEED TO KNOW ABOUT
THE SWIMMING POOL / SPA?

BY SHARON MILROY

While condo board members, owners and condo management may not directly be responsible for the daily operation of a swimming pool/spa on site, it is vital that all members are aware of who is responsible for the swimming pool/spa and how to contact them when needed. It is important that all condominium board members, owners and condo management know the following information about their swimming pool/spa for the safety of the users:

The swimming pool/spa is under the direct supervision of a certified pool operator. Certified pool operators are trained specifically in swimming pool/spa operations and water safety. All day-to-day operations are the responsibility of this individual. Find out who the certified pool operator is in your property.

According to the Alberta Health Regulations, the certified pool operator or designate, must test the water of the swimming pool/spa DAILY for correct chlorine levels, pH and clarity. Adjustments to the pool water chemistry are made at this time to ensure patron safety and comfort. All adjustments are to be recorded.

All public swimming pools/spas must additionally submit a WEEKLY bacterial water sample to the provincial laboratory. Condo management/staff may be asked to take a sample if the certified pool operator is unavailable. It is imperative that staff are properly trained in the collection of this sample, as incorrect sampling may result in closure of the pool by your local Public Health Inspector.



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The swimming pool/spa is also under the directive of a Public Health Inspector. The Public Health Inspector is responsible for reading the weekly lab results and to consult with the operator as needed. All condo boards should have the Public Health Inspector's contact information if the certified pool operator is unavailable. Please refer to **AHS – Environmental Public Health** under "Information for Your Business" for more information on your swimming pool/hot tub.

All condo management should know when and be empowered to close the pool in the case of any form of contamination, clarity issues and/or fecal accidents. Management should always err on the side of caution.

Please also be aware that the Alberta Pool Standards were recently amended in 2017. Please visit **AHS Pool Standard Update for Operators** to understand the general changes that may affect your facility. Alternatively, you can contact your Public Health Inspector.

It is important that condo board members know that they are never alone when it comes to dealing with the swimming pool/spa. The certified pool operator and Public Health Inspector are only a phone call away.

Sharon Milroy BSc., CPHI(C) is a Health Educator and Environmental Health Officer with Alberta Health Services.





CONTRACTUALLY OBLIGED

WHY DOES MY CONTRACTOR HAVE TO GET WCB COVERAGE? BY JOANNA PAULINE

Do you ever struggle to explain to a unit owner and or a board of directors why Workers' Compensation Board (WCB) coverage is required by contractors working on site and/or at the condominium?

Sometimes the response you get back is "he is self-employed and no one works for him," so why does he/she require WCB coverage?

What about when a unit owner hires their plumber friend to snake a blockage in their unit and their plumber friend ends up snaking 8 feet out and into common property to alleviate the blockage? What happens when the owner now asks the corporation to pay their plumber friend's invoice? If the board of directors approves payment of the invoice even though the plumber friend does not have WCB coverage, what happens then?

How do you explain to an owner or board member that any paid subcontractor hired by the corporation is deemed to be an employee of the corporation?

I am definitely not an expert on this subject matter and owe many thanks to my contacts at the Workers' Compensation Board (WCB). I also don't want to deter people from volunteering to help the corporation, but ultimately



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all condominium management companies are under contract to protect the interests of the corporation to the best of their ability.

So here is the Employer Fact Sheet information I pulled off the www.wcb.ab.ca website, which is my go-to document to assist me in explaining this important issue.

Condominium corporations/homeowners' associations

Workers' compensation insurance protects employers and workers against the impact of work injuries. This insurance is required by legislation for employers operating a condominium property if workers are employed. It may also include residents/owners and their families if they are paid for the services they provide. As condominium corporations are typically considered "not for profit," coverage for unpaid individuals (volunteers) is not compulsory.

Subcontractors

Any paid subcontractors hired for a service that supports the operation of the corporation and its holdings are considered to be workers of the corporation or association. This includes part-time, full-time, casual and piece workers. Please refer to your responsibilities for contractors and subcontractors page for your specific requirements.

Subcontractors are not considered workers of the corporation or association if they:

- Have their own WCB account.
- Are operating as a corporation.

Are performing the work as:

- An employer.
- A worker of another employer.
- A director of a corporation.
- A proprietor with personal coverage.
- A partner in a partnership with personal coverage.

Condominium owners or tenants

If an owner or tenant of a condominium (excluding a board member) is being paid to provide a service to the condominium corporation, the residents/owners are considered to be a worker. Unpaid individuals performing services for a not-for-profit condominium corporation are considered to be volunteers and are not auto-

matically covered. These individuals can only be covered through a special request for coverage. Once an application to cover the volunteers is submitted and approved, the condominium corporation must include a value for their services with the insurable earnings information submitted for their paid workers. This value of service should represent a fair market value for the services provided.

Optional coverage

Directors/board members

Even though most condominium corporations carry private insurance for “director’s liability,” this does not usually cover bodily injury to the directors while they are providing a service to the condominium corporation. Private directors’ liability coverage responds only to acts of negligence

pertaining to the operation or affairs of the corporation. Directors/board members are not automatically covered for work injuries.

To obtain this coverage, you can buy personal coverage for elected directors who are registered with the condominium corporation. An official list of directors will be required when you apply for personal coverage. Please refer to the **Personal Coverage** page for more information.

If a director/board member has personal coverage in effect and is injured, and the director/board member has a full or part time job, not only are the wages from the board earnings (if any) covered, but a loss of secondary earnings from other sources is also taken into consideration when

processing a claim. Personal coverage also provides liability protection whereby the director/board member cannot be subject to a lawsuit for a work related incident by any other worker covered under Alberta workers’ compensation legislation.

What about owners who want to volunteer at the condominium, but it isn’t worth their while if they have to buy WCB coverage and liability insurance. Do these individuals also require WCB?

If an owner or tenant of a condominium (excluding a board member) is being paid to provide a service to the condominium corporation, the owners/residents are considered to be a worker. Unpaid individuals performing services for a not-for-profit con-



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dominium corporation are considered to be volunteers and are not automatically covered. These individuals can only be covered through a special request for coverage. Once an application to cover the volunteers is submitted and approved, the condominium corporation must include a value for their services with the insurable earnings information submitted for their paid workers. This value of service should represent a fair market value for the services provided.

If this special request to cover volunteers is not done by the condominium corporation and a resident/owner is allowed to perform services for the not-for-profit condominium corporation and gets injured while doing this service the condominium corporation could be open to lawsuit by the resident/owner.

I also frequently call the Employer Services general phone number (780) 498-3999 and they have advised me that the owner should obtain a "clearance letter" from their contractor or subcontractor (they should request this from the contractor/subcontractor before they hire them and before they pay their last payment to them.)

I hope you find this information as helpful as I have!

Joanna Pauline is a Property Manager for AIM Real Estate Corporation.



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CONDOMINIUM:

THE LIFESTYLE OF YESTERDAY, TODAY & TOMORROW

BY HELENA R. SMITH

In the mid-sixties, a 'new' living concept was introduced in Alberta – condominium, living in an environment of shared responsibilities. A new lifestyle was born. Slowly but surely, the concept developed and evolved. At the beginning, as the tax structure for building condominiums was advantageous to developers, many apartment buildings were built as rental properties, registered with Alberta Land Titles and became condominium corporations but were not operated as such. Over time, tax structures changed, marketing changed, consumer needs changed and governance changed.

In the early days of condominium, there was considerable resistance to this idea. In Alberta, people were conditioned to live in single-family homes where they could basically do as they pleased. As time went on, these ideas evolved. Developers determined that there was money to be made building condominiums and with this change came a different approach by their marketing companies. Through the 1980s came a focus on lifestyle. No snow shoveling and no grass cutting. As the largest percentage of the population was growing older, this was an appealing change from what had been the norm. In speaking with many condominium owners, until a few years ago this was what condominium living was all about - no responsibilities. The lifestyle of the average condo owner was that of a just about to be retired or early retiree that had a considerable amount of disposable income. They liked to travel or whatever and did not want to be burdened with outside maintenance chores. The marketing of condominiums reflected this idyllic lifestyle. In the 1990s, things started to change.

Alberta is an affluent province with abundant financial opportunities and people were moving here in droves. With this migration came different ideas about condominium. Other provinces had well defined concepts about condominium living. These ideas translated into new perspectives. Long time residents began to realize that living in a condominium could have its advantages. A condominium – whatever kind – was usually less expensive to purchase than a single family home. If you were starting out in home ownership, this was a good place to start. If you were downsizing the family home, buying something less expensive than your current home could free up a considerable amount of equity. During this time, as condominium developments were becoming more prevalent, the provincial government was working on revising the Condominium Property Act. The major change, once the new act was enacted in 2000, was the requirement for condominiums to have and maintain a reserve fund and undertake a new Reserve Fund Study every five years. Slowly but surely, people were beginning to realize that condominium ownership did come with responsibilities.

As the new millennium dawned, condominium had evolved into a well-entrenched lifestyle with almost infinite possibilities. The developers had begun by providing basic townhouse condominiums. Apartment style units were next, then bareland units were being built. Unfortunately, few owners realized what they were buying. Marketing was more concerned with selling than educating. Today, every configuration imaginable is available to the consumer. The astute prospective owner is able to learn about what they are intending to purchase by taking the courses offered by CCI (Canadian Condominium Institute), reading the *Condominium Living* sections of newspapers or reading the myriad books and articles written to help them with their decision, much of which could/ can be accessed on the internet. Slowly but surely, the knowledge base is growing.

As with any and all consumer products, as consumer education grows, so the industry will change. This is happening with the condominium industry. The market used to be driven by the developers and their marketing arms. They told the consumer what the





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consumer needed and that need was spread through skillful marketing campaigns. Today, consumers are taking advantage of the educational opportunities available and are starting to state their wishes. No longer is condominium primarily for the middle aged or for seniors. Today, young people are taking advantage of the opportunities to purchase their first home for less than a single-family dwelling. Some complexes have their snow shoveled and some don't, but there is a choice. Townhouse, bungalow or apartment style, the consumer has a choice. Entry level or high end, there is a choice. In the *Condominium Living* section of the November 14, 2004 New York Times, there was an article about a teacher who had bought a 480 square foot condominium in Manhattan for \$450,000. She

was ecstatic about her purchase, as she never thought she would be able to find something she could afford in that part of New York - something for everyone.

Over the years, condominium has evolved from a fledgling industry to a vibrant and very large aspect of society. As the consumer base grows and as their education about condominium grows, there will be changes for good in the industry. As a more diverse population purchases condominiums, what is available to them will expand. Marketing will have to change its approach as they will be speaking to a more informed consumer. Government laws and regulations that once governed the industry very loosely have constantly tightened and refined their rules—the

new amendments to the Condominium Property Act of Alberta are just coming into play. The last forty years have seen the birth and evolution of a billion-dollar industry. The ensuing years will be demanding and exciting, with the emphasis on *exciting*.

Helena R. Smith, ACCI, FCCI
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CONSIDERING CHARGEBACKS

A 2017 ALBERTA COURT DECISION HAS CLARIFIED CONDOMINIUM CHARGEBACKS

BY NATASHA SUTHERLAND

Condominium fee and assessment collection is a highly technical and complex issue. There are a number of terms which are used and defined by the courts, with different meanings to slightly different nuances within the same issue. It can be confusing to keep track of the terms and what items into what categories.

In January 2017, the Court of Queen's Bench of Alberta released a decision affecting condominium corporations and the ability to charge expenses back to unit owners. The decision, *Bank of Montreal v. Bala (Bala)*, reached by the Honourable Justice K.P. Feehan, was an appeal by the Bank of Montreal of a lower court ruling. It addressed several items, including:

- a) *whether condominium corporations can levy a chargeback (aka a "disproportionate condominium contribution") against only 1 owner;*
- b) *whether condominium corporations can charge back an insurance deductible as a contribution against a negligent owner, and whether this would have priority over the mortgage;*
- c) *what evidence is required to demonstrate negligence; and*
- d) *whether legal fees related to the collection also have priority.*

It was hoped that this decision would provide some clarity to the uncertain landscape, as well as create consistency throughout the province. Unfortunately, there still remains some disagreement as to how this case should

be applied; nonetheless, Justice Feehan does an excellent job of pulling together many cases which makes the decision a great resource.

Disproportionate Contributions

Currently under the Condominium Property Act, R.S.A. 2000, c-C22, a condominium corporation may levy disproportionate contributions against owners, if it is specifically permitted by the corporation's bylaws. Disproportionate contributions are any expenses that are calculated on a basis other than unit factors, and include items such as chargebacks and insurance deductibles.

The language contained in a corporation's bylaws permitting a disproportionate contribution must be examined on a case-by-case basis. In this particular case, the words in the bylaws were:

"as if it were a Common Expense levy upon the Owners' Unit or Units and will be a charge upon such Unit or Units."

These words were deemed sufficient in this circumstance.

Takeaway: *Before attempting to levy a chargeback that is disproportionate to the unit factors, the board must ensure that the bylaws of the corporation contain appropriate language to allow them to do so.*

Definition of Contributions

In order to determine if an insurance deductible can be considered a contribution based on the Condominium Property Act, Justice Feehan also looked at the definition of "contributions." The Act describes contributions as a fund to cover:

"administrative expenses...for the control, management and administration of the common property, for the payment of any premiums of insurance and for the discharge of any other obligations of the corporation."

Justice Feehan further describes administrative expense as excluding fines, unpaid rent, penalties or sanctions imposed by the condominium corporation. However, actual out-of-pocket expenses that arise from the control, management and administration of the corporation are permitted. This includes charge-

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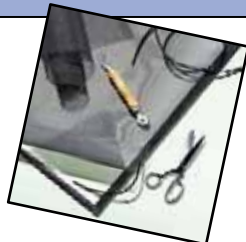
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Takeaway: *Actual out-of-pocket expenses incurred by the condominium corporation arising from the control, management and administration of the common property, are contributions pursuant to the definition of the Condominium Property Act.*

Takeaway: *Fines, penalties and other sanctions allowed by the bylaws of the corporation are not included in the definition of contributions.*

Takeaway: *This may change. Proposed amendments to the Condominium Property Act may affect the definition of contributions. Stay tuned to CCI articles and information sessions later in 2018!*

Owner Negligence

In this particular case, the wording of the bylaw that allowed the corporation to charge back the insurance deductible against an owner required that there be negligence on the part of the owner or tenant of the unit. In his decision, Justice Feehan had to evaluate the evidence of negligence presented by the condominium corporation, which consisted of board meeting minutes and an invoice provided by the initial emergency contractor.

As noted in the decision, the board's meeting minutes were relatively detailed and demonstrated that the board had considered the possibility that the damage was caused by the owner or his tenant, but specified that they were awaiting a report from the plumber. The minutes from the follow-up meeting confirmed that the plumber's report had been reviewed and that the loss was due to the actions of the tenant.

It is important to note that the plumber's report was not included as evidence, and if the board meeting minutes had failed to provide sufficient detail regarding the cause of the damage, there would have been insufficient evidence to support a finding of negligence.

Takeaway: *Where a condominium corporation is seeking to demonstrate liability for negligence or any other action in which the condominium corporation is making allegations against an owner (such as chargebacks, breach of bylaws or other fines) the board must ensure that there is adequate*

evidence to prove the allegation. This includes detailed board meeting minutes and the provision of any professional reports, photographs, video footage, and any other documentary support for the corporation's allegations.

Legal Fees

The aspect of the Bala decision that remains the most controversial is the treatment of legal fees incurred for the collection of the contributions.

Justice Feehan pointed out that the Condominium Property Act has a specific provision that allows the condominium corporation to recover "all reasonable costs, including legal expenses" from "the person against whom the steps were taken." In this case, the corporation had been forced to bring an application against the Bank of Montreal as the first-place mortgagee. Based on this provision, Justice Feehan awarded the legal costs incurred by the condominium corporation against BMO as the "person against whom steps were taken." In doing so, he recognised the corporation's ability to recover those amounts on a solicitor-and-client basis, again provided that the corporation's bylaws allow for it.

The other side of this determination, however, was that the legal fees incurred by the condominium corporation are not characterised as a contribution with priority over the prior registered mortgagee.

Instead, it was determined that the legal fees incurred by the corporation for the enforcement of their bylaws and the collection of properly levied contributions were enforceable only against an owner. In other words, the corporation can still recover legal fees against the owner, but not against the unit.

Takeaway: *Legal fees have a different meaning than "solicitor-client costs" within the case law. Solicitor-client costs can be considered "100 cents on the dollar."*

Takeaway: *A "contribution" has priority over the mortgages on title. Something that is not a contribution and instead "against the person" can be collected but will not have priority over the mortgages.*

Takeaway: *Legal fees are recoverable from the party against whom the condominium corporation had to take*



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legal steps. However, legal fees are not a contribution. Therefore, legal fees do not take priority over mortgages.

Best Practices

There are several steps that should be taken by a condominium corporation to ensure that they maintain the best position possible when collecting contributions from owners:

- 1) Ensure that the contribution has been properly levied.
 - *There must be a board resolution to approve a special assessment;*
 - *There must be a board resolution approving the chargeback of actual expenses incurred by the corporation as a contribution. This can include damages or insurance deductibles. It should also reference the unit in question; and*
 - *The board must not caveat or characterize any fine, sanction or penalty as a condominium contribution.*

- 2) Ensure that there is sufficient evidence to support the charge back.
 - *Keep detailed board meeting minutes;*
 - *Request and retain assessments of the situation from the party who is the first on site to address an emergency issue;*
 - *Obtain expert assessments where necessary to determine the cause of an issue;*
 - *Obtain witness statements; and*
 - *Review and keep on file any security camera footage or other evidence.*

- 3) Ensure that the bylaws of the corporation contain the necessary language.
 - *The board should ensure the corporation's bylaws allow the corporation to collect the specific expense*

- *back from an owner as if it were a contribution; and*
- *When seeking to collect legal fees on a solicitor-and-client basis, that the corporation's bylaws specifically allow for solicitor-and-client legal costs.*

- 4) Incur the expense before attempting to recover any amount from the owner.

- *Keep detailed records of invoices and payments for use as evidence.*

There still remains a level of uncertainty in terms of how the 2017 Bala decision will be applied, particularly in light of the current and proposed changes to the Condominium Property Act; however, I am hopeful that that further clarity and consistency will be provided as more of these matters are taken through the litigation system.

Natasha Sutherland,
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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. 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.

Q: Can a condo board legally pass a bylaw that restricts the days of the month that owners or tenants may move in or out of the complex? In our situation, the condo board has passed a bylaw that such moves cannot be undertaken over weekends or holidays. This presents a problem for tenants who are leaving their other rental on the last day of the month if it falls on a weekend, and it seems to go against the legal right to have full enjoyment of your property.

A: First, a board cannot pass any bylaw amendment, only the owners can. Did the owners come together and pass a bylaw change that was supported by more than 75 per cent of the owners and unit factors? You need to confirm whether or not it was a board policy or a bylaw amendment. Those are significantly different, and you need to know that answer before determining your next step. If it was simply a board resolution or policy, then the owners can come together and force the board to change that policy. If it was a bylaw amendment then it would appear that more than 75 per cent of the owners supported it,

and therefore you need to ask your fellow owners why they would support such a thing.

Helpful Hint: There must have been some reason to force people to move out on the weekday as opposed to the weekend. However, boards should try to accommodate and understand the goal of condominium living should be to balance the interests of all of the owners, not just a few.

Q: I live on the first floor of a four-storey condominium. The first year I moved in I filed an insurance claim regarding the humming noise coming from the walls because the builder – at the time the building was still under warranty – could not fix it. Months passed, the noise lessened, and the claim was rejected because of it. Now the noise is back and the property manager is not doing anything about it. Since the insurance company said that it is part of the common property, can I ask the board to do something about it so the insurance company can inspect my unit again? Do I have other options?

A: If you have an issue with respect

to your unit that falls under common property, then it is the responsibility of the corporation to deal with it. The corporation may be required to hire someone to provide the board with a definitive answer as to the source of the humming. Boards do not have the ability to ignore an issue of this nature.

Helpful Hint: Corporations have the responsibility to maintain and repair common property. If there is a genuine issue that needs to be addressed, the board must deal with it.

Q: As a first-time homeowner, I am unfamiliar with the rights of a condo board and/or property management company. If a condo board wants to fine an owner for failing to pick up pet waste, can they do so without first communicating what the amount (or range) of the fine will be? Does any of this need to be stated in the bylaws? If the owner does not pay the fine, can the condo board legally place a caveat on the unit?

A: First, the bylaws must allow the board to issue a fine for a breach. If there is nothing in the bylaws that gives the corporation the power to do so, then fines cannot be issued. Second, the real question for you is this: Why aren't you picking up your pet's waste? You live in a condominium complex and you share space with other people. Be respectful. Generally, a warning letter/notice is the preferred approach before issuing a fine. Finally, if the corporation wants to enforce the provisions of the bylaws and the fine, they will need to do so through a court process.

Helpful Hint: When you live in a condominium corporation you have to follow the rules. As I have always said, if you cannot handle or follow rules or live with people then you probably should not live in a condominium.

Q: My condominium unit purchase included an assigned parking stall with the electric plug-in attached to my unit. The problem is that my stall is located over a city manhole. I have asked the condo board several times if I can be assigned to another stall because I am worried about losing my keys down the manhole. Their reply has always been "No, it is connected to your condo unit and can't be changed." They suggested I park in an area where they charge for parking. Why, out of 50 units, am I the only one assigned a stall over the drainage system? I have asked the city to change to a cover with smaller holes, but they said the property owner has to request it. The president of the board said she

called, but was told that it is a major drainage system and needs the wider holes. Any suggestions?

A: From your question it would appear that the parking stalls are common property, with owners receiving exclusive use of the stall. This unfortunately makes it more challenging for you in terms of getting a new stall. Your concerns are valid but the corporation may have very limited opportunity to address this. You may want to consider asking the owners to support your move in finding a new parking stall. Are there any other available stalls in the condominium corporation? Further, I would inquire with a drainage engineer to determine whether or not the answer of the condominium corporation is correct.

Helpful Hint: I always encourage boards to be helpful to owners when they have an issue and their concerns are legitimate. That is what living in a



condominium is all about.

Q: Our condo board now requires all newly elected members to sign three documents: board of directors' confidentiality agreement, privacy policy, and code of ethics. Signing of these documents seems to be encouraged by the Canadian Condominium Institute. This has led to our building losing good directors who declined to sign. I believe that our directors are governed by the Alberta PIPA and common sense. Do these 'oaths' prevent board members from ever reporting their mistakes?

A: I am starting to see more and more of this on condo boards. Generally I have no issue with board members signing these types of documents to encourage good governance. With respect to the confidentiality agreement, there is nothing inherently wrong with asking board members to acknowledge that the discussions at the board level may and must remain confidential from time to time. With respect to the privacy policy, again, as long as it is consistent with the law I have no issue with the board simply acknowledging their privacy requirements. Finally, a code of ethics is not offensive, and

if it simply reminds the board members of how to treat each other there is nothing wrong with that approach.

Helpful Hint: In order for board members to be aware of what they are expected to do, I encourage all boards to provide owners with the documents in advance of an election, so that they have a sense of what their responsibilities would be if they chose to seek a position on the board.

"Legal costs sometimes outweigh any benefit that will accrue to the owner."

Q: Over two years ago my condo's interior floor was damaged by a broken eavestrough. The condo board at the time looked at the damage and had a contractor state that the floors had to be replaced – they could not be patched. I have made several attempts to get this resolved, but am getting nowhere with the board and the property management company. I raised my issue at the AGM, saying I wanted this to be addressed. They failed to put that in the minutes, and it seems my problem has been totally ignored. Getting legal counsel would

entail a cost close to the cost of just replacing the floors myself. What would you suggest?

A: Unfortunately there is no quick answer to your question. Do you have the support of other owners? If the answer is yes, then I would draft a motion at an AGM or call an extraordinary general meeting to direct the board to either fix your floor, or provide you with a written letter as to their timeline for

addressing the issue. This would be the most cost-effective way to handle the problem.

Helpful Hint: Legal costs sometimes outweigh any benefit that will accrue to the owner. I hope there will be a dispute resolution board established this year that will enable you to get a quick answer at a low cost on these types of issues and disputes.

Q: I own a condominium unit that I rent out. Recently, the condo board alleged that my tenants had left some forbidden items on the balcony,

and that letters had been mailed to both my tenants and myself. However, I did not receive a letter about this, and the first notice I got about the problem was a statement from the condo board regarding the fine and late payment charge. When I asked my tenants about it, they said that they had not received any complaint letters either. I then wrote to the condo board to ask them to reverse the charges, but the board refused. I am willing to submit a statutory declaration to support my request. Do I have any recourse?

A: The short answer to your question is "maybe." First, you should review your bylaws to determine whether or not the condominium corporation has the authority to issue a fine. Fines can only be issued if the condominium corporation has the power to do so under its bylaws. Assuming that the condominium corporation has the power to issue a fine, then you should review the nature in which notice of the letters were sent to you. Ask the property manager to provide you with proof that the letters were in fact sent. If you are still not happy with the answer, you may have to challenge this issue in court.

Helpful Hint: Property management companies are entitled to send notices or letters to owners and/or tenants. This is why it is so important that you keep your information up-to-date so that property managers send the information to the correct address. If there are any issues as to notice, then the property management company should always be ready to provide proof of notice.

Q: I had a water blockage in my sink and hired a plumber who put a snake down the pipe and removed the blockage. His snake was 25 feet long and used a good portion before he hit the blockage, but length unknown. I submitted the bill to the corporation as Part II "Duties of the Corporation C) iii) states 'repairing or replacing any pipes, wires, cables, ducts, etc., unless such items are solely for the enjoyment of one apartment home.' This is a four-storey condo and I am on the top floor. Our manager replied that the blockage has to be at least 20 feet before the corporation would pay the bill. Can the manager or anybody else put interpretations like this to the bylaws?

A: It is an odd reply, but I would be interested in

knowing how the property manager uses the threshold of 20 feet as a determining factor. I would take a look at your condominium plan which is registered at the Land Titles Office and determine what is or is not common property. If the pipes are common property (which I assume they are), it would be the responsibility of the condominium corporation to address this. The only thing that I am puzzled with, however, is the fact that you dealt with it yourself as opposed to asking the corporation to deal with it.

"Owners have a tremendous amount of power when it comes to the direction of the condominium corporation."

Helpful Hint: The condominium plan sets out what is or is not common property. If something is common property and there is nothing in the bylaws that delegates the power or the responsibility to the owners, then it will be the corporation's responsibility to deal with it.

Q: I sit on the condo board in my building, and we have a tight budget. At the end of the year, any remaining money is put into a contingency fund and we start out the 'bank'

with zero. The budget that is passed allows us to do things throughout our fiscal year, but we have a cash flow problem. While there is money in the budget for gardening projects, for example, we cannot carry them out at the beginning of our fiscal year because we have to wait until the maintenance fees are collected throughout the year to pay the bills. This does not make sense for us in terms of when is best to buy and plant items.

Once our fiscal year comes up in September, at our

next Annual General Meeting I would like to discuss the possibility of keeping money in operating funds to help with cash flow. Can I do this?

A: Yes. Your condominium corporation has a unique way of budgeting that is not against the law, but puts particular stress on the overall budget for the corporation. At the next AGM you can make a motion directing the board to budget differently. You will need to come up

with the proper wording for your motion, and you must ensure that you have adequate support among your fellow owners to pass such a motion. You may have to lobby your fellow owners.

If the motion passes by a vote of 50 per cent plus one, then the board must follow that direction in accordance with s.28(7) of the Condominium Property Act. You should give the board advance notice of your intention to make a motion, so that it is placed on the agenda and everyone is aware of the purpose of the motion. If you just bring the motion up at the AGM there may be some concern that the owners cannot vote on it now because other owners were not aware of this significant vote.

Helpful hint: Owners have a tremendous amount of power when it comes to the direction of the condominium corporation. Boards are charged with the responsibility of making decisions on a day-to-day basis, and also make decisions that impact the corporation in the future. If owners are not happy with that direction, they can use their power under the Condominium Property Act to direct the board otherwise.

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