

CANADIAN CONDOMINIUM INSTITUTE
NORTH ALBERTA CHAPTER

INSITE TO CONDOS

THIS ISSUE:

Drafting a
Cannabis Bylaw

Don't Hit Send

Legal Corner :
Grandfathering

VOL. 31, ISSUE 4 - SUMMER 2018

Canadian
Condominium
Institute

CCI

Institut
canadien des
condominiums

North Alberta Chapter

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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THIS ISSUE



10 Alberta Condo Expo Recap



24 Personal Insurance



37 Don't Hit Send

04 President's Message

06 Meet the Board

• Dawn Mitchell • Chris Vilcsak

09 Your Condominium Voice

14 Membership Musings

16 In Memoriam: David Vincent

18 Education Station

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20 On Board

- Drafting a Cannabis Bylaw
- 5 Habits of Highly-Effective Directors
- Top 10 Ideas for Condo Social Events

29 Insulate for Rebate

33 What is ReStore?

40 Legal Corner: Grandfathering

45 Blast from the Past

Making Sense of the Jargon - Summer 1998

49 Business Directory

MESSAGE FROM THE PRESIDENT

BY ANAND SHARMA



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

Since my previous report CCI North Alberta held our 9th Annual Conference and Trade Show, now known as the Alberta Condo Expo. It was an amazing success with more than 500 delegates, and a record 54 exhibitors. Thank you to the organizing team led by our Executive Director Alan Whyte, and all the volunteers for your immense efforts. Many thanks also to all our sponsors without whom we could not stage an event as large as this at affordable rates. Special thanks to title sponsor HUB International Insurance for their continued and long-time support of CCI North Alberta. HUB International is an amazing partner and the condominium industry is very grateful for their support.

Our executive and board team are holding two strategic planning sessions to continue to improve our services and to incorporate your feedback on May 25th and June 15th respectively. This is an important set of sessions where we set goals for the year, and look back on the year past to reflect on our accomplishments

and challenges.

This month we lost a member of my condominium family. Murray Orvis was the President of Rutherford Gate Condominiums here in Edmonton and had served on the Board in this capacity for seven years. We lost him to a shockingly swift battle with cancer. He was active throughout the City of Edmonton in sports and coaching, so it was no surprise that Murray volunteered to lead the Board at his condominium complex when he moved to it. Murray gave hundreds, maybe even thousands of hours of his time working tirelessly to better Rutherford Gates. One of the things I admired about Murray was his fair and deliberate nature when dealing with issues that arise in condominiums. Murray recognized that his neighbors were people just like him. While he understood rules needed to be followed, he had compassion for those who were struggling.

On a personal note, what I appreciated most about Murray was his ability to tell a good story or experience with vivid and colorful language that kept you ena-

mored. He was big hearted and had this hearty laugh. He was one of my greatest supports professionally when I decided to start my own condominium management firm back in November, a support that I will never forget.

My humble request is that we take the time to thank people like Murray who work on your behalf every day, they deserve your support and admiration for their efforts. So thank you Murray, I will miss you greatly my friend.

Anand Sharma

President, CCI North Alberta



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2018 CCI North Alberta

CONDOS IN BLOOM CONTEST

REGISTRATION OPENS JUNE 1, 2018 | CLOSES JULY 15, 2018

Winners will be announced at our AGM and featured in the Fall issue of Insite to Condos Magazine.

Prizes will be awarded for 1st place in each of the categories!

CATEGORIES INCLUDE:

- *Best Condominium Complex*
- *Best Individual Unit*

**VISIT WWW.CCINORTHALBERTA.COM OR CONTACT
OUR OFFICE FOR A REGISTRATION FORM**



Dawn Mitchell has been with HUB International Insurance Brokers since 1990. In that time, she has obtained her Fellow, Chartered Insurance Professional, Canadian Accredited Insurance Broker, Canadian Risk Management, and Associate, Canadian Condominium Institute Designations. She has served as a Board Member for CCI North Alberta Chapter and has conducted insurance seminars and instructed for the CM200 and CM300. She was asked by the Government of Alberta to assist in the review of the Insurance Section of the Condominium Property Act. Dawn specializes in the placement of insurance coverage for Condominium Corporations and Property Managers. She enjoys educating Board Members on the insurance requirements so that they comply with the Act, Regulations and Bylaws. As well, she has assisted Boards with writing the Insurance Section of their bylaws.

MEET THE BOARD

DAWN MITCHELL

Q: What is the biggest change in the world of condominium insurance in the last decade?

A: Better coverages (more tailored to a Condominium then a standard Commercial Building Owner) and higher deductibles.

Q: As our current Secretary, what minute taking advice would you give others who fill the same role on their Board?

A: One thing I learned really quickly, is that you don't have to write down every word that is said. It is important to memorialize key points, but not the "fluff". Once I learned this, I used a lot less ink and had less hand cramps!

Q: Why has your company been such a strong supporter of CCI over the years?

A: Simply put, we believe in the value of CCI and want to help educate Boards anyway we can.

Q: What aspect of condominium insurance do you find owners often overlook and would benefit

contacting their broker to follow up?

A: Making sure that they have adequate coverage under their Additional Living Expenses in the event that they will not be able to return to their homes for an extended period of time. In a large loss, it is not uncommon to be displaced for more than 12 months, and they should prepare for this.

Q: What's at the top of your wish list for the upcoming regulation updates regarding condominium insurance?

A: Clarification! Whether it is with respect to the deductible or repair process.

Q: Scary film or happy endings?

A: Definitely happy.

Q: How did you get started in the industry?

A: I started at Phoenix Insurance as a receptionist, and they haven't been able to get rid of me! I soon saw that there was great potential for growth and learning and they

provided a ton of support in pursuit of both.

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

A: Insurance – 28 years; Condo Related – 25.

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

A: Explaining to the Boards (and often times the Manager) why the claim is handled the way it is, why there are multiple insurers on policies, finding insurers willing to place coverage on a Condominium that has had a challenging loss history, working with that Board to find solutions to reduce/prevent claims and make their Condominium an attractive risk to the Insurer.

This can also be the most rewarding as well.

Q: How do you like your eggs?

A: BASTED!

"Simply put, we believe in the value of CCI and want to help educate Boards anyway we can."

Q: What's the last country you visited?

A: Antigua – and would go back in a heartbeat.

Q: What's your favorite family tradition?

A: For years, before they all grew up, we would take our boys to the store at Christmas, and they would each select a toy for Santa's Anonymous, pay for it and put it in the donation box.

Q: Do you sing in the shower?

A: Nope, and our pets are very appreciative of that fact.



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Chris Vilcsak is President and CEO of Solution 105 Consulting Ltd. and has been active in the energy industry and the Edmonton business community for more than 30 years. He started Solution 105 19 years ago, focusing on "Making Sense of Energy" for companies operating in deregulated environments. In addition, Chris has owned a condominium in the past and understands the concerns of owners and board members, and he and his company have worked with several condominium boards and management companies on energy reduction and submetering initiatives. Solution 105 has been a member of CCI for the past several years.

Chris graduated with a mechanical engineering degree from the University of Alberta in 1985 and completed an MBA on a part-time basis from the U of A in 1997. He credits the MBA with sparking his entrepreneurial fires and his focus on providing excellent customer service.

He is active in the community on a professional and personal level, having served six years on the board of the Edmonton Chamber of Commerce and several more years on the City of Edmonton's Renewable Energy Task Force, is an active member of the Edmonton City Council's Energy Transition Advisory Committee, and has been on the BOMA Edmonton board since 2005.



MEET THE BOARD

CHRIS VILCSAK

Q: What role does your company serve to assist condominiums?

A: Our firm helps condominiums to reduce their utility costs, and to find ways to accurately and legally allocate costs for utility usage. We also assist with identifying energy efficiency projects and opportunities.

Q: What common practices do condos implement to successfully reduce their energy expenses?

A: There are many ways condos can reduce their energy expenses, including:

- Submetering - Condo owners use 20% less when they pay for their own use!
- Timers on parking lot plug-ins (rotating on/off for half hour periods)
- Installing LEDs in hallways, parkades, and exterior areas
- Doing maintenance on furnace/boiler filters, and possibly having the boiler controls upgraded

Q: As a recent condo purchaser, what advice would you give prospective owners to ensure they are making the most informed decision possible?

A: Review the Reserve Fund study, and if possible, get access to the previous study as well. There are many cases where boards and condos have not completed the work that was suggested, and I feel there are many reserve fund study providers which do not have the expertise to accurately determine the useful life of building systems.

Q: Scary film or happy endings?

A: Happy endings, always!

Q: Do you collect anything?

A: Yes - travel memories.

Q: How do you like your eggs?

A: Sunny side up on toast with cheese and beet relish - and soft yolk please.

Q: Which three words describe you best?

A: Joyful, grateful, and optimistic.

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

A: Best praise - someone recently told me that I am the most authentic person they know.

Q: What's the last country you visited?

A: Most recent, Mexico - most in my heart, Peru.

Q: What's the weirdest word in the English language?

A: LIVE - if you do it backward it's EVIL.



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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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It has been an eventful past few months for our Government Advocacy team. Our focus primarily has been on providing input to the Alberta Government on Phase 2 of the Regulations related to the Condominium Property Act. Our members attended several stakeholder consultations on your behalf in 2018.

Phase 2 Regulations – Condominium Property Act

At our recent Alberta Condo Expo, The Minister for Service Alberta, the Honourable Stephanie McLean, joined us to provide an update and bring greetings from the province. Delegates were given insights by Service Alberta as to what the potential regulations would look like in the areas of insurance, governance, reserve studies, meetings and proxies, and other important areas that affect condominium corporations. The Alberta Government intends to release the regulations drafted for public consultation prior to ratification through a public survey.

The overall push by the Alberta Government was for greater measures to provide transparency and information to owners. While CCI North Alberta supports these measures and were critical of the previous Alberta PC Government for not incorporating greater consu-

mer protection measures in the Condominium Property Act, we feel the pendulum may have swung too far the other way.

It is important that the Board of Directors of Condominium Corporations have the ability to complete their fiduciary responsibilities in a manner that is not so burdensome that it hinders their ability to act. Boards are comprised of volunteer owners and the retention of quality Directors is important to condominium governance.

A side effect of some of these potential changes will likely be an increase in costs of management which means increased condominium fees. Management companies cannot be expected to absorb the costs of enhanced document retention, lowering of condominium document fees, and additional administration related to new documents that now must be provided related to insurance and AGM dates without an added cost.

Similarly, greater educational requirements and sign off for reserve fund studies, which CCI North Alberta pushed for and support, will practically mean higher costs to commission these studies.

Over the coming weeks CCI North Alberta will analyze the regulations and survey to ensure that the right balance has been found between

enhancing owner rights and ensuring the board governance is not overly cumbersome. Rest assured our Government Advocacy team will be publishing our views on the changes to the regulations on the CCI North Alberta website. We strongly urge all owners, directors, and industry members to participate in the survey.

Cannabis Legislation

CCI North Alberta has been on the forefront of education related to the cannabis issue. In this magazine, Willis Law has provided an outline of the steps to drafting by-laws that deal with cannabis. At the Alberta Condo Expo we held a seminar on how to deal with Cannabis and invited the Alberta Cannabis Secretariat and prominent lawyer Victoria Archer to outline how to deal with the Cannabis in Condominiums. Please look to our website for further updates on this important topic.

Much thanks to our Government Advocacy Committee comprised of Lawyers High Willis, Melissa Stappler, Todd Shipley, and Victoria Archer along with Board Members Dawn Mitchell and Chris Vilcsak. We could not do what we do without your incredible efforts.

Anand Sharma

Co-chair, Government Advocacy Committee




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2018 ALBERTA CONDO EXPO

Our rebranded Conference and Tradeshow, the 2018 Alberta Condo Expo was held on Saturday, May 12, 2018 back at the Robbins Health Learning Centre of MacEwan University in downtown Edmonton. With over 500 participants again this year, we are very pleased with the support received from all involved.

In alphabetical order we would like to acknowledge the efforts of those who made the event the great success that it was.

ATTENDEES

It's often overlooked in the overall scheme of things, however without this group there's no event! Thank you for taking the time out of your busy schedules to join us to hopefully learn a variety of relevant information that you can pass on to others as well as making the most of your opportunities to network with the expertise available to you. Special thanks to all of you who provided us the much needed feedback following the event so we can validate our objectives but also seize on recommendations to improve things for next year.





EXHIBITORS

We had a record 54 exhibitors attend this year and a number we had to turn away due to space limitations. Kudos to their creativity in engaging the attendees (mini-golf or plinko anyone?) as well as their generosity of supplying the largesse of draw prizes received for our attendees. It is also important to note that without the exhibitors participating along with our sponsors' financial support, the cost to attend would be significantly higher.



PRESENTERS

Fourteen different presentations were given throughout the day including the eleven Conference sessions, Legal Panel, Service Alberta's keynote luncheon and our new Condo Owner Essentials course. All of our twenty-three Presenters volunteered their time to plan and deliver their presentations at the Expo. We all benefit when they share their expertise and whether or not you always agree with their perspectives, it does broaden your understanding of the topic being discussed. Copies of the presentations that were made available to us have been uploaded to our website.

VENUE

As long as our numbers don't explode, we plan to continue to use the Robbins Health Learning Centre at MacEwan University. Aspects such as the central location, classroom perks, abundance of natural light are key, however the efforts of the conference services team to accommodate this size of event was critical. Special Thanks to our event Consultant Kristine Monteiro for all of her planning expertise and her on-site team that overcame an out of order elevator and several power challenges to name just a few of the behind the scenes they were dealing with throughout the day.



VOLUNTEERS

Along with our volunteer presenters, were a core group of volunteers who helped out both prior to the Expo and on event day. Our Board of Directors stepped up with the best overall support we have witnessed to date wearing numerous hats regardless of their comfort zone. We also were grateful for the assistance of various CCI members who stepped up in a myriad of roles to ensure all tasks were completed and everything went as smoothly as possible throughout the day. If I did not get an opportunity to thank you individually for your efforts, I want to make sure to acknowledge that your efforts did not go unnoticed and were very much appreciated.



SPECIAL THANKS

As with any event of this nature there are a few people whose star shone brightly for their efforts and should be acknowledged accordingly.

Candace Graham - Our Marketing and Administrative Coordinator not only cheerfully handled every inquiry received but spent countless hours in preparation for an event she had never experienced before.

Sandi Danielson - For the third year in a row, Sandi and her team have handled the event day registration process so effectively to get things started on the right foot.

Shantel Kalakalo - She not only looked after our Exhibitors throughout the day, but her and her Education committee provided assistance and input through the planning process.

Gord Sheppard and Michelle Riopel - The dynamic duo literally forced me to empty my head and create a set of processes on paper for Event preparation that our organization can follow for years to come.

Mtek Digital - David, Greg and their team put together our new website www.albertacondoexpo.com from scratch within 2 weeks, the first time we have ever had a standalone site for the event. Watch for added features such as a FAQ section for next year.

Minuteman Press - Meredith and Cam not only created our two Programs we introduced this year but managed everything we threw at them for the event with no hesitation and completed everything within a tight timeframe.

SPONSORS

It's one thing to support an event by participating in a variety of ways but the heavy lifting of financial assistance received by our sponsors was paramount to allow us to create the scope of the

event we did. We had a record level of support from our sponsors this year many of which have also contributed to previous incarnations of this event.

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2018 CCI North Alberta GOLF MIXER

WEDNESDAY, AUGUST 15 @ BROADMOOR PUBLIC GOLF COURSE

NEW VENUE:

*Broadmoor Public Golf Course
2100 Oak St, Sherwood Park, AB*

NEW START TIME:

*9:00 am Shotgun Start
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TEAM OF 4: \$520

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MEMBERSHIP

Musings

Welcome to Membership Musings – the Membership Corner of Inside. 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

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Atlas Insulation Ltd.
Boyle Street Property Maintenance
Donewell Property Services
Gardiner Appraisals Inc.
Habu I.T. Solutions
Innovative Landscape Concepts Ltd.
Solaris
Square One Realty & Economy Management
Togondo
VARA Management

PROFESSIONALS

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Marie Hilton

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Cedarwood Court
Commonwealth Place
Condominium Plan No. 729 2757
Eton Park Estates
Kingsgate
New Cambridge Lofts
Oliver on the Park
Regency Village Condominiums
Riverbend Village
Scona Gardens
Stone Pointe
The Fairways of Lewis Estates
United Health Centres
Villas at Lacombe Park
Vista Pointe in Chappelle Gardens Townhomes

INDIVIDUALS

Howard Faulkner
Laura Leigh White
Scott Bachand



MEMBERSHIP RATES 2018-19

Valid until June 30, 2019 – Prices do not include GST

Condos, 2-50 Units	\$200 +GST
Condos, 51-100 Units	\$250 +GST
Condos, 101-200 Units	\$350 +GST
Condos, 201+ Units	\$450 +GST
Individual Condo Owner	\$75 +GST
Business Partner	\$500 +GST
Small Business (5 or fewer employees)	\$300 +GST
Professional (Individual)	\$375 +GST

Visit ccinorthalberta.com to submit your application!

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



WINGS & WEDGES

On Wednesday April 11, 2018 the CCI Membership committee hosted our initial "Wings and Wedges" Business Networking Event at the Karlen Elecom training centre. We had a great turn out of business partners, new and potential members as well as representatives from Service Alberta. I think it is fair to say there were a number of new connections made and some great conversations throughout the evening. I know some even took advantage of the golf simulator in an attempt to get rid of some of the winter rust. Next time perhaps some kind of golf, pool and ping-pong triathlon challenge is in order!

We would like to thank our host Nicola Buck who did a stellar job cooking up the variety of wings and wedges for everyone. In addition, a big round of applause goes out to Shaeli King and her team from ServiceMaster, the sponsors of the event who joined us with their great array of swag and even donated a \$100 restaurant gift certificate to one of the lucky attendees.

Other winners of the evening included:

Mark Martel - Novesta (Quarter Page Magazine Ad)

Nic Wells - Solstice Landscaping (Alberta Condo Expo Conference Registration)

We are always looking to expand our reach and increase the awareness of CCI so if you know anyone who owns a condo, lives in a condo, or does business with condos please let them know about us.

Thank you to all that attended, the committee volunteers, and our hosts Karlen Elecom.



WINNER:
MARK MARTEL,
NOVESTA



WINNER:
NIC WELLS,
SOLSTICE LANDSCAPING



CONDOMINIUM QUESTIONS?



- Are Special Assessments Coming?
- Leaks, Mould, Repairs, Bugs: Who pays?
- Board Meetings, effective, productive?
- Is the Reserve Fund Adequate?
- Are owners and residents kept informed?
- Are condo documents easily accessible?
- Is there a Risk Management Plan to avoid legal and insurance claims?
- Need an independent chair?

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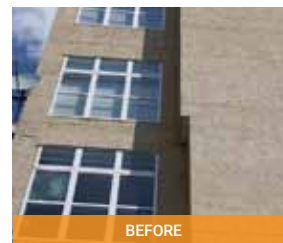
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In Memoriam...

The family of **DAVID JOHN VINCENT** is saddened to announce his passing away on Tuesday, March 13, at the age of 75. He remained his characteristic sharp-witted and good-humoured self throughout his life.

David was born in Northampton, England after his pregnant mother was evacuated from London to avoid the German bombing. He then grew up in Orpington, Kent, the eldest of four children (Michael, Trish, Eileen).

David began a long career in radio as part of the Pirate Radio movement. Under the pseudonym "David Sinclair", he and his fellow pirates broadcasted pop music from decommissioned sea-forts or offshore boats to millions of listeners throughout Britain and Europe. Shortly after the UK government passed the Marine Broadcasting Offences Act in 1967, David moved to Canada to continue his broadcasting career in radio and television. Eventually settling in the Edmonton area, David had three sons (Christopher, Stephen, Ross).

Adjusting to family life in his new country, David noticed a lack of the type of music he enjoyed as a DJ back in Britain. He soon realized he was not alone, and started a home-based mail-order business importing and distributing European records to an underserved audience in Western Canada.

With his considerable experience he turned his hand to teaching, helping to train a new generation of radio personalities. As the industry changed, so did he, and he applied his affable charm to a vibrant career in sales.

David published his Pirate Radio memoirs "Making Waves" under his radio pseudonym in 2015. At the urging of his children, David recorded an audiobook of "Making Waves" in 2017, sharing his great talent and remarkable voice one final time.

The family would like to thank the staff at the Cross Cancer Institute and the Foyer Lacombe for their tremendous care.

FROM GREGORY CLARK

The first time I met David Vincent was when he ran for the board of CCI. When it was his turn to present a speech David stepped up to the podium and said in his deep, clear and English-accented voice, "I'm David Vincent. I have a background in broadcasting and I think I would be a value on the board." That was pretty much it. I had a lot of respect for his direct no-nonsense approach, and so did a lot of other people, as he was easily elected.

David joined the Communication Committee immediately after being elected. When we started working together, the magazine had faced several challenges including inconsistent production and a lack of relevant content. David quickly took on the role of Editor and was exceptional at it. He ensured that there was a schedule and that it was followed (even if it meant giving Anand a modified schedule to ensure the President's Report was submitted on time!). David also aggressively searched for the best content and solicited new authors to ensure the content was relevant to the current needs of our members. David did a fantastic job of making sure the magazine ran smoothly.

The biggest surprise in working with David was the friendship that formed between us. We were thirty years apart, but I considered David to be a true friend. David was someone that you could trust and someone that would always listen. David was someone that was always thoughtful in meetings, respectful of others and absolutely hilarious at just the most unexpected times. David and I shared many laughs and I absolutely loved his wittiness.

When I read the obituary that was written about David by his sons, it made me realize that David had great character and he lived true to this character in all areas of his life. It was a pleasure to meet his sons as I could see that his sincerity and humour lives on through them.

From the bottom of my heart, I would like to thank you David for all that you have done for CCI and its members, but more importantly all the people that you have touched throughout your life. You will be missed, David "Sinclair." Keep on making waves!

Gregory Clark was the CCI North Alberta Communications Chair when he had the good fortune of working with David.



David's sons Stephen, Ross, and Christopher preside over a donation in their father's honour from CCI-NAB to the Alberta Cancer Foundation.

VOLUNTEER SERVICE AWARD

CALL FOR NOMINATIONS!

Everyone knows of a special person who continually goes out of their way to make your condominium a better place to live. We would like to continue to recognize these remarkable unsung heroes. Do you know of someone who has volunteered their time and efforts to help improve their condominium community in a significant way? It could be a member of the Board, a committee member, or a member at large that "can always be counted on to help out."

Ask the question "Did this person's actions make a noticeable improvement in our Condominium Community?" If the Answer is Yes, then please take the time to acknowledge them for their efforts!

The CCI North Alberta Chapter invites you to nominate that individual for the Volunteer Service Award to be presented at our Annual General Meeting in the Fall of 2018.

Eligibility:

- Nominees must be from a CCI North Alberta member condominium corporation
- Must be a current or recently retired volunteer
- Must have been volunteering with the Condominium for a minimum of two years
- Must not have been paid for their services other than a reasonable honourarium

Nomination Forms:

- Available on the CCI North Alberta Website (search Documents and/or Sort by Forms)
- Contact the CCI Office to have the form sent to you

PLEASE SUBMIT YOUR NOMINATION FORM TO CCI:

E-MAIL: info@ccinorthalberta.com

FAX: 780-452-9003

MAIL TO: CCI-NAB, 11810 Kingsway NW, Edmonton, AB T5G 0X5

DEADLINE FOR SUBMISSIONS: September 7, 2018



CCI EDUCATIONSTATION

18

By the time this magazine reaches you we will have completed over 20 separate educational events and 25 different topics during the 2017-18 year. On behalf of the Education Committee we wish to first thank all of our volunteer presenters who took the time out of their busy schedules to prepare and share their expertise with us. We also want to acknowledge all the additional hours put in by the group of volunteers to look after setting up and hosting the events that was organized so capably this year by Board member Maurice Perrault. Last but not least, all of the attendees for making our efforts worthwhile and providing much needed feedback throughout the year.

For those of you new to CCI or who weren't aware of the scope of education we provide through our lunches, evening seminars or weekend courses this year, please see our list of topics covered over the past year:

- **How Can New Legislation Improve the Quality of Reserve Funds**
- **Expectations for Condo Managers and Boards - What's Reasonable?**
- **Workers Compensation Board - What Every Condo Needs to Know**
- **Preventative Maintenance - Reduce Angst and Unnecessary Expenses**
- **Crime Free Multi Housing Program - Condo Security**
- **Condo Legislation Update - Phase 1 Regulation and Age Restrictions**
- **Bylaw Revision Best Practices - How to Use Your Time and Money Effectively**
- **Dealing with Pets Responsibly in a Condo Setting**

- **Understanding Capital Projects and OH&S Requirements**
- **What is a Spring Walkabout and Why are They Important?**

From our recently completed Alberta Condo Expo:

- **Demystifying Board and Corporation Liability: An Insurance Perspective**
- **The Truth About Condo Meetings (and how to fix them...)**
- **What's That Smell? Resolving Odour Transfer in Condos**
- **Why Are We Still Talking About Asbestos?**
- **Best Practices for Condominium Collections**
- **Complaint Corner - How to Turn Crankiness into Peace, Love and Understanding**
- **Moving Forward with Smoke-Free Condominiums**
- **How to Maximize Your Capital Assets With the Reserve Fund**

Report

- **Updates to Condominium Legislation**
- **Weeding out the Cannabis Issue - Understanding What Your Condo Can Do**
- **Financial Borrowing for Condominiums - Look Before You Leap**
- **Condo Q & A - Ask the Professionals**
- **Condo Owner Essentials - Understanding Condo Living**

In addition to these unique sessions we continued to provide our core content throughout the year:

- **Condo 101 - Board Basics and Best Practices** (*presented 5 times throughout the year*)
- **Condominium Management 100/200/300 series** (*our weekend deep dive into topics that includes the detailed resource binders for each level*)
- **Condo Smarts** (*our educational outreach session to people unfamiliar with CCI*)

We look forward to bringing you more great content in 2018-19 and welcome any suggestions for topics or recommendations for presenters you may have. Please forward your thoughts to info@ccinorthalberta.com. Once the fall schedule has been finalized we will post the details on our website and inform you through our email newsletter. In the meantime enjoy your summer and make sure to get all your school supplies ready for our upcoming educational content.

CCI North Alberta ANNUAL GENERAL MEETING 2018

TUESDAY, OCTOBER 2, 2018 | CHATEAU LOUIS CONFERENCE CENTRE

Save the date for our Annual General Meeting! All CCI-NAB members are encouraged to attend.

ITINERARY

- **5:30 PM** - Membership reception & networking
- **7:00 PM** - AGM



Chateau Louis Conference Centre
11727 Kingsway NW

VISIT WWW.CCINORTHALBERTA.COM FOR MORE INFO



ON BOARD

THIS ISSUE:

- ▶ *Drafting a Cannabis Bylaw*
- ▶ *5 Habits of Highly Effective Directors*
- ▶ *Top Ten – Ideas for Condo Social Events*

DRAFTING A CANNABIS BYLAW

If your condominium corporation is considering making any changes to your bylaws in response to the upcoming legalization of marijuana, there are many factors that should be considered. There is no “one size fits all” language that can be universally applied to every condominium corporation.

It is important to note that bylaws can only be changed via special resolution. For this reason, it is critical that a Board has open discussions about the proposed amendment to avoid spending time and money to draft a bylaw that may ultimately not achieve the required 75% approval.

Outlined below are a number of discussion topics or questions that should be brought forward to owners before drafting a cannabis bylaw. After addressing these topics and gathering the input of the Owners, put your mind to a specific Bylaw solution for your circumstances.

- *Does the condominium corporation currently have a*

bylaw that addresses the smoking of cigarettes, cigars, etc.?

- *What is the age demographic of the residents?*
- *What is unique to your style of condominium develop-*

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

ment (apartment, townhouse, bare land etc.) and how will the proximity of neighbors affect smoking restrictions?

- Will residents be permitted to smoke marijuana (or other products):
 - In their units?
 - On their balcony?
 - On common property?
- Should the bylaws prohibit the smoking of marijuana, how will the condominium corporation handle other "nuisance smoke" (cheap cigars, incense etc.)?
- Is there an intention to address edible marijuana products?
- How will the bylaws address individuals who have a medical prescription for marijuana?
- How should the Corporation address medical marijuana?
- How will the bylaws address the growing of marijuana plants (restricting hydroponic growing, restricting all plants etc.)?
- Will the smoking of marijuana or the growing of marijuana plants affect the condominium corporation's insurance policy?
- Is there a mixed residential and commercial usage in your complex? Should there be restrictions on a marijuana growing facility or dispensary within the commercial units?
- Have you brought your owners together as a group to listen to their input? What do your owners say?
- Is this an opportunity to address the proper disposal of any smoking product?
- Are there construction upgrades or investments necessary to alleviate nuisance issues or concerns?

Speak to your Condominium Manager and your condominium corporation's legal representatives to assist you in finding the right solution for your circumstances.

Thank you to the staff at Willis Law for their assistance in creating this information sheet!



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5 HABITS OF HIGHLY-EFFECTIVE DIRECTORS

BY MARC BHALLA

The function and duties of a condominium director can be looked at in different ways: from taking on a thankless job to assuming a huge responsibility to participating in a fourth level of government, and so on. Regardless of how you consider the role, one aspect of it is for certain – a condominium director is not a dictator but rather a member of a team. It is the involvement of other directors that empowers the collective Board to make formal decisions in the operation of the community.

To be an effective team member, condominium directors can embrace the following habits...

1. PREPARE



Effective condominium directors do their homework and come ready to participate at Board meetings. This includes reviewing the agenda and reports circulated in advance of the meeting and can extend to notifying the Chair and others attending the meeting in advance of any specific issues they would like to raise.

2. CONTRIBUTE

While silence at a Board meeting implies approval, simply going through the motions and only letting others share their views offers little value to the community. The other end of the spectrum is the reality that sometimes contributing means giving others a chance to speak. Effective condominium directors recognize that their community is best served by allowing everyone on the Board to contribute to decision making.

3. LOSE SOME



While all condominium directors are welcome to enjoy the DJ Khaled song “All I Do Is Win”, effective ones park that mentality outside of the Board Room. You cannot truly be a member of a team if everything always has to go your way. Effective directors choose their battles and succumb to the desires of others from time to time. This is not to say that directors should not voice their objection if they do not agree with a particular path, but rather that effective directors recognize the value of agreeing to disagree in ensuring that different perspectives are considered in the course of selecting the best path for their community. One memorable director made it a personal aim to be outvoted on decisions at least a couple of times a year to ensure fellow directors felt that their opinions mattered and to reinforce the mentality that all votes need not be unanimous for the Board to get along.

5. CARE ABOUT EVERYONE

While it may seem simple or considered a given – why else would someone volunteer their time to serve their community if they did not care about it? – many directors get themselves into trouble when they are perceived to play favourites or pay attention more to the concerns of some over others. As an elected representative of all unit owners, and as a decision maker for the entire community, effective directors let all owners and residents feel that their views are important and like welcome members of the community. This need not be a monumental endeavour – it can be as simple as smiling and saying hello to familiar faces.

4. STAND UNITED

While directors should be expected to have different opinions, part of being an effective team member involves standing behind the decisions of the Board. Outside of Board meetings, in the eyes of the community, the Board should be united in justifying the decisions that they have made, with the best interest of the community in mind. It may be tempting to take the easier approach of throwing others “under the bus” to maintain political favour but a fractured Board can get in its own way when it comes to being effective.

It can be easy for condominium directors to fall into behaviour that makes them less effective than they could be, especially when emotions, politics and personalities come into play; however, highly effective condominium directors take a step back, consider the bigger picture and act calmly, rationally and in the best interest of both themselves and the condominium community that they are helping lead.

Marc Bhalla is a mediator who focuses his practice on condominium conflict management. As part of his mediation practice, Marc helps fractured Boards develop interaction plans and start to function more effectively.

TOP 10 IDEAS FOR CONDO SOCIAL EVENTS

1 **Board game night.** This is a fun and easy evening to host. Residents can bring their own game or everyone could suggest an idea for charades. Bring a few snacks and you have an inexpensive night filled with entertainment.

Heard of a pub crawl? How about a loft crawl instead?! Shauna W. suggests having an annual **Christmas "loft crawl"** where everyone brings their own glass and is prepared to host for 20 to 30 minutes in their suite.

2 **CPR/First Aid training.** Maybe this one isn't as social as the others but why not boost your community safety while getting to know each other at the same time? This event will benefit everyone and discounted rates are often available for groups.

Joan F. attended a **"carol sing"** in her building which was held a few days before Christmas. "This year we had a local group of ukulele players entertain our owners (with participation by all) in our library. Followed with snacks for all. That was well attended and enjoyed by everyone."

3 **Host a Swap and a Slice event.** "This was a community swap meet held on a Saturday in our social room. We brought in pizza at noon and sold it for \$2 a slice. You got pizza, pop and ice cream. By 3:30 in the afternoon 90% of the swap items were gone. The rest were donated to local charities." – Jack K.

4 **Walking club.** Having a walking or exercise club is a great way to get to know your neighbours and boost your endorphins! A good time to start this initiative is in the New Year when everyone is working towards their resolutions or in the spring when the weather finally warms up and people are excited to get outside. Simply set a daily or weekly time and whoever shows up goes on a walk together.

5 **No common area? No problem!** Cindy C.'s complex hosts **"Group Therapy" sessions** on their driveways when the weather is nice. "People bring chairs, snacks and their own beverages. We sit around and visit for 2 - 3 hours."

6 **Supper club.** What better way to get to know each other than over a delicious meal? A resident supper club would be a great way to gather around a table to share different recipes and good conversation. These monthly potlucks can even be themed such as celebrating Cinco de Mayo in May or have everyone prepare a meal from their country (did we just start a Culture Club?).

7 **Tony B. lives in a townhouse style complex where "volunteers host an annual community garage sale, with a social afterwards. Each unit that wants to participate has their own sale (and they keep the profit) but it is organized together."**

8 **Take a field trip!** It might sound a little silly but it's a chance to change routine and do something interesting. You can visit an outdoor pool (free access for the entire season), go to a new restaurant or take in a Prospects baseball game – the options are endless!

Thank you to all of our members who contributed to this list!

10

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PERSONAL INSURANCE

WHY CONDO UNIT OWNERS AND TENANTS NEED THEIR OWN INSURANCE POLICIES

BY TRINITY PLAYER

An insurance policy protects you from the financial loss you will experience when you cause injury or property damage to a third party or a third party is responsible for injury or property damage to you.

Some estimates suggest that more than half of all condominium unit owners and tenants do not have their own personal insurance policy. Further, it's estimated that some sort of loss will affect one-in-ten individuals. Why then, do so many people believe they don't need an insurance policy?

There appear to be four common reasons for this.

Some people feel that they do not need insurance because the condominium association places and maintains insurance on the common property. While this is true, any betterments or improvements made to the unit may not be covered.

A betterment or improvement is any upgrade made to the unit by the owner or previous owner(s). Often times, unit owners are not even aware that betterments and improvements exist in their unit. Examples include upgraded flooring, fixtures, decorative walls, built in cabinetry, interior doors, or that beautiful countertop – to name just a few. Unless the bylaws state otherwise, the costs to replace these improvements & betterments after a loss will be at the unit owner's expense.

If you have a tenant in your unit that caused the loss and your tenant is responsible for the damages, you can

pursue recovery from your tenant's insurance policy.

Some people think that the chances of something happening are slim. Although you may be a responsible person and never do anything to cause a loss in your unit, damages to your unit can also stem from the unit across the hall, the unit above you, or even a unit down the street. A water line from one of your neighbor's appliances could malfunction. Your neighbor could accidentally leave the water running. A neighbor's child could plug the toilet causing a major sewer back up. Someone on the floor above you could hang something from a sprinkler head, causing it to pop. The unit down the hall or above you could have a fire. Even if the fire department prevents the spread of fire, significant water damage would occur from firefighting efforts. Not only might you experience property damage, but also the additional costs of living elsewhere while your unit undergoes repairs. Damages can range from a few hundred to thousands of dollars, and just one minor incident could cost you significantly more than an insurance policy would.

Some people feel the value of their personal property is not high enough to warrant the cost of insurance. Even if your property is not valuable, it would likely be financially burdensome to replace all your furnishings, kitchen items, clothing, jewelry and decor at once.

What if the loss originated from within your unit? Can the corporation charge back the deductible to you? What is the deductible? \$5,000, \$25,000, \$50,000 or higher? In addition to the possibility of having the deductible charged back to you, unit owners can experience loss assessments from the corporation. An owner may face an assessment levied by the condominium corporation to cover a loss to common property for which the corporation was uninsured or underinsured. These assessments can range anywhere from a few thousand to thousands of dollars, and become more common as a building's age or construction defects lead to extensive repairs. How much can you afford to pay over and above the cost of your unit, utilities and day-to-day living expenses?

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Lastly, some unit owners feel that insurance is too expensive. A condominium unit owner's policy is approximately \$25 a month. A tenant's policy would start at approximately \$15 a month. Can you really afford not to have the coverage?

You buy your Condominium for one of two reasons: you buy it to serve as your principal residence or you buy it as an investment. Both ways, it is a significant purchase, and claims are inevitable. Consider obtaining a unit owner's policy at a low monthly cost to protect you from these deductible chargebacks, loss assessments, property damage losses and liability losses.

A unit owner or tenant's policy should include the following coverage:

PERSONAL PROPERTY

Personal property of the owner or the tenant. Personal property includes furniture, clothing, jewelry, electronics, computers, bicycles, fine arts and a variety of other property.

BETTERMENTS & IMPROVEMENTS

Not needed by a tenant but may be a requirement for a unit owner. Such items may be excluded from the corporation's insurance policy (dependent on how the bylaws read).

ADDITIONAL LIVING EXPENSES

This coverage helps unit owners and tenants deal with the extra expenses that can result if the home is unfit for occupancy due to an insured loss or damages.

CONDOMINIUM

DEDUCTIBLE ASSESSMENT

This coverage is not required by tenants but by unit owners. More and more condominium corporations have bylaws in place to facilitate charging back their insurance deductible to the unit owner responsible for a loss or damages. Condominium deductibles can be as low as \$2,500 or as high as \$100,000.

CONDOMINIUM LOSS ASSESSMENT

Insurance will cover your share of any special assessment if the assessment is valid under the Condominium Corporation's governing rules and is made necessary by a direct loss to common elements.

PERSONAL LIABILITY

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world, unit owner's policies and tenant's policies also provide comprehensive protection against claims for property damage and bodily injury. A unit owner or tenant's personal liability is not covered by the condominium corporation, even if it occurs on common property.

TENANT'S LEGAL LIABILITY

This coverage helps pay for accidental damages to the rental unit occupied by the tenant.

RENTAL INCOME

This coverage will reimburse the unit owner for loss of income they suffer while their unit is untenable and undergoing repairs.

Why get personal insurance? ***Because not getting it is risky and can be expensive.***

NOTE: Each owner and tenant has specific insurance requirements that should be discussed with an insurance broker to ensure the right protection is in place for the right price.





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RESERVE FUND PROFESSIONALS

The use of independent Roofing Inspectors, Envelope Inspectors, Mechanical Inspectors and Engineers provides a professional opinion. Monthly contribution spreadsheets can be modified for budgeting projects and the effects of borrowing on Reserve Fund contributions.



With the support of Energy Efficiency Alberta, condominiums are going green. Following the launch of the updated Alberta Building Code, The Home Improvement Rebate Program was introduced. Being hugely successful, the program is expected to last until the Spring of 2019. The Home Improvement Rebate Program is designed for homeowners who seek out energy efficient upgrades.

As the program's name suggests, corporations are ineligible. However, with townhouse owners in mind, common property belonging to the corporation is privy to exception. Common property such as attics and windows are eligible for a combined rebate of up to \$5000 per unit. The program is performance based, meaning that the final rebate is dependant upon how much energy is being saved by the upgrade.

The benefits of energy efficient upgrades are well-known: support a more comfortable living environment; prevent ice dams; save on heating and cooling costs; reduce the carbon footprint; and prolong the life of the building envelope, roof and shingles.

Eligibility criteria include:

- *The home must be either detached, semi-detached, row or townhouse.*
- *The occupant must be the year-round primary resident.*
- *The home must have its own gas and/or electricity meter.*



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Who is ineligible?

- High-rises and apartment buildings
- Homes where utility bills are in the name of the condominium corporation
- Homes under construction
- Unheated spaces
- Garages
- New construction which includes new additions to existing structures

What is the maximum rebate available per unit?

- Windows \$1500
- Insulation \$3500



What is the rebate process for condominium complexes?

- The Board hires a Participating Contractor in the rebate program.
- The contractor takes pre-upgrade photos and post-upgrade photos to use for rebate submission.
- Each unit OWNER signs a Customer Release Form allowing the contractor to submit the rebate request.
- Following project completion, the corporation settles the final invoice with the contractor.
- For each individual unit, the contractor makes a rebate submission to the Home Improvement Rebate Program.
- Owners can expect to receive a rebate cheque within 6-8 weeks following project completion.

Why doesn't the corporation receive a rebate?

Under the current program, corporations are ineligible for a Home Improvement Rebate. However, because individuals pay the energy bills, the carbon levy, and the condo fees which ultimately fund the



upgrade, individual owners ARE eligible to receive the rebate. Being homeowner focused, the program allots special consideration for common property.

How does The Alberta Building Code relate to the Rebate Program?

In late 2016, Section 9.36 of The Alberta Building Code came into effect. Chances are, any home built prior to

November 1, 2016 will not comply with current Provincial Energy Efficiency Requirements. The rebate program grants Alberta homeowners the opportunity to upgrade their energy-savings at a reduced rate.

Who should I contact?

Please contact a participating contractor with the Home Improvement Rebate Program or Energy Efficiency

Alberta to see how they can assist you in your energy savings.

Aaron Holowach is the Owner of Atlas Insulation Ltd. Atlas Insulation specializes in attic upgrades and works primarily with Property Managers and Condo Boards in the greater Edmonton area. Atlas Insulation is a Participating Contractor in the Home Improvement Rebate Program.

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WHAT IS ReStore?



It's that time of year when people look through their home and begin planning how to tidy up or clean out their living spaces.

Yes, spring cleaning is now in full swing. Quite often we find items that are too good to throw away, but we just don't use them anymore: certain tools, plumbing fixtures, electrical items, or hardware that were left over from a renovation project. Or perhaps you're a manager or board member of a condo corporation that is remodelling and in search of a place to donate your previously used furniture, art, appliances, and lighting fixtures for a charitable tax receipt? That's where Habitat for Humanity's ReStore comes in!

ReStore is Habitat for Humanity's social enterprise and has been serving Edmonton and area for nearly 20 years. There are four locations in Edmonton that accept donations of new and gently-used building materials and home improvement items and sells them to the general public at a discounted price. The proceeds are used to cover Habitat's fundraising administration costs. This means that every dollar donated to the charity goes towards building homes and serving families. This allows Habitat to help local families achieve strength, stability and independence through affordable home ownership.

Shop: what will you find at ReStore?

Since everything has been donated, each day brings new and exciting treasures to be uncovered. You'll find appliances, furniture, lighting, cabinets, plumbing, tiles, flooring, windows and doors, tools, counter tops, art, books, hardware, and other building supplies as well as seasonal items like lawn mowers and picnic tables. Also, over 60 percent of the donated items in ReStore are brand new! Every visit is a new adventure!



Donate: what can you give to ReStore?

ReStore accepts any of the above items and more. We accept end-of-line products, scratch-or-dent items, leftover materials from job sites, cabinets, mirrors, products from renova-

tions, and more.

Since ReStore is a non-profit, we rely on the generosity of individuals and companies in Edmonton. Donating to ReStore is as simple as a phone call or a filling out a brief online

request at HFH.org/restore. The ReStore truck will even drive to pick up items at your home or business for no charge! If you would rather drop off your items at any of ReStore's four locations, that is more than welcome too.

Volunteer: how else can I support ReStore?

Not only can you shop at or donate to ReStore, you can also support ReStore by volunteering. Hank Fast has been volunteering with ReStore for many years. He said, "My time here is valuable. I'm retired, but I find that the time I spend here is valuable not only to me, but to the community." Volunteers like Hank are the drive behind what we do at ReStore. Volunteers spend time helping customers locate items, load items into their vehicles,



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unload donated products, stock shelves, and much more. Volunteers meet new people, learn new skills, and know that they're helping to keep thousands of tons of reusable and resalable materials from landfills.

So thank you – whether you're considering a donation, shopping at one of our stores, or volunteering your time! We hope to see you soon at one of our stores.

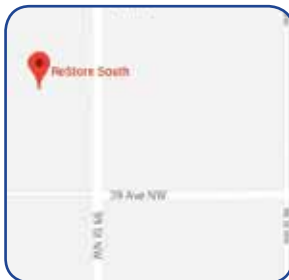
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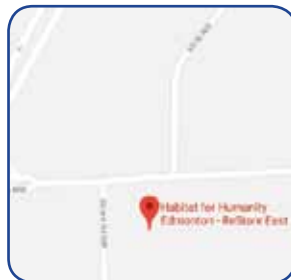
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It may be tempting and easy to immediately respond to an e-mail and hit the send button. It is natural to want to immediately deal with certain situations. With instant communications such as e-mail and texting, an immediate response may even be expected.

An immediate response is frequently not the best course of action. Making good decisions takes time. On important or difficult matters, an immediate e-mail communication may be a serious mistake. A face-to-face meeting or telephone conversation may be more effective.

"Think once before you act, twice before you speak, and three times before you hit send!"

Poorly written e-mail communications take more time to resolve than it would have taken to communicate more clearly by speaking or even reviewing an e-mail prior to sending.



Where an e-mail response is necessary, it may be best to prepare any response outside of your e-mail application so that you don't accidentally send it. A Word document may be the easiest location for this draft. Review your draft the next day then decide to send, revise or delete it. This approach ensures you don't send anything in the heat of the moment that can trigger potential problems or misunderstandings.

Before sending an e-mail communication, consider if interests would be better served with direct two-way communication over the phone or in person. This can improve overall communication and a relationship based on trust and respect. Face-to-face conversations are frequently the best way to discuss issues, resolve problems, and eliminate miscommunication.

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LEGAL CORNER

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GRANDFATHERING

BALANCING THE FLEXIBILITY AND PREDICTABILITY OF CONDOMINIUM LIVING

BY JAMES DAVIDSON AND MICHAEL GIBSON

Condominium Corporations are empowered by legislation to amend their registered By-laws, and pass new Rules or Policies. This means that the governing documents can change (in many cases with the involvement of the owners, as required by the legislation) and this flexibility is a critical aspect of condo living. On the other hand, there is also the counter-balancing desire for predictability. Some owners and residents rely on the governing documents as they are written. For example, if a resident has two dogs, and the corporation passes a new by-law containing a one-dog limit, that owner is suddenly at a disadvantage.

Courts have held that a balance between the flexibility of creating or changing governing documents, and residents' need for predictability can be achieved through the practice of 'grandfathering.' For example, suppose a resident is a smoker, and the corporation passes a new no-smoking provision, the resident might be grandfathered, meaning that they can continue to smoke in their unit. Grandfathering does not however, apply to every situation, or to every resident. If it did, the principle of grandfathering would be so broad as to effectively prevent the corporation from exercising its statutory powers to amend or pass new governing documents.

Three cases illustrate this point. The first is *Owners: Condominium Plan No. 762 1302 v. Stebbing*, which was released in April, 2015. In this case, the by-laws provided that pets must be approved by the board, but in 2012 the board changed its pet policy to prohibit cats. One unit owner had two cats from the time she moved in, which was well known to the board prior to the change in policy. Unfortunately, the board could not find that the owner's cats had been properly approved, and as she still had one surviving cat, the owner was technically in breach of the

new policy. The board therefore ordered her to remove her cat.

The owner argued there was an element of unfairness since other 'grandfathered' pets were allowed to stay. While condominium boards are entitled to a significant amount of deference with respect to the decisions they make, the Court will step in where those decisions are unfair to the owners. In this instance, the Court found that the board's policy decision was reasonable, but its application to a particular owner's circumstances was unfair. The Court ordered that the owner was permitted to keep her cat in her unit as a "grandfathered" pet. Condominium corporations can properly take steps to change their policies, but they may have to use ap-



propriate grandfathering depending on existing conditions.

The second case is Langager v. Condominium Plan No. 762 1302, which

was released in August 2007. The applicant was the penthouse unit owner. Prior to the penthouse owner buying her unit, an extended deck area had been allowed to be con-

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structed over portions of the rooftop common property. Past boards had not required previous penthouse owners to enter into any indemnity or maintenance agreement with respect to the extended deck, but a subsequent board did approach the applicant and asked her for an indemnity agreement. The applicant and the condominium corporation could not agree on the terms of an agreement, and the applicant argued that she was being treated unfairly in having to now enter an agreement on the board's terms. The Court held that an owner's use of common property is at the board's discretion and that it is reasonable for the board to set the terms of an owner's use of common property. While the extended deck

was in place prior to the applicant purchasing the penthouse unit, the board was found to be within its rights to change its practice on requiring indemnity agreements and to ask the penthouse owner to sign such an agreement.

The third case is Metropolitan Toronto Condominium Corp. No 601 v. Hadbavny, from the Ontario Superior Court in October, 2001, which has been relied upon in Alberta

to prevent the arbitrary enforcement of by-laws and policies by condominium corporations. In Hadbavny, the applicant was a unit owner. The corporation's by-laws contained a one-pet limit, which had not been enforced. When the owner moved into his unit, the owner had one dog and, noting that the one-pet rule was not enforced, subsequently purchased a second dog, which the corporation demanded be removed from the unit. The owner sought an order that the second dog be 'grandfathered'. The Court granted the order stating, "how the Board managed



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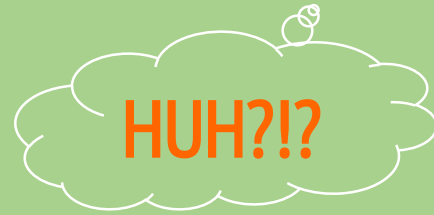
the pet rule over the years... created a situation in which Mr. Hadbavny could reasonably expect that if he had two dogs who were not a nuisance, he would be permitted to keep them." The Court said that the owner had relied on the board's non-enforcement of the one-pet rule "to his detriment, and purchased his second dog in the reasonable expectation that no objection would be taken to it." The corporation could not sleep on its rights, and then enforce the rules against people who relied on non-enforcement and had thereby put themselves in a position of disadvantage that they would not have put themselves in, had the provisions been enforced uniformly and in a timely manner.

In summary, when establishing a new By-law, Rule or Policy, it is important to bear in mind that in appropriate cases, some residents or situations should be 'grandfathered,' bearing in mind the following principles:

- *Grandfathering is intended to reflect a fair or reasonable compromise between the need for flexibility and the desire for predictability.*
- *Grandfathering may be appropriate where an owner or resident has relied upon the previous circumstances or the corporation's previous provisions.*
- *Grandfathering does not apply in all cases. For grandfathering to apply, the owner or resident normally must have made a commitment that is difficult to undo, so that it would be harsh or unreasonable to impose the new requirement on the particular owner or resident. However, grandfathering normally won't make sense if the grandfathering would allow an unreasonable risk of harm to persons or property.*

This article was originally authored by James Davidson, from Davidson Houle Allen LLP and a member of CCI Eastern Ontario Chapter. With his permission, Michael Gibson from the Miller Thomson Edmonton office edited the article for Alberta terminology and content.

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BLAST FROM THE PAST

We found this jewel from our Summer 1998 issue along with articles such as “Capital Replacement Reserve Fund to Become Mandatory” (it did in 2000) and “Computers, The Year 2000 and the Millenium Bug” (this one fortunately didn’t become the big story we were lead to believe it might be). I think you will agree the only terminology from this article that is not still used today may be found in the title!



45





“My committee has decided ...”

Translation: “I managed to chat to a member of my committee just before the meeting.”



“The committee met and evaluated the situation ...”

Translation: “Half the members showed up and chatted for a while.”



“We explored all possible solutions to the problem ...”

Translation: “Everyone talked too much.”



“A great deal of additional work will be necessary before the proposal can be acted upon ...”

Translation: “No one understood it.”



"The matter is being considered ..."

Translation: "Let's wait until a member raises the matter again."



"I will report on the matter more fully at the next meeting ..."

Translation: "I forgot that I should have done something about it before today."



"While no agreement was reached, we feel that definite progress was made towards resolving differences"

Translation: "Nobody budged an inch."



"The results were inconclusive ..."

Translation: "Nothing was accomplished."



"It is suggested that the wisest course ..."

Translation: "This is what I think."



"It is widely accepted that ..."

Translation: "One other person agrees with me."



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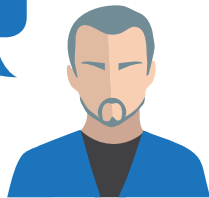


"Therefore the consensus is ..."

Translation: "... and a couple of others think so, too."

"With the greatest respect ..."

Translation: "I wonder what gives you the idea that you are capable of giving me any advice."



"There are some key issues here that must be addressed ..."

Translation: "I haven't a clue what this job is all about."



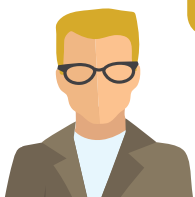
"This concludes the committee's appraisal of the situation ..."

Translation: "We absolve ourselves of future responsibility."



"It is hoped that this report will stimulate increased interest in the problem ..."

Translation: "Let someone else do it next time."



BLAST FROM THE PAST



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