

CANADIAN CONDOMINIUM INSTITUTE
NORTH ALBERTA CHAPTER

INSITE TO CONDOS

THIS ISSUE:

Cannabis and Condo
Owners' Rights

Resolving Odour
Transfer Issues

Condo Boards: The Good,
The Bad and the Ugly

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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.

Chairperson

Susan Milner - TEGA Property Management
P: 780-757-7828 E: smilner@tegapm.ca

President / Government Advocacy Co-Chair

Anand Sharma - 113 West Management Ltd.
P: 780-953-1130 E: anand@113west.ca

1st Vice President / Sponsorship Chair / Business Services Liaison

Shantel Kalakalo - Wade Engineering Ltd.
P: 780-486-2828 E: skalakalo@wadeengineering.com

2nd Vice President / Membership Chair

Sandi Danielson - Prince Property Inc.
P: 780-416-9098 E: sandi@princeproperty.ca

Treasurer

Barbara L. Surry, CPA CMA
P: 780-467-0562 E: blsurry@blsurrycma.com

Secretary

Dawn Mitchell - HUB International Insurance Brokers
P: 780-453-8407 E: dawn.mitchell@hubinternational.com

Education Chair

Trudy Anderson - KDM Management Inc.
P: 780-460-0444 ext. 307 E: tanderson@kdmMgmt.ca

Government Advocacy Co-Chair

Hugh Willis - Willis Law
P: 780-809-1888 E: hwillis@willislaw.ca

Directors

Maurice Perrault - Harbour Park Condominiums
P: 780-913-3314 E: mauricep@telus.net

Darcie-Lee Rea, ACM - Hallmark Management
P: 780-819-2108 E: darcie@hallmarkmanagement.ca

Todd Shipley, BA, LLB - Reynolds Mirth Richards & Farmer LLP
P: 780-497-3339 E: tshipley@rmrf.com

Chris Vilcsak - Solution 105 Consulting
P: 780-945-9606 E: vilcsak@solution105.com

Executive Director

Alan Whyte - CCI NAB
P: 780-453-9004 E: alan@ccinorthalberta.com

HOW TO CONTACT US

#37, 11810 Kingsway NW
Edmonton, Alberta T5G 0X5
P: 780-453-9004
F: 780-452-9003
E: info@ccinorthalberta.com
WEB: <http://ccinorthalberta.com>

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CO-EDITORS

Alan Whyte and Rebecca Medel

PRODUCTION MANAGER

Ross Vincent

COVER ILLUSTRATION

Mike Kendrick

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THIS ISSUE



05	President's Message
07	Meet the Board • Susan Milner
09	Government Advocacy Report
10	Annual General Meeting 2018 Recap & Volunteer Service Awards
14	Membership Musings
15	Education Station
18	On Board • Dealing with Condo Board Bullies • The Good, The Bad, & The Ugly of a Condo Board • Top 10 Resolutions We Want You to Break in 2019

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31	Provincial Pot Pourri
32	Cannabis in Condos Survey Results
38	Retrofitting the Right Way
41	Legal Corner: Condo Cases Across Canada
46	Blast from the Past <i>Kids' Advice to Kids</i>
49	Business Directory



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Contacts:

Dawn Mitchell	Direct # 780-453-8407
Matt Cruikshank	Direct # 780-391-2116
Kelly Barclay	Direct # 780-453-8415
Randy Frost	Direct # 780-453-8427





MESSAGE FROM THE PRESIDENT

BY ANAND SHARMA

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

CCI North Alberta has been busy over the fall with our recent Annual General Meeting and National CCI Conference held in London, Ontario.

Our Annual General Meeting held on October 2, 2018 was our largest in recent history with nearly 200 attendees. At this meeting we elected a new Board of Directors, formally recognized our many volunteers who help our organization run throughout the year, and we held a legal panel session featuring lawyers Todd Shipley, Natasha Sutherland, and Robert Noce. Many thanks to these lawyers for volunteering their time and efforts to help answer questions from the condominium community.

I would like to thank two individuals who are voluntarily stepping away from their role on our Board. Rafal Dyrda has moved to Kelowna but remains active both in our chapter and at the national level of CCI. Rafal worked very

hard to re-vamp our old website, and improve our communication to our members. Without his assistance, we would not have progressed as much as we have over the past 8 years. Trinity Player is unfortunately leaving the industry to pursue other interests. Besides her work on the Board, Trinity has served as the Committee Chair for the past two years of our very successful Golf Mixer. Her energy and enthusiasm will be missed.

I would like to welcome to the Board, Brian Shedden who is with Entuitive Engineering. Brian comes to us by way of CCI South Alberta, and was a very active member of that Chapter for many years. He recently moved up to Edmonton and we jumped at the opportunity to have bring his expertise to our chapter. He will be heading up the communications committee, and we are excited to have him lead us!

I encourage everyone who has not had an opportunity to check our new website www.cci-northalberta.com to do so, it was an incredible

labour of love by our staff and we are excited about what this new platform will allow CCI North Alberta to do for our membership. It will be the focal point of information as we prepare our membership for all the upcoming changes in the regulation.

I encourage you to reach out to as many people as possible to consider joining our condominium community especially as we enter this critical period of substantial changes in the legislation. We now offer half year memberships (valid until June 30, 2019) to any new members. Details and application forms can be found on our website. Members who refer new applicants will be eligible for a \$50 Ambassador credit that can be used for various CCI events, membership fees or advertising.

On behalf of CCI North Alberta, wishing you a safe and joyous holiday season!

Anand Sharma
President, CCI North Alberta

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Susan Milner is the President of TEGA Property Management and Chairperson of the CCI North Alberta Chapter.

MEET THE BOARD

SUSAN MILNER

Q: How has condo management changed since the start of your career?

I've been in the management industry for forty years, and over that period, condominium management has changed from 'looking after townhomes' to a rather specialized industry in its own right. Back at the start of my career, many owners were investors, meetings could be months in between, and no one quite knew what, or how, they were supposed to administer this 'Corporation'. We've come a long way since those days, with board members and managers educating themselves on their responsibilities and best practices.

Q: What's the most important leadership lesson you've learned and how is it valuable?

'Live your life with honour and even your failures can shine.' My father taught us that we can all make mistakes, but if we admit to them, learn from them and do our best to correct those mistakes, we cannot help but grow as individuals.

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

A successful board will have members who try to educate themselves on the current legislation and condo bylaws, who understand their responsibilities, who listen to their ownership, who are objective and have no personal agenda. All board members are volunteers, coming from all walks of life and industry, and each member will bring their own strengths to the board. Learning the strengths and weaknesses of the overall board will help them recognize where they may require support from industry professionals.

Q: What is your favorite technology tool to date and why?

My iPhone. It holds the mysteries of life. And a few photos.

Q: Favourite summertime activity?

Being outside. Doesn't matter if it's taking a walk with my husband or weeding the garden, just being outside in the sunshine is great.

Q: Favourite movie of all time?

Probably 'The Sting'. I love a twist at the end.

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

Leonardo Da Vinci. Then Winston Churchill.

Q: How did you get started in the industry?

I went to work at nineteen for a past-president of the Edmonton Real Estate Board as a receptionist, and within three months had been asked to take on the role of a property manager.

Q: What was your dream job growing up?

Veterinarian. I had too many animal allergies to follow that dream.

Q: If you were to go back to school, what major would you choose?

Ancient civilizations.

Q: What job would you be terrible at?

Telephone solicitor.

Q: When people come to you for help, what are they looking for

help with?

Most people who approach me for help are really seeking advice on a specific issue. Be it trouble with a fellow board member, or what to do when a board of directors has made a decision you don't agree with. Most recently, I've been asked about changes to the legislation and the legalization of marijuana.

Q: Would you rather live for a week in the past or the future?

The future. I'd like to know we have one.

Q: What is the sound you love most?

My granddaughter's laughter.

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GOVERNMENT ADVOCACY REPORT

I am pleased to report that your chapter's Government Advocacy Committee has been very busy since I last reported. As I write this, I am awaiting the release of the condominium regulations here in Alberta. The Government Advocacy Committee, since 2013, have worked tirelessly to advocate for the condominium community and you, our membership. We have met with Service Alberta, the Alberta Government, other stakeholders, and our members over the past five years to help shape and improve condominium legislation in Alberta. Most recently we led the fight to ensure there was fairness around the ability to chargeback expenses incurred by owners who damage common property. For the first time ever, we organized a joint letter signed by all major stakeholders to encourage the Alberta Government to not proclaim a section of the Condominium Property Amendment Act that would restrict the ability of condominium corporations to chargeback for costs with priority. We also fought to include and address the issue of insurance deductibles and the ability for condominium corporations to recover funds from the owner's insurance.

This committee has spent hundreds if not thousands of hours collectively researching, advocating, writing, and organizing to bring about change over these past many years. Sometimes this has meant missing a family event, or working through the middle of the night to meet deadlines, or making personal sacrifices for our community which many people would not make. The reason for these efforts is simply

the great importance of our new regulations and how it affects day to day living in condominium. I can say with the utmost confidence that CCI North Alberta has done everything we could to provide input and suggestions that provides better regulations. This means not just flagging issues of concern, but also proposing real solutions both conceptually and in language.

A most sincere and heartfelt thank you to my co-chair Lawyer Hugh Willis (Willis Law LLP) who has been an incredible partner on this committee. His collaborative and patient approach to working with myself and others is very much appreciated. Thank you to committee members Victoria A. Archer (Gledhill Larocque LLP), Todd Shipley (Reynolds, Mirth, Richards and Farmer LLP), Melissa Stappler (Willis Law LLP),

Dawn Mitchell (Hub International Insurance), Chris Vilcsak (Solutions 105), and our amazing Executive Director Alan Whyte. Your work has mattered, and we are indebted to you for your time and effort.

The next phase is to educate ourselves and each other! Please join us at the many events and seminars we will be hosting in 2019 related to the changes in legislation and what condominium owners, boards, and industry members need to know to prepare. Our first session is being held on the evening of January 30, 2019. I look forward to seeing you there!

Anand Sharma

Co-chair, Government Advocacy Committee

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CCI ANNUAL GENERAL MEETING 2018

The Annual General Meeting for the North Alberta Chapter was held Tuesday, October 2nd at the Chateau Louis Conference Centre. Over 150 Members attended our Networking Reception and mini tradeshow prior to the AGM to catch up with colleagues and introduce themselves to others. The Trade-Show was an overwhelming success with 12 company booths present able to further their reach with CCI members. At the end of the Reception, thanks to the success of the 2018 Golf Mixer we were able to make a cheque presentation in the amount of \$940.00 to the Edmonton Food Bank along with the food donations that were dropped off by the golfers on the day of the event.

The highlights from the various committee reports presented for the 2017-18 fiscal year included the following:

- *Awarded the 2017-18 National Chapter of the Year*
- *10% Increase in Membership from last year to 673 paid members*
- *Almost 1,000 people attended our regularly scheduled educational events.*
- *The successful launch of CCI North Alberta's new website featuring a new message forum*

**** Please note that all of the reports presented at the AGM have been posted in the Member Resources section of our website.***

11 candidates put their name forward for the 6 vacant positions on the Board of Directors. Thank you to all the candidates who took the effort to let their name stand for Board election and congratulations to the following individuals who were elected for a 2 year term:

Brian Shedden - Entuitive Corporation
Barb Surry - Barb L Surry Accounting CPA CMA
Chris Vilcsak - Solution 105 Consulting
Dawn Mitchell - HUB International
Hugh Willis - Willis Law
Shantel Kalakalo - Wade Engineering

We would also like to take the opportunity to thank the following past Board Members who are not returning this year but were nonetheless a big part of our successes these past years:

Rafal Dyrda - Geniepad
Trinity Player - BFL Canada

While the votes were being tabulated we took the opportunity to recognize the winners in our second annual "Condos in Bloom" contest. We look forward to growing the contest next year!:

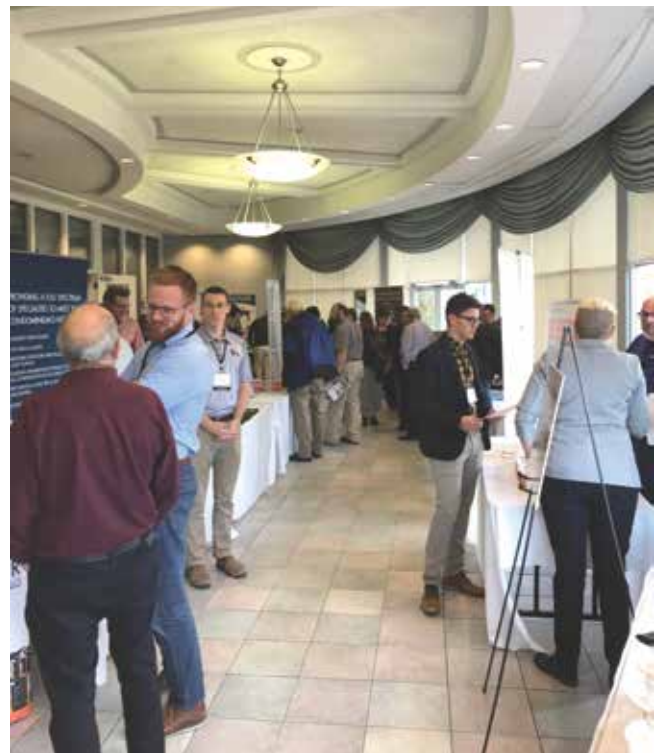
Condominium Complex - Grandin House
Individual Unit - Deanna & Larry Nemirsky, Cascades at Larch Park

At the end of the AGM, Door Prizes were given out courtesy of some of our Tradeshow booths:

Peace Power - 4 Wine Glasses
BFL - x4 \$25 Amazon gift cards
Safe with Ulli - iPad
HUB International - Gift Basket & Cineplex gift card
Tree of Knowledge Engineering - \$30 Starbucks Gift Card

Following the AGM, the Legal Panel was held and one of the larger topics to be discussed was the upcoming cannabis legalization as well as insurance issues. The Legal panel consisted of the following fantastic lawyers:

Robert Noce - Miller Thomson LLP
Todd Shipley - Reynolds Mirth Richards & Farmer LLP
Natasha Sutherland - Willis Law LLP



VOLUNTEER SERVICE AWARDS

This year at the AGM, CCI was honoured to recognize individuals for their outstanding contributions in their condominium. The list was filled with exceptional people that were nominated from their community.



**AUDREY
BUCHINSKI**
SIERRAS ON THE LAKE

Audrey held the position of Chairman of the Board and President of Social Club for 5 years. Her actions as Board Chairman have made significantly noticeable improvement through her excellent organizational skills, understanding of how condos function, knowledge of legislation and regulations, and anticipating the concerns of residents.



**DAN
BOONSTRA**
THE VALHALLA

Dan has served 8 and a half years as President of the Board, member of the Reserve Fund Study Committee, and does considerable pro bono work in addition to his paid duties. His tenure as President includes the stressful reconstruction after a fire that required all 157 units to be vacated as well as a change in managements.



**KENNETH
FRENCH**
PARKVIEW MANOR

Ken has volunteered for Parkview Manor for 7 years after he moved in May of 2012. Prior to this, the condo was struggling with inconsistent financial reports and relevant information from the appointed management company. He made it his mission to bring the reserve fund up to its maximum potential as well as create a reserve for the insurance deductible and accomplished that goal.



**ANN
BURREL**
THE VANIER

Ann has been a Director at the Vanier for 4 years. She spent her volunteer hours developing the "Owners Handbook" that is now provided to each new owner as they move in as well as monitoring the move ins and outs of the building. She has worked as a part of the team that originally developed and then updated the Policies and Procedures manual.



**LISA
FLEMING**
GARDEN GROVE VILLAGE

Lisa has spent 6 years on the Board of Directors and has been the Board President for Garden Village since 2012. Under her leadership, the Board has accomplished a great deal for the community. The Board has completed a roofing project and a general exterior project that addressed grading, concrete replacement, and new fences. Also under Lisa's guidance, the Board engaged in more frequent and better communication with owners and residents.

2018 VOLUNTEER SERVICE AWARD NOMINEES

Geri Unger
The Vanier

Jean Webb
The Vanier

Howard Williamson
Ravine Park on Gate

Mike Panas
Hudson House

THANK YOU TO ALL OUR 2017-18 VOLUNTEERS!

Aaron Holowach	Deborah M. Howes ACCI, FCCI	Melissa McKinley
Al King		Melissa Stappler
Amanda Trenchard	Diana McIntyre	Michael Gibson
Anand Sharma	Duane Anderson	Natasha Sutherland
Angeline Webb	Gaye O'Leary	Niall McCarra
Anna Chorzempa	Gerrit Roosenboom	Nick Trovato
Anniesa Henkel	Gord Sheppard	Rafal Dyrda
Andrea Collier-Jensen	Graham Setterlund	Raymond Dam
Barbara Gobert	Harold Weidman	Rhonda Koenig
Barbara L. Surry	Heather Cournoyer	Robbi Bitner
Brian Shedden	Heidi Besuijen	Robert Noce
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Dawn Mitchell	Marsha Thurlin	Trinity Player
Deborah Beaver	Maurice Perrault	Trudy Anderson
		Victoria Archer

WE COULDN'T HAVE DONE IT WITHOUT YOU!

(If we have missed anyone in error, please let us know and accept our sincere apologies)



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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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PROFESSIONALS

Edwin Radke - Radke Professional Corporation
Beverley Matthias - Realtegit Management Solutions Inc.
Rachael Hovan - Willis Law LLP

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Churchill Properties
Crown Place
Hermitage Hills
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Rivers 1 & 2
Scattered Leaves
Suntree Pointe
The Meadows at Twin Brooks
The Tradition at Southbrook

INDIVIDUALS

Yaroslava Bayrock	Elizabeth Smith
Lise Gaudet	Colleen Springler
Barbara Gaudet	Diane Tellier
Loy Gross	Eric Weiss
Chad Jackson	
Darlene Knutt	
Danielle Merrifield	
Brenda Nylund	
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Carol Schweder	



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Condos, 201+ Units	\$450 +GST	NOW \$250 +GST
Individual Condo Owner	\$75 +GST	NOW \$50 +GST
Business Partner	\$500 +GST	NOW \$300 +GST
Small Business (5 or fewer employees)	\$300 +GST	NOW \$175 +GST
Professionals	\$375 +GST	NOW \$225 +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.

For more details contact: info@ccinorthalberta.com

CCI EDUCATIONSTATION

LEGISLATIVE UPDATES

Stage 2 - Condominium Legislation Update - An Initial Overview of What's Coming

Wednesday, January 30, 2019

6:30 PM - 7:00 PM Networking / 7:00 PM - 9:30 PM Pres.

Cost: \$20.00 incl. GST - Non-Members: \$50.00 incl. GST

Stage 2 is by far and away the largest portion of the current condominium legislation changes in Alberta.

The second stage addresses how condo boards govern themselves, including (but not limited to):

- insurance requirements
- meeting notification and voting procedures
- document disclosure and retention
- board rules and bylaw enforcement
- reserve fund requirements

While a number of changes are welcomed there are a number of changes that will put an added onus on both boards and managers to fulfill. Our legal experts will provide an overview of the key changes and make some recommendations on Best Practices to initiate.

Condo Manager Session:

How the Upcoming Legislation Changes Affects your Role

Friday, February 15, 2019

9:30 AM-3:30 PM / 12:00 PM-1:00 PM Networking Lunch

Cost: \$75.00 incl. GST - Non-Members: \$125.00 incl. GST

Originally scheduled for last fall, now that the Government has released the Stage 2 Regulation updates as well as indicated which sections of the Condominium Property Amendment Act will be coming into force it's back to school time! This session will help make condominium managers aware of all of the changes that will affect the management of the Corporation once enacted. The changes are substantial and will vary in detail and complexity so it is critical for any condominium manager providing direction for their clients that they understand the nuances of the added responsibilities. A networking luncheon is also included for all attendees.

FREE MEMBER COURSES

Board Basics and Best Practices

Tuesday, February 26, 2019

6:30 PM - 7:00 PM Networking / 7:00 PM - 9:30 PM Pres.

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

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

Can't make this session? Our next one is on
Wednesday, Jun 5, 2019.

CONDOMINIUM MANAGEMENT

Condominium Management 100 (CM 100)

Saturday, February 2, 2019 (NEW- One day only)

9:30 AM - 4:30 PM

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

Non-Members: \$250.00 incl. GST

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

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

Condominium Management 200 (CM 200)

Saturday, March 2 & Sunday, March 3, 2019

9:30 AM-3:30 PM

CM 200 Practical Management Principles - is a work intensive, hands-on level of condominium study designed for directors and managers, responsible for the day to day activities associated with the control, management and administration of a corporation.

Topics come complete with resource materials, samples and examples

and will include: enforcing & amending bylaws, record keeping, disclosure requirements, contracts, dealing with rentals, dealing with difficult people, conflict resolution, financial records, budgets, setting condo fees, special assessments, collections, audits, Estoppel certificates and information statements, maintenance & repair, reserve fund studies, types of insurance coverage, appraisals, deductibles, and bonding.

Condominium Management 300 (CM 300)

Friday, May 24 & Saturday May 25, 2019

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ON BOARD

THIS ISSUE:

- ▶ *Dealing with Condo Board Bullies*
- ▶ *The Good the Bad and the Ugly of a Condo Board*
- ▶ *Top Ten Resolutions We Want You to Break in 2019*

DEALING WITH CONDO BOARD BULLIES BY MARIA BARTOLOTTI

The following article appeared in *Condo Living Magazine*, February 2017:

Q ■ Dear Maria: Help. I've had it as a Board member with the endless hassle I get from overbearing members. If something does not change on this Board, I'm stepping down. How can I go about effecting this change?

A ■ First and most importantly, Board members have an obligation to follow a standard of conduct in running the Condominium Corporation. There can be consequences, including personal liability, if Board members choose not to.

It bears repeating but, being a member of a Board can sometimes be a thankless task, and its only reward is the thought of doing good, while in good company. But even that can turn into a burden, when one of the board members turns out to be someone with control issues, and consequently bullies

everyone else to get his or her way. The bully turns a non-profit board into a corporation of one, and can deprive the directors and the management company the benefit of using the expertise and skills of other board members and residents that contribute to running the Condominium Corporation.

It is sad, but as a condo director you wear several hats and must have leathery-tough skin because that's what is required in dealing with diverse personalities, including bullies. As managers, we know this very well. If not handled appropriately the "bully on the board" will have a far-reaching effect on your board's productivity and can be an added hurdle to getting directives completed for your condo.

Here are some tips to help you deal with this type of situation:

- **Stay calm:** most individuals, who feel they are being attacked, automatically get their defenses up and want to attack

back. When addressing the situation, it's always best to keep your cool; believe it or not, it does act as a diffuser between you and the bully. As a condo manager, I'll admit, it's not easy and I have lost my temper a time or two or three but it sure does make a difference if you can be the rational one in the situation. Most times, the "bully on the board" is dealing with an issue at work or home, try not to take it personally. Confront the situation in a diplomatic manner and hopefully the individual will acknowledge and apologize for their behaviour.

- If you feel comfortable, you may want to **have a face-to-face with the bully** outside the board meeting to discuss their behaviour. Address the issue immediately in a non-confrontational manner. Ignoring the situation does not make it go away, it may make it worse. Be willing to accommodate, if possible. Agree to disagree. If you cannot establish some common ground, move on, no need to argue about it endlessly.

- Boards can **establish codes of conduct** for their board meetings, which could curtail bullying behaviour.

- **Limit the length of time for each speaker:** this will give board members an opportunity to voice their opinions. No abusive language or insulting remarks against anyone. No personal attacks. No yelling or interruptions when someone is speaking during the meeting. It is important to put the code of conduct in writing and circulate a copy to each board member.

- **Focus on facts:** Facts divert the discussion from opinions and feelings, making it easier to stay on track. Don't let poor behavior divert your intentions for the good of the corporation. Stay focused.

As a director, you know that words can easily be misunderstood, personalities clash, and not all individuals will see reason in what you say. Taking the following steps may help alleviate some of the stress and pressure that might come from having to deal with difficult people.

Remember—a good leader puts their energy towards a solution that will move the board forward, not backwards.

Maria Bartolotti ACCI, FCCI is the owner-manager of New Concept Management Inc. She has developed a strong reputation for rendering timely and efficient services to the condominium industry.

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THE GOOD, THE BAD

BY HEATHER COURNOYER



AND THE UGLY OF BEING ON A CONDO BOARD



It's been 10 long years for me as a member of the board of directors of Hargate Tower and I have witnessed the good, the bad and the ugly! Fraud, threats, lawsuits, inadequate funds, vandalism, water damage, noise complaints, evictions and more—that's the bad and ugly. The good is how we, as a board, managed to navigate through all of these issues. Before I tell you what our secret has been, let me share the specifics of our challenges.

In 2007, our highrise was one of many rental buildings in Edmonton that was converted into a condominium. The market was strong and so my husband and I bought three units in the building with the intention of riding the market and selling at a profit. Here's a tip: if there are commercial units in your building, check out who they are and if they will enhance the enjoyment of your home. The former commercial tenant was a nightclub that had many bylaw infractions over the years, leading to many headaches for the board. It has now been replaced by a very pleasant café.

In 2008, the market crashed. Our strategy changed from sell to rent. It was also then that the develop-

er turned over the property and the board of directors formed and took over. The developer, as majority owner, was on the board along with other unit owners. He had hired a management company prior to the turnover and as new owners, we accepted a contract with them. The developer also committed money for the reserve fund, but after multiple promises, the funds never materialized. The board launched a lawsuit, which ceased when he declared bankruptcy. So now we had no reserve fund. Naturally, he was removed from the board and our first special assessment followed shortly after that. But without a reserve fund, banks were extremely reluctant to lend money to potential buyers and this was impacting the market value of each unit.

of three special assessments, the last of which is now financed. The owners were given the option of paying the special assessment or being part of the monthly payment plan. Needless to say, we weren't the most popular board with many of our unit owners!

Let's get back to the good. Over the past ten years, the board has worked diligently with a view to enhancing the building and making it a place where unit owners and tenants alike are proud to live. There have been multiple upgrades including new paint and carpets in all common areas, improved lighting, enhanced security, upgraded parkade, new and more modern laundry facilities and new elevators. We also have a healthy reserve fund.

curity in the building, and the board's consistent application of bylaws and fines, the quality of tenants has definitely improved. It's important that if the units in the building are not owner-occupied, that landlords have a proper vetting system to ensure the enjoyment of other residents in their homes is not jeopardized. Now it's not uncommon for the both the condominium manager and the board members to receive emails congratulating us on the work we have done.



To top that off, we have had a total Because of the improved look and se-



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As promised earlier, here's what I consider our secret. My top ten list as to what makes our condo board great:

1. We **represent all unit owners** as a whole. We are not here just for the benefit of our own units.
2. We **understand our responsibilities and obligations** under the Condominium Property Act and our own bylaws.
3. We have a **code of conduct** for the board in place that speaks to such things as self-dealing, confidentiality and decorum.
4. We **manage the money!** You can't spend what you don't have. To remain attractive to owners, our condo fees have to be reasonable.
5. We **communicate with our owners.** That means listening as well as talking. We use notices, emails, mail-outs, AGMs and Genie Pad.
6. We've developed a **handbook of policies and procedures** that is provided to all unit owners and tenants. It includes such topics as Communication Protocol, Move-In and Move-Outs, Pet policy, Rental Policy, Disaster Planning and Fines.
7. We **became a member of the Canadian Condominium Institute.** The benefits are endless!
8. We **encourage new members to join the board.** It adds fresh ideas and new perspectives.
9. We've **surrounded ourselves with experts** such as a lawyer, accountant, reserve fund study manager, appraiser, insurance broker and restoration company.
10. Last, but by no means least, if you are going to have a condominium management firm, **make sure you pick the right one.** It's not just about what you pay. It's about the experience, knowledge and services provided. We have used Progressive Property Management from day one and have never even considered a change. They don't just meet our expectations, they always exceed them.

Being a volunteer on this particular board has certainly been a challenge, but it has definitely had its rewards. All unit owners now have a better investment, I've learned tons and made great friends along the way.

Heather Cournoyer, CCIB, CIP owns multiple condo-units, is a long-standing condo board member and an insurance broker partner with Think Insure.



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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".

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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.

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2

Responding to such messages without taking a moment to consider whether your mother would approve of this unedited version.

3

Pretending a problem will eventually resolve itself if we ignore it for a long enough time.

4

Determining that anyone with an opposing opinion is an idiot and not worth your time to understand their perspective.

5

Refusing to hire professionals to provide advice because that's what the internet is for.

6

Keeping all the information to yourself to prove how indispensable you are.

7

Abstaining from voting because you don't want to hurt anyone's feelings.

8

Presenting documentation at the meeting with no time to review in advance and conversely reading documentation for the first time at the meeting when you did receive it in advance.

9

Foregoing the obligation of a written contract because your friend/relative/acquaintance knows what they're doing.

10

Committing to the "We've always done it this way" mantra without considering the merits of any other possible options.

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DEEP IN THE WEEDS

EXPLORING CONDO OWNERS' RIGHTS WHEN IT COMES TO CANNABIS

BY REBECCA MEDEL

Over the summer and fall leading to Canada's cannabis legalization date, a lot of talk turned to the rights of those who live in condominiums and whether they would be able to freely enjoy marijuana in their own homes as of October 17 or, alternately, to enjoy a smoke-free environment amongst their neighbours. Op-eds on the subject gave fuel to online commenters with those in favour of bylaw changes on one side and those who prefer to live and let live on the other.

26



Provincial laws determine the public aspect of where marijuana can be smoked, purchased and how much a person can carry, but in the private world of condominium ownership, the rules are less obvious and depend on each condo corporation's unique bylaws. Here's a quick review of what is known when it comes to cannabis in a condominium setting in Alberta:

- *It is now legal for adults to purchase (maximum 30 grams/transaction), possess (up to 30 grams in a public place) and consume (in their homes and some public places) cannabis.*
- *A condominium corporation in Alberta may prohibit the smoking of all substances including cannabis in their buildings or on their properties by passing a bylaw to that effect.*
- *This bylaw can also dictate where smoking is restricted, including common property, exclusive-use areas and also within units themselves provided it is approved via a special resolution as per the Condominium Property Act of Alberta.*
- *Each municipality can set up their own additional restrictions for smoking in public places including restrictions on medical cannabis consumption.*
- *Adults can grow up to four plants per household from seeds bought from licensed cannabis retailers for personal consumption.*
- *Condominium corporations may also prohibit the growing of cannabis by passing a bylaw. If growing is allowed, restrictions can be placed in bylaws as to where and how the cannabis can be grown.*

Todd Shipley of Reynolds Mirth Rich-

ards & Farmer has been practising condominium law for 18 years. He's written articles, given seminars and worked with condo boards on all of the big and small-ticket issues condo corporations usually deal with like governance and insurance claims, but last year his time was taken up with cannabis bylaws.

Shipley is a firm believer that everything should be put in writing. "If a condo corporation wants to restrict or prohibit the use of cannabis it should focus solely upon smoking or inhaling. It should allow the use of cannabis as topical or edible products. It should also consider the potential growing of cannabis and the impact it may have on the building

likely address it. Not just marijuana smoke, all forms of smoke. There are already nuisance bylaws for smells, such as rotting garbage. It's the same thing with marijuana. If it affects others, there's likely a bylaw to help."

Jentner says condo boards should avoid coarse, absolutist restrictions and should instead do their own research and talk to residents one-on-one when issues of any sort arise. In most instances smoking can be dealt with by existing nuisance bylaws. Some bylaws also include a stated purpose: that they are in place to protect the health of residents. "By applying a finer filter, you maintain respect between residents and the board and only impose restrictions

"I haven't noticed a single thing change ... the people who were smoking marijuana before must still be doing it, but they are just as discreet as they were before."

**~ Bernard Jentner,
Stellar Condominium Management**

envelope. The best approach is to have a bylaw that specifically addresses it."

Bernard Jentner, co-owner of Stellar Condominium Management Ltd., takes a different approach when talking to his clients about cannabis. He's found that big blanket restrictions, such as bylaws that prohibit cannabis, not only deal with the one or two problematic suites, they restrict and impose upon very reasonable and socially conscious adults. When it comes to cannabis, he says bylaws often don't need to be altered. "If someone's health is at risk with secondhand smoke, your bylaws can

on those who are causing a problem."

Shipley is not a fan of relying solely on nuisance bylaws, but acknowledges that sometimes that is the reality a corporation is left with. "If the corporation is unable to pass a bylaw that restricts smoking or vaping of cannabis, it can attempt to rely upon the nuisance bylaw but should expect that it will only be able to restrict such activities where the use of or impact of such smoking is significant. A good example is nuisance bylaws that address noise. Unit owners are not guaranteed that they will not hear their neighbours but where the noise becomes significant, the

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nuisance bylaw can step in. Likewise, there is corresponding limitation to relying solely on a nuisance bylaw in regards to cannabis.”

In addition, the standard of what the court needs to see before getting involved is much higher when relying on nuisance bylaws. “Nuisance itself is more than just your neighbour is slightly peeved. For example, you can use the nuisance if it’s causing a significant impact. But to say that you can use a nuisance bylaw because people are finding it inconvenient or offensive, that doesn’t necessarily mean you’re going to be able to restrict it, especially when you are dealing with competing interests.”

What are those competing interests? Quite often they involve medical considerations and the rights of those who require medical marijuana versus the rights of their neighbours who don’t want to smell it.

In May 2018, Edmonton lawyer Victoria Archer of Gledhill Larocque spoke at the CCI North conference about bylaw changes that could arise from using and growing marijuana in condo buildings. She believes that using medical marijuana is a human rights issue, but that doesn’t necessarily mean smoking it.

“I am not presuming that Human Rights Commissions across the country will say that people who need medical marijuana have the unfettered right to smoke it wherever and whenever they want or under any and all circumstances,” Archer says. “However, when it comes to medical marijuana, it is often not necessary to smoke it. The medical ingredient in marijuana, CBD, is available in many forms including pills, capsules, oils, ointments, edibles—none of which when used will interfere with other residents in condos. If medical marijuana must be smoked, then perhaps upgraded ventilation systems will eliminate or lessen any nuisance.”

What Archer found to be most interesting was that there was often more support to allow canna-

bis usage from owners in seniors complexes than in buildings with younger people. "Many more seniors than I realized were already using cannabis for medical purposes, or thought that they might want to use it in the future. They wanted to be sure that under any bylaws, or bylaw revisions, they would be able to use cannabis, but not necessarily smoke it."

Jentner has dealt with the issue of cigarette smoke from one unit drifting into a child's bedroom from another unit. Instead of fining the chain-smoking resident, who also happened to suffer from severe mental health issues, he asked her to take the money she would have

spent on fines to make her unit airtight and buy a high quality stand-alone HEPA air filter. The resident complied and the situation was brought under control in a reasonable and respectful way for all parties involved. "At-risk people cannot speak up for themselves and if you press it too much, they will take really irrational steps. Prohibitions should be thought out really carefully and really slowly."

Marijuana legalization isn't all about consumption, there is also the matter of growing plants. Alberta households are allowed four marijuana plants each. A bit of sun, a bit of water and all should be good, right? Yes and no. With the

right combination of temperature, moisture and food, mould can grow.

Nick Trovato, managing principal of engineering firm Read Jones Christoffersen provided Archer with useful information regarding growing plants at home to use in her talk. "Growing a few plants in a building is not the issue, it is the levels of heat and humidity in the space that can create problems," Trovato wrote in an email. "Assuming you are treating these as house plants in the open, the conditions are no different than having ferns growing in your living room. If you are creating a small grow op and the humidity in the unit is too high, this can lead to condensation and





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possible mould growth. So, if common sense prevails, this should not be an issue.”

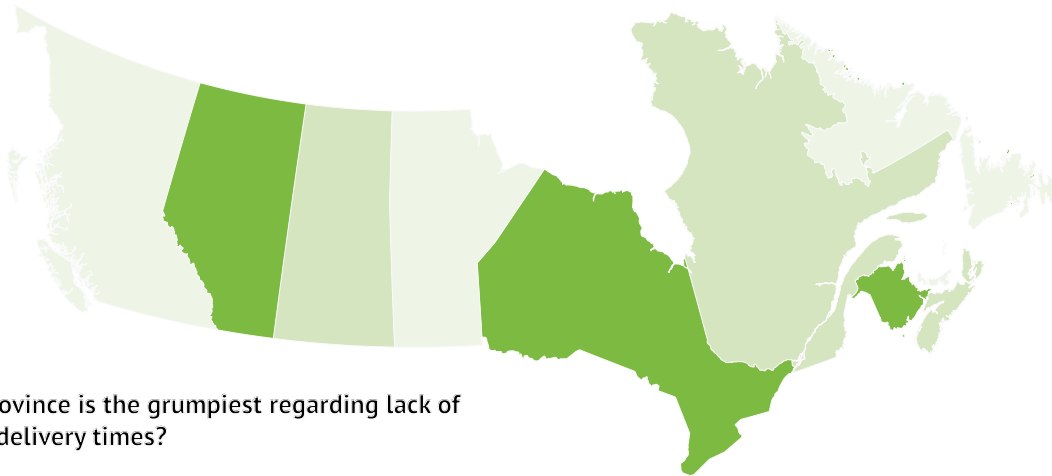
Beyond residential tenants, there is another aspect of your condo corporation’s bylaws that is important to consider. Archer says that if there are commercial units in the building, boards must decide if they want cannabis retailers occupying those units. “At present, none of the municipalities in Alberta require cannabis retailers who want to open their businesses in condominiums to provide proof that the business is an acceptable use within that condominium before issuing the development or business permits. Boards will have to be proactive if they want to regulate or restrict this type of activity. There will be no help from any level of government.”

If a change in bylaws is something your condo corporation is considering, remember that bylaw changes need to be approved by 75 per cent of owners by way of special resolution. Before spending the cash, spend the time reading your existing bylaws, talking to owners and doing some research. Maybe your building would be better served with some specific upgrades that will keep odours of any sort contained to their proper unit. It is worth considering that marijuana will turn out to be a non-issue for your building. Jentner, for one, has heard crickets since legalization. “I haven’t noticed a single thing change. Not a single phone call. The people who were smoking marijuana before must still be doing it, but they are just as discreet as they were before.”

Rebecca Medel is an award-winning journalist from Edmonton, AB. She started her writing career in Halifax before moving to the prairies 10 years ago.

PROVINCIAL POT POURRI

In the course of our investigations we came across this collection of Canadian cannabis quirks! Can you guess which law applies to the correct province? Check the bottom of the page for answers.



1: Which province is the grumpiest regarding lack of access and delivery times?

2: In which province did Purolator drivers have to undergo special training to check IDs as they are responsible for delivering all online cannabis orders?

3: Which province is introducing a 6% "Social Responsibility Fee" tax for cannabis purchases?

4: In which province has a First Nation passed their own Cannabis Act and opened a cannabis dispensary without provincial approval?

5: Which province's cannabis branch ran afoul of Health Canada's promotional rules by depicting people on its website and associating cannabis with a particular lifestyle?

6: Which province's capital city has the highest cannabis consumption rates per capita in the country?

7: Which province has temporarily halted issuing new retail licences due to a lack of product?

8: Which incoming provincial government is looking to raise/has raised the minimum age to consume cannabis from 18 to 21?

9: In which province was the first legal weed purchase made?

10: Which province used to produce the most cannabis but now has a market-share decline because of competition?

selling marijuana online, showed step-by-step instructions for how to roll a joint.
6: StatScan says Halifax, Nova Scotia does, based on sewer tests of five major Canadian cities.
7: Alberta Gaming & Liquor Commission says no new licences will be issued for up to 18 months.
8: The Coalition Avenir Québec government is raising the legal age to purchase and consume cannabis from 18 to 21.
9: Ian Power of St. John's, Newfoundland made the first legal purchase at 12 am on October 17.
10: BC Bud is in sharp decline as large cannabis companies take over the market.

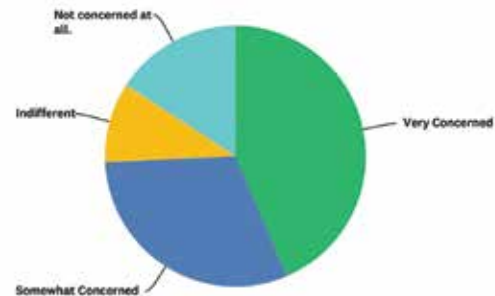
1: IPSOS poll says 30% of Ontarians are unhappy about delivery wait times for cannabis.
2: The PEI government has an agreement with Purolator to pick up packaged cannabis orders at the province's warehouse and deliver them to customers who've placed orders online.
3: Manitoba Liquor and Lotteries applies markups of \$0.75 per gram on recreational cannabis, plus an additional nine per cent and retailers have to pay six per cent of their revenues to a "social responsibility fee."
4: The Muscowpetung Saulteaux Nation in Saskatchewan has opened the Mino-Maskihki Cannabis Dispensary.
5: Cannabis New Brunswick, the NB government site for

CANNABIS IN CONDOMINIUMS

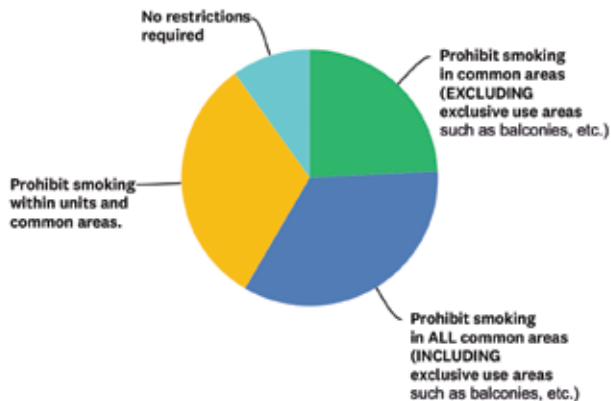
SURVEY RESULTS

We conducted a survey during the first two weeks following marijuana legalization (October 17 – 30, 2018) asking condo residents their thoughts and concerns regarding cannabis consumption on condominium premises. Here are the results from more than 200 respondents.

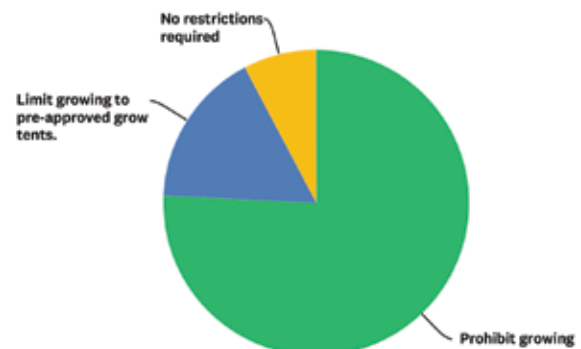
How concerned are you about the legalization of cannabis affecting your condominium?



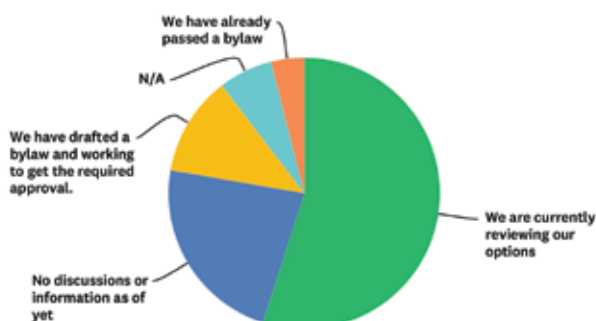
What restrictions (if any) do you support regarding the consumption of cannabis in condominiums?



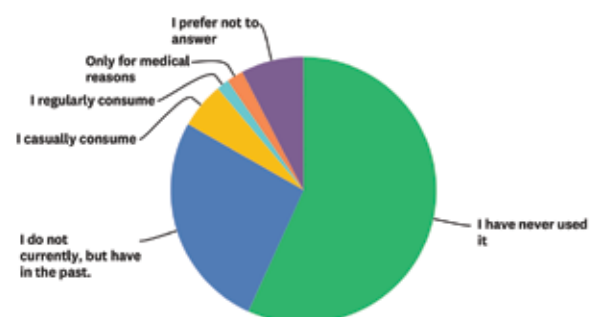
What restrictions (if any) do you support regarding the growing of cannabis in condominium units?



To your knowledge, at what stage is your condominium at in deciding how they will address the new legislation?



Which answer best describes your consumption of cannabis?





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RESOLVING ODOUR ISSUES

A STEP-BY-STEP PROCESS TO RESOLVE ODOUR TRANSFER ISSUES IN CONDOMINIUMS

BY JUSTIN TUDOR

Since recreational cannabis was legalized throughout Canada this fall, engineers are increasingly being asked how to resolve unintended odour transfer in condominiums.

Leading up to October 17th, 2018, there seemed to be much concern and confusion with Boards of Directors scrambling to institute rules or by-laws in order to limit or manage the use of cannabis in their communities. Ultimately that concern may have been similar to Y2K, given that people were already smoking in their units before cannabis legalization, and have continued to do so thereafter.

Step 1: Gather Information

Much of the investigation relies on information available before the investigation begins in earnest: owner reports, building drawings, and documents. At the onset of the investigation the following questions should be reviewed:

- *Are there building drawings available (Architectural and HVAC)?*
- *Are the odours experienced inside the units or in the corridors?*
- *Where in the unit or corridors are the odours noted?*
- *Can a specific odor originating unit be identified?*
- *Will the occupants of the reporting and odour originating units cooperate with the investigation?*
- *Do the occupants of the odour originating unit create odours in only one section of their unit (e.g., do they smoke only in the living room?)*
- *What time of day are the odour transfers noted?*
- *What time of year are the odour transfers noted?*
- *What are the patterns of behaviour in the reporting and*

originating units?

- Do the occupants leave their windows open?
- Do the occupants turn on the exhaust fans, and when?
- Have secondary weather-stripping or door sweeps been installed on their doors?
- Are the odours noted only when high winds are present?
- Are the odours noted only when adjustments are made to the building mechanical systems (Seasonal turn over)?
- Are the units served by a central exhaust system?
- What sizes are the individual exhaust systems and where are they located (kitchen, bathroom)?
- Have the exhaust systems been cleaned or serviced recently?
- Does the make-up air unit run continuously?
- When was the make-up air system last serviced?
- When was the make-up air system last balanced?
- Is there a history of condensation inside the building?

The responses to these questions permit investigators to plan their course of action. If investigators do not begin with these questions, they are setting themselves up for failure.

Step 2: Overall Building Airflow

Odours consist of molecules that float and are carried by air movement. Outdoors, air (and the odours it carries) is moved by the wind – the neighborhood BBQ smells great downwind. In buildings or occupied spaces, however, air moves from high pressure areas to low pressure areas. The movement of air in high-rise buildings is affected by man-made mechanical systems, building envelope openings, and seasonal effects, including:

Mechanical systems:

- Make-up air units
- Distribution louvers and ducting
- Unit exhaust fans (bathroom and kitchen)

Building envelope openings:

- Windows/Doors
- Envelope deficiencies

Seasonal effects:

- Winter: Buildings are heated and the warm air rises, creating a HIGH pressure at the top half of the building and a LOW pressure in the bottom half of the building.
- Summer: Buildings are cooled and the cold air sinks, creating a HIGH pressure in the bottom half of the building and a LOW pressure in the top half of the building.

Warmer months:

- Windows more likely to be open.


In common high-rise ventilation,



fresh air is provided to the units by way of the rooftop make-up air unit pumping air to the corridors, which then feed the units through a passive vent near the door or in openings around the door. This make-up air creates a high-pressure zone in the corridor preventing smells from the lower pressure units from entering the corridors.

This pattern of high and low pressure can break down if the building-wide ventilation systems are compromised or operating poorly. Problems could include:


- The make-up air unit is turn off or



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cycled down too far, removing positive pressure from the corridors.

- *The make-up air unit is old, undersized, or not serviced, limiting the amount of air provided to the corridors.*
- *The system is unbalanced, distributing air flow improperly to different floors.*

If building wide systems are off-kilter, no unit specific approach will be able to fully address an odour transfer issue.

Step 3: Unit Specific Airflow

After confirming that air is getting into the corridors properly, it is necessary to ensure it has unobstructed access to the unit. Typically, air is brought into the unit through openings around the doors, or passive wall vents adjacent to the doors. Air is then exhausted through fans in the kitchen and the bathrooms.

These unit specific components can fail, become obstructed, or be used in ways that compromise the air flow and design pressurization thus allowing air and odours to move in unplanned directions.

- *Door sweeps and jambs may have been blocked with weather stripping:*



- *Passive air vents may be dirty or blocked:*



- *Exhaust fans may be dirty or blocked (see if a piece of paper will stick to the vent when it is turned on):*



- *Exhaust fans may be old and inefficient*
- *Exhaust fans may be misused (if the occupants of the unit smelling the smoke turn on their exhaust fan, they will decrease the relative pressure in their unit, increasing the intensity of the smell)*

In townhouse units, and specialty high-rises, units may get their fresh air, not from a common Make-Up Air unit, but from a dedicated Heat or Energy Recovery Ventilator (HRV/ERV). As in the case of the make-up air unit, if the HRV/ERV is not functioning properly, the unit's pressurization will not meet design levels, probably creating unexpected air pathways and odour transfers.

Step 4: Fog Testing to Determine

Compartmentalization Failures

After possible building-wide and unit-specific air flow problems have been eliminated or resolved, investigators should then begin to look for defects or deficiencies in the separations between units. Units are typically compartmentalized. When a penetration, such as a pipe, pierces this compartmentalization, we expect it to be properly sealed. When compartmentalization is compromised, the possibility of odour transfer increases.

Many possible pathways and causes of odour transfer exist. Rather than aimlessly making holes in walls before the source of the problem is accurately identified, investigators should identify problem areas using a fog test. Investigators perform a fog test to recreate the odour transfer path (visible fog will behave like invisible odours and move with the air flow). Blower doors may be used to depressurize specific areas to promote fog transfer.

By depressurizing the areas where the smells are reported and creating a detectable fog in the suspected source area, investigators can identify trouble spots by visually tracking the fog transfer. The most common trouble areas are:

- *Gaps around electrical plugs in shared walls.*
- *Gaps around pipe penetrations beneath sinks and bathtubs.*
- *Complex air/vapour barrier interfaces in shared walls.*

Step 5: Exploratory Openings

Only after fog testing has confirmed suspected areas of failed compartmentalization should holes in dry-

will be made to locate and correct deficiencies. To yield the best result, investigators should make exploratory openings that are:

- *Centralized at areas of concern or confirmed by fog test.*
- *Not located solely at reported odour sites.*
- *Sufficiently large to identify any deficiency.*
- *Not be based solely on reports of where it smells.*

It is important to remember that some openings may not yield obvious results. At the exploratory openings step, it may be determined that a single or multiple compartmentalization failures are causing odour transfer. Once the defect has been identified, sealing solutions are usu-

ally straightforward.

Conclusion

Resolving odour transfer is an iterative process. At every step in the investigative process, odour reports should be reviewed and reconfirmed, because the initial steps may resolve the problem sufficiently, rendering subsequent steps and costs unnecessary.

Following a methodical step-by-step process ensures the following:

- *Costly interior finishing work can be avoided if ventilation proves to be the problem.*
- *Lower overall costs, because the investigation stops once the source of the odour transfer problem has been identified.*

- *The least expensive (low hanging fruit) solutions to the problem are identified early in the investigation.*
- *A decreased chance of failing to resolve the issues because of an unmethodical investigation.*

In short, a methodical investigative process empowers building staff and professionals to deal with the perennial problem of odour transfer. Now go find out who cut the cheese!

Justin Tudor, P.Eng. is President of Keller Engineering as well as Director for the Canadian Condominium Institute - Eastern Ontario Chapter.



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RETROFITTING THE RIGHT WAY



BY HANNAH TOUGH

What type of illumination does your building use? Did you get on the eco train right away, or is your building still working overtime to produce enough energy to light common areas 24/7? The condominium market continues to be dominated by sales of halogen lamps and CFLs (compact fluorescent lamps) rather than by LEDs (light emitting diodes), which are more efficient. Go and check your lighting system, if you are not already familiar with all lighting components of your building, get familiarized. Don't forget to check outside, too. LEDs are great options for updating the security lighting of a condominium.

LED efficacy has improved considerably in recent years. Swapping traditional, incandescent light bulbs with energy-efficient LED bulbs will use less power and reduce your condo costs while helping to reduce your carbon footprint. Don't forget about that longer lifespan, too. Although you'll have to buy a new incandescent bulb after as few as 2,000 hours, LED lighting will last anywhere from 15 to 25 times longer. It's true that you could buy nine of those \$6 incandescent bulbs for the price of an LED bulb, but the LED bulb will last well beyond the lifespan of those nine traditional bulbs. Air conditioning requirements may also be lowered because of LED's low heat working condition.

LED bulbs have many financial positives for your building. For one thing, they last much longer—from 30,000 to more than 50,000 hours longer—so you won't need to replace them as often. The savings will really add up when you begin to compare your electricity bills. LED bulbs use up to 75 percent less energy than traditional bulbs. When

you have decided to replace or upgrade critical building components, such as the lighting system, there is an ideal opportunity to upgrade connected systems. Suite metering will enable every resident in your building to monitor, track and pay for their own electricity usage. Moreover, making tenants aware of residential energy savings programs, like the Residential No-Charge Energy Savings Program in Alberta, will enable the condo community to work together towards energy- and money-saving goals.

Energy efficiency awareness and legislation are driving an increased number of lighting retrofits and field conversions to more energy efficient sources of lighting. To get the greatest value out of an LED lighting retrofit, ask about a manufacturer's product testing, quality control and sustainability practices. This is the time to ask about different light fixtures and light bulb options. Check for dimmer compatibility. It's important to be sure the LED, driver and dimmer are compatible. You can ask the manufacturer for a dimmer/controls compatibility list.

Schedule a lighting audit. This will include collecting an inventory of existing lighting systems and determining the most energy efficient solutions, which will enable you to assess your potential annual energy savings. Efficiency Alberta has programs and rebate offers to support energy savings initiatives and remodelling.

Your best bet for security and outdoor lighting is to install automated light fixtures with timers, or fixtures that come with sensors. This makes for efficient lighting. Plus, the white colour of light offers an aesthetically pleasing finish. The utility rooms and parking garages can have sensor lighting installed, too. There are easy-to-install LED fixtures that take a simple exterior building design and make it tasteful. If you want to determine what your projected savings will be, LED Lights Canada has an Energy Savings Calculator on their website to calculate your monthly savings and your R.O.I. Remember, however, that not all bulbs are created equal so don't cut corners. Be sure to look for bulbs that have an EnergyStar® rating and are from a good name brand.

The immediate benefits of retrofitting your condominium with LED's will be seen and felt throughout the






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building. Retrofitting with motion sensor and dimmable LED's, you will notice the hallways and parking garages will be the first to reap the rewards, especially between the hours of 12 am to 6 am. The energy savings will take effect immediately. The goal of energy efficiency projects, should be to decrease, or at least maintain, the cost of living in a building. A suite metering retrofit partnered with an LED retrofit will reduce overall maintenance fees and can contribute to LEED (Leadership in Energy and Environmental Design®) points for your building. According to the Canada Green Building Council, green buildings create a healthier indoor environment for occupants through better indoor air quality, less harmful products and more natural daylight. The key to realizing the benefits of

energy retrofits is to sustain fees at their current level. At the least, boards should wait until the savings generated by a retrofit have paid for the cost of the retrofit before lowering fees. Again, a suite metering program will collect and report data for you. This saves money, cuts time spent on billing and utilities management, and ensures your condo building is reducing its energy, oftentimes up to 30%.

Increasing energy expenses means that many building operators and condo boards face pressure to increase maintenance fees. Retrofits can help lower your costs and make your condo more attractive for owners and potential buyers. Resident demand for smart-home monitoring and energy-efficient living spaces

will only continue to increase. Although energy saving is not classified as a need, it is a desired practice among many condominium dwellers. It is a good idea to send out a questionnaire to residents, asking where improvements can be made. This action gives them a voice in the decisions that affect the appearance and energy-savings initiatives of their condominium community. Take the necessary steps towards a well-thought-out plan before beginning any retrofits and your decisions are sure to be a success.

Hannah Tough is a Marketing Coordinator for Priority Submetering Solutions.



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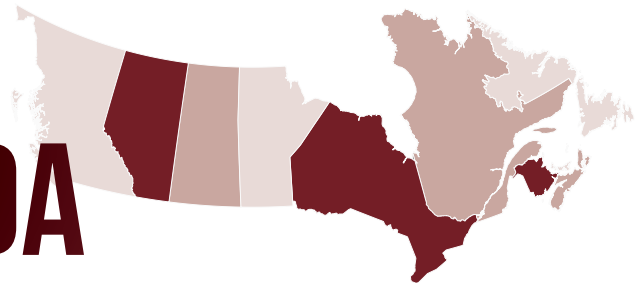
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CONDO CASES ACROSS CANADA



While it is too early to present case law dealing with specific cannabis issues since legalization, we did find some relevant material when it comes to smoking and the expectations of due diligence that Boards should be aware of. To that end we are pleased to delve into the vast archive of case law reviews curated by condominium lawyer James Davidson, LL.B., ACCI, FCCI with brief summaries of recent Condominium Court decisions. To view the judgement transcript of the featured cases or to review other Canadian condominium case law, CCI members can visit his website at **www.condocases.ca** and use the password **condocases** for access.

HNATIUK V. CONDOMINIUM CORP. NO. 032 2411 (ALBERTA QUEEN'S BENCH)

24/02/14 – Jurisdiction Alberta
Part 45 published on 01/02/14

Condominium corporation had a duty to investigate potential risks to health and safety.

The owner of a unit complained of secondhand smoke entering the unit from the unit below. The condominium corporation investigated, by opening up a bulkhead over the furnace room in the lower unit. This revealed that the fire separation between the units had not been installed in the vicinity of that bulkhead. The corporation arranged for installation of the necessary fire separation and attended to other remedial work in the bulkhead. This work substantially reduced the odour of smoke (in the unit above) but did not eliminate it. There was cause to suspect that the necessary fire separation had not been installed in a second bulkhead in the unit below.

The question for the Court was whether or not the con-

dominium corporation was obligated to inspect the second bulkhead.

The Court said that the existence of a deficiency (in the second bulkhead) had not been proven. However, the Court said that there was a "prima facie case for investigation". Therefore, the condominium corporation was obligated to carry out the investigation at its cost. And the condominium corporation could not hold the complaining owner responsible for the cost, even if no deficiency was revealed in the second bulkhead. The Court said:

It may well be that the investigation shows the second bulkhead to have adequate and proper fire separation and be within the permissible limits for air infiltration. But where there is smoke, there may be fire. In my view, the corporation has a duty to find out ...

Furthermore, if the fire separation is deficient in this area as well, the Board should consider whether more extensive investigations are required in other areas of the building.

LEARY V. STRATA PLAN VR1001 (BRITISH COLUMBIA HUMAN RIGHTS TRIBUNAL)

03/04/17 – Jurisdiction British Columbia

Part published on 01/01/70

Strata corporation failed to properly accommodate a resident with a disability, who complained of secondhand smoke.

The Human Rights Tribunal found that the complainant had a disability and had suffered adverse impacts from secondhand smoke. The Tribunal said that the strata corporation had a duty to accommodate the resident, and had failed to fulfill this duty. The Tribunal said that a strata corporation facing a complaint about secondhand smoke must take the following steps:

The strata council must:

- *Address requests for accommodation promptly, and take them seriously. A strata should consider how it will process accommodation requests on a timely basis, including between council meetings. For example, the strata council should ensure that someone is responsible for receiving such requests and promptly beginning the accommodation process.*
- *Gather enough information to understand the nature and extent of the need for accommodation. The strata is entitled to request medical information that is related*



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to the request for accommodation. It is not entitled to any more information than is strictly necessary for this purpose. If the strata requests further medical reports, it should be at the strata's expense.

- Restrict access to a person's medical information to only those individuals who are involved in the accommodation process and who need to understand the underlying medical condition. The strata council should keep medical information confidential from the general membership of the strata.
- Obtain expert opinions or advice where needed. For secondhand smoke, a "sniff test" undertaken by another strata member will rarely be sufficient to evaluate the extent of a problem with smoke in a suite. The strata may have to retain air quality experts. The strata should pay for any tests or expert reports.
- Take the lead role in investigating possible solutions. Co-operate with the person seeking accommodation to constructively explore those solutions.
- Rigorously assess whether the strata can implement an appropriate accommodation solution. In doing so, the strata may have to consider the financial cost and competing needs of other strata members with disabilities. In some circumstances, a solution may not be possible without the strata suffering an undue hardship. In that case, the strata council should document the hardship and test its conclusion to ensure there is no other possible solution.
- Recognize that the strata cannot, through its membership, contract out of the Human Rights Code. This means that a strata cannot rely on a vote of its membership to deny an accommodation.
- Ensure that the strata representatives working on the accommodation are able to approach the issue with an attitude of respect. Members of a strata council whose behavior risks undermining genuine efforts at co-operation and conciliation may need to be removed from the process.

The Tribunal made the following orders:

To return the parties to the position in which they would have been had there been no violation of the Code, I order that the Strata:

- engage an air quality specialist to determine the source of the smoke that is coming into Ms. Leary's suite and that the Strata also determine whether Strata members or their guests are responsible for



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the smoke ingress and, if so, how that smoke ingress could be prevented;

(ii) once this has occurred, the Strata and Ms. Leary must work together to determine whether preventing smoke ingress is a tenable solution that can be accomplished without undue hardship on the Strata. It may be necessary to have Ms. Leary provide further medical information in furtherance of arriving at a solution. I hesitate to make other comments in this regard in order to ensure that there is a comprehensive negotiation of a solution. However, I will retain jurisdiction for six months from the date of this decision to provide further direction, if either of the parties requests that I do so.

I order the Strata to pay Ms. Leary the sum of \$7,500 which is an amount that I consider appropriate to compensate her for injury to dignity, feelings and self-respect.

MACKAY V. METROPOLITAN TORONTO CONDOMINIUM CORPORATION NO. 985 (ONTARIO SUPERIOR COURT)

02/09/14 – Jurisdiction Ontario

Part 47 published on 01/09/14

After initial delay, condominium corporation took reasonable steps to prevent transfer of cigar smoke.

The owners of one of the units complained about cigar smoke entering their unit. The cigar smoke rendered their unit uninhabitable, and they were forced to move out. After some initial delay, the condominium corporation made various efforts to address the problem, including:

- Obtaining assurances that the smoker (in a neighbouring unit) would refrain from smoking);
- Arranging for smoke migration testing, in order to evaluate the fire separation between the units;
- Investigation of the vertical fan coil units;
- Testing of the corridor air make-up system;
- Undertaking repairs recommended as a result of the aforesaid tests and evaluations.

However, the initial efforts to solve the smoke migration problem were not entirely successful (and it was also apparent that the neighbor did not refrain from smoking). The corporation then

hired a new expert to undertake further investigations. That expert's work (and resulting repairs) appeared to fully resolve the problem. The Court held that the condominium corporation had ultimately met its obligations under Sections 89 and 90 of the Condominium Act, 1998, to repair and maintain the common elements (in order to prevent the smoke transfer). However, the Court ordered the condominium corporation to pay costs, because of the corporation's delay. The Court said:

While it was suggested by the corporation that by suing, the owners have acted precipitously, it is my view that they have not. I find that the condominium corporation, in all of the circumstances, did not act with sufficient dispatch and, indeed, adopted an unfortunate attitude toward the owners, who were quickly branded as complainers who had far too quickly ran off to their own lawyers.

The owners initially took reasonable steps to try and get the condominium corporation to pay attention to them. Even allowing for the fact that there were people on vacation at the

time that the cigar smoke problem first arose, it was unacceptable that it took more than a month before (investigations were started). Having identified violations of the Fire Code and the need to act with dispatch, the response of the condominium corporation was, effectively, not do anything of significance for nearly two months



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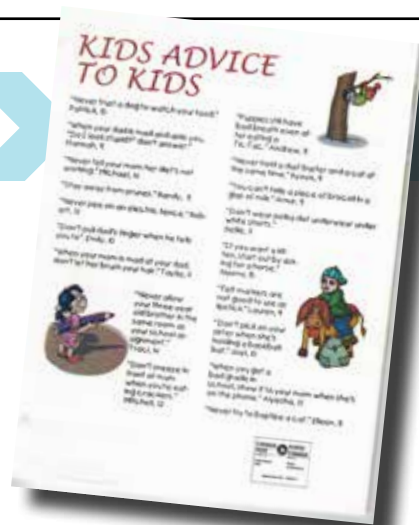
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BLAST FROM THE PAST

We found this gem on the back cover of our Spring/Summer Issue of 2002. It's uncredited but a little internet sleuthing likely found our source thanks to Brad Templeton's *Rec.Humor*. Funny website.



46

Anyway, what better way to start off the New Year with some well intentioned advice...





"Don't sneeze in front of mom when you're eating crackers."
~ Mitchell, age 12

"Felt-tip markers are not good to use as lipstick."
~ Lauren, age 9

"Never hold a Dustbuster and a cat at the same time."
~ Kyoyo, age 9

"You can't hide a piece of broccoli in a glass of milk"
~ Armir, age 9

"A puppy always has bad breath - even after eating a Tic-Tac."
~ Andrew, age 9

"Don't wear polka-dot underwear under white shorts."
~ Kellie, age 11

"Don't pick on your sister when she's holding a baseball bat."
~ Joel, age 10

"Never let your three-year old brother in the same room as your school assignment."
~ Traci, age 14

"When you get a bad grade in school, show it to your mom when she's on the phone."
~ Alyesha, age 13

"Never try to baptize a cat."
~ Eileen, age 8



[Note - most likely from "Kid's Little Treasure Books on What We've Learned... So far" by H. Jackson Brown Jr. - ed.]

BLAST FROM THE PAST

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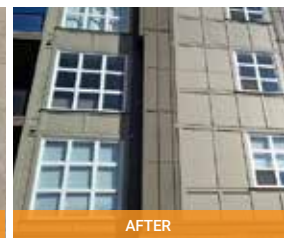
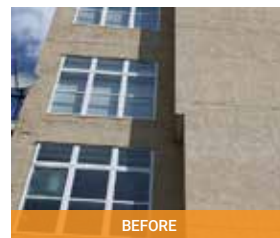
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Ad Type	*Size	Member Pricing		Non-Member Pricing	
Business Card	3.33"w x 1.83"h	gst	\$181.50	gst	\$363.00
			\$9.08		\$18.15
		Total	\$190.58	Total	\$381.15
1/4 Page	3.5"w x 4.75"h	gst	\$392.70	gst	\$785.40
			\$19.64		\$39.27
		Total	\$412.34	Total	\$824.67
1/2 Page	7.0"w x 4.75"h	gst	\$786.50	gst	\$1,573.00
			\$39.33		\$78.65
		Total	\$825.83	Total	\$1,651.65
Full Page	7.0"w x 9.5"h	gst	\$1,179.20	gst	\$2,358.40
			\$58.96		\$117.92
		Total	\$1,238.16	Total	\$2,476.32
Full Page Premium (Page 2, 3 & Inside Back Cover)	7.0"w x 9.5"h	gst	\$1,356.00	gst	\$2,712.00
			\$67.80		\$135.60
		Total	\$1,423.80	Total	\$2,847.60
Back Cover	7.62"w x 8.48"h	gst	\$1,512.50	gst	\$3,025.00
			\$75.63		\$151.25
		Total	\$1,588.13	Total	\$3,176.25

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WINTER 2018



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Cass & Fraser Chartered Accountants	Toni Kozak, CPA, CGA	(780) 448-1941	toni@cassfraser.ca
Colin Presizniuk & Associates	Luu Ho	(780) 448-7317	luu@hocpa.ca
Donnelly & Co. LLP	Pei San Chan	(780) 488-7071	peisan@donnellyco.ab.ca
Heather Zeniuk Professional Corporation	Heather Zeniuk	(780) 463-8425	heather@hzcpc.ca
KBH Chartered Accountants	Mohini Kumar	(780) 463-8101	m.kumar@kbh.ca
Lim & Associates	Cheng S. Lim	(780) 484-8803	cheng@limcgas.com
Radke Professional Corporation	Edwin Radke	(780) 424-2844	eradke@radkeca.com
Rutwind Brar LLP	Sukhi Brar	(780) 483-5490	sbrar@rbpa.ca
Scott Dalsin Professional Corp.	Scott Dalsin	(780) 439-9646	scottdalsinpc@telus.net
The Alberta Bookkeeping Company Ltd.	Veronica van Egteren	(780) 439-7400	abc@interbaun.com
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Acclaimed! Heating, Cooling, & Furnace Cleaning	Mallory Caudron	(780) 413-1655	mallory@acclaimedfurnace.com
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Antrim Construction Ltd.	Ruth Kelly	(780) 487-2330	ruth@antrimconstruction.com
Applied Colour Ltd.		(780) 416-0688	office@appliedcolour.ca
Boyle Street Property Maintenance	Bob Frohlich	(780) 270-6005	bfrohlich@boylestreet.org
BROJAM Construction & Maintenance Ltd.	Jamie Brown	(780) 757-5512	admin@brojamconstruction.com
Classic Elevator Interiors Ltd.	John Blackstock	(780) 478-4014	sales@classicelevatorinteriors.ca
Harlow Pest Control Ltd.	Carly Olcen	(780) 757-2999	info@harlowpestcontrol.ca
Kalloway Property Services	Ken Allman	(780) 436-8090	kenallman@kalloway.com
Karlen-Elecom Ltd.	Mickie Poon	(780) 453-1362	mp@elecom.ca
L & J Diamond Maintenance AB Inc.	Inder Sangha	(780) 904-6161	inder@ljdmc.ca
Meridian Fire Protection Inc.	Kevin Mozak	(780) 462-0580	kmozak@meridianfire.ca
Morley Projects Inc.	Kenneth Morley	(587) 338-5422	kmorleyprojects@shaw.ca
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Sunshine Cleaning Services Ltd.	Robert Hennigan	(780) 477-7067	sunshinecleaningsltd@gmail.com

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CONDOMINIUM MANAGEMENT			
113 West Management Ltd.	Anand Sharma	(780) 784-3001	Anand@113west.ca
AIM Real Estate Corporation	Dan McDaniel	(780) 424-0397	dmcDaniel@aimrec.ca
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AV8 Solutions	Brett Binnie	(780) 352-9277	brett@av8solutions.com
Ayre & Oxford Inc.	Roseanne Evans	(780) 448-4984	roseevans@ayreoxford.com
	Gabrielle Dyck	(780) 448-4984	gabrielle@ayreoxford.com
Bella Management and Realty Ltd.	Alison Pon	(780) 444-2665	info@realtybella.com
Braden Equities Inc.	Braden Paquette	(780) 429-5956	denise@Bradenequitiesinc.com
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Converge Condo Management Inc.	Bruce Fisher	(587) 462-6762	bruce@convergecondo.com
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	Jay Siracky	(780) 760-6197	jay@csmanagementinc.ca
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Estate Properties Inc.	Chester Quaife	(780) 433-2345	chester@estategroup.ca
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Prime Property Management	Mark Rousseau	(780) 538-0214	mark@gpprime.net

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Veritas Management Services Inc.	Tarek Merhej	(780) 328-3929	tarek@veritasms.com
Victorian Property Management Ltd.	Brian Newbert	(780) 463-0066	brian@victorianmanagement.ca
	Jules Leclercq	(780) 463-0066	jules@victorianmanagement.ca
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CONSULTANTS			
CK Condominium Consultants Ltd.	John Setterlund	(780) 729-0031	johns100@shaw.ca
Condo Check	Bernie Winter	(403) 509-2250	bernie@condo-check.com
DF Technical & Consulting Services Ltd.	Sabrina Heathcote	(780) 468-3131	sabrinah@dftechnical.ca
Excel Bldg. Inspection & Consulting	Stuart Schechtel	(780) 464-5634	excelins@telus.net
HRS Condominium Consulting	Helena R. Smith	(780) 433-8058	helenarsmith1@gmail.com
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Skyline QS Consultants Ltd.	Maeve Duggan	(780) 920-9962	mduggan@skylineqs.ca
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On Point Restore	John Wegner	(780) 701-3891	contact@on-point.ca
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C3 Engineering Technology Inc.	Cliff Swain	(780) 940-5578	C3Engineering@Shaw.ca
Design Works Engineering and Inspections Ltd.	Sandy Hembroff	(780) 814-5533	sandyh@designworkseng.com
Entuitive Corporation	Brian Shedden	(403) 879-1270	brian.shedden@entuitive.com
Keller Engineering	Andree Ball	(403) 471-3492	aball@kellerengineering.com
Morrison Hershfield Ltd.	Billy Huet	(780) 483-5200	bhuet@morrisonhershfield.com
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TCL Engineering	Ted Hagemann	(780) 907-5554	thageman@telus.net

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Wade Engineering Ltd.	Allan King	(780) 486-2828	aking@wadeengineering.com
Williams Engineering Canada Inc.	Matt Fenwick	(780) 409-3160	mfenwick@williamsengineering.com
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G & J Parking Lot Maintenance LP	Grant Wall	(780) 454-0700	services@gjparking.com
Innovative Landscape Concepts Ltd.	Chris Yaremko	(780) 660-8483	innovativelandscape@live.ca
Osco Mudjacking & Shotcreting Ltd.	Don Moroz	(780) 469-1234	don@oscomudjacking.com
Seasonal Impact Contracting Ltd.	Keegan Andreas	(780) 504-1317	estimating@simpact.ca
Solstice Landscape Maintenance	Sarah Wells	(780) 297-5661	sarah@solsticelandscape.ca
FINANCIAL SERVICES			
BMO Bank of Montreal	Joe Polack	(780) 408-0014	joe.polack@bmo.com
Canadian Western Bank- Edmonton West	Carlos Cartagena	(780) 484-7407	carlos.cartagena@cwbank.com
Canadian Western Bank - St. Albert	Marie Hilton	(780) 458-4001	marie.hilton@cwbank.com
Condominium Financial Inc.	Jim Wallace	(780) 952-7763	jim@condominiumfinancial.com
Manulife Securities Inc.	Kevin Rendek	(403) 230-3909	kevin.rendek@manulifesecurities.ca
Morrison Financial Services Limited	Matthew Solda	(416) 391-3535	msolda@morrisonfinancial.com
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	Hamish Farmer	(780) 229-3780	hfarmer@bflcanada.ca
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RiskTech Insurance Services Inc.	Jason Ploof	(780) 453-9840	jploof@excelrisk.ca
	Carly Gartner	(780) 732-6880	cgartner@excelrisk.ca
	Susan Fasenko	(780) 732-9912	sfasenko@excelrisk.ca
T&L Adjusters Ltd.	Cory Gilliam	(780) 395-2222	cgilliam@tladjusters.com
THINK!NSURE Ltd.	Heather Cournoyer	(587) 597-5478	heather@thinkinsure.ca
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Gardiner Appraisals Inc.	Cheryl Gardiner, AACI, P.App	(780) 413-9070	info@gardinerappraisals.ca
Go West Valuations Corp	Pete West	(780) 444-8404	pete@gowestcorp.com
Normac	Thomas Kerr	(403) 918-6566	thomas@normac.ca
Reliance Asset Consulting Inc.	Harold Weidman	(780) 702-7068	info@relianceconsulting.ca
Suncorp Valuations Ltd.	Sami Dib	(780) 421-7300	sami.dib@suncorpvaluations.com
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Field LLP	Paul H.W. Girgulis	(780) 423-3003	pgirgulis@fieldlaw.com
Gledhill Larocque	Victoria A. Archer	(780) 465-4852	archer@gledhill-larocque.com
Miller Thomson LLP	Roberto Noce	780-429-9728	rnoce@millerthomson.com
Ogilvie LLP	Robert P. Assaly	(780) 429-6243	rassaly@ogilvielaw.com
Parker Dubrule Lawyers	Shane Parker	(780) 444-8404	sparker@parkerdubrule.com
Reynolds Mirth Richards & Farmer LLP	Todd Shipley	(780) 497-3339	tshipley@rmrf.com

<i>Company</i>	<i>Full Name</i>	<i>Phone</i>	<i>E-mail</i>
	Emmanuel Mirth	(780) 425-9510	emirth@rmrf.com
	Heidi Besuijen	(780) 497-3327	hbesuijen@rmrf.com
Sharek Logan & van Leenen LLP	David van Leenen	(780) 413-3100	dvanLeenen@sharekco.com
Shourie Bhatia LLP	Arun Shourie	(780) 438-5281	ashourie@sb-llp.com
Snyder & Associates LLP	Erin Berney	(780) 426-4133	eberney@snyder.ca
Van Doesburg Law	Jason Van Doesburg	(780) 451-2661	jason@jvdlaw.ca
Willis Law	Hugh Willis	(780) 809-1888	hwillis@willislaw.ca
	Natasha Sutherland	(780) 809-1888	nsutherland@willislaw.ca
	Melissa Stappler	(780) 809-1888	mstappler@willislaw.ca
	Rachael Hovan	(780) 809-1888	rhovan@willislaw.ca
Witten LLP	John M. Frame	(780) 428-0501	jframe@wittenlaw.com
MECHANICAL			
BHP Mechanical Ltd.	Robert Pallister	(780) 482-2334	info@bhpmechanicalltd.com
Gateway Mechanical Services Inc.	Jacob Ohe	(780) 426-6055	johe@gatewaymechanical.ca
Jetco Mechanical Ltd.	Blaine McMurdo	(780) 451-2732	blaine.mcmurdo@jetcomechanical.com
Multigas Detection & Instrumentation Services Group Inc.	Shiku Patel	(780) 980-0799	shiku@multigasinc.com
Nordic Mechanical Services Ltd.	Rene Cloutier	(780) 469-7799	rene@nordicsystems.ca
Renew Services Inc.	Richard Nelson	(780) 544-8060	info@renewservicesinc.ca
VETS Group	Erin Rayner	(780) 434-7476	erayner@vetsgroup.com
Viking Mechanical Contractors	Andrea Ketty	(780) 455 0181	vikingmechanical@telus.net
Weiss-Johnson Heating and Cooling	Dennis Johnson	(780) 463-3096	wally.strang@weiss-johnson.com
PROPERTY SERVICES			
Alberta Beverage Container Recycling Corporation	Sarah Press	(403) 264-0170	spress@abcrc.com
Chateau Louis Hotel & Conference Centre	Nigel Swarbrooke	(780) 453-6503	nigel@chateaulouis.com
Edmonton Eviction Services Inc.	Donald Gray	(780) 974-8427	don@edmontonevictionservices.com
GeniePad	Rafal Dyrda	(800) 274-9704	rafal@geniepad.com
Habu I.T. Solutions	Frank Langenecker	(587) 983-4228	frank@habu.ca
Lucki's Exercise Equipment Ltd.	Lori Lucki	(780) 423-1155	lori@luckis.com
Pop-A-Lock of Edmonton	Ron Murray	(587) 672-5625	ronmurray@popalock.ca
Re/Max Commercial Capital Property Management	Scott Hughes	(780) 447-6979	admin@rccpm.ca
SafewithUlli o/a Safe With Ulli Inc.	Ulli Robson	(780) 288-2986	ulli@safewithulli.com
Storm Appliance Inc.	Riley W. Tookey	(587) 926-6905	riley@stormappliance.com
Togondo	Ashley Nealon	(780) 982-5950	ashley.nealon@togondo.com
Trauma Scene Bio Services Inc.	Brent Olynyk	(780) 416-8464	info@traumascenebio.ca
REAL ESTATE			
Meyers Management Consulting Group	Tracy Meyers	(780) 748-2500	info@mmcg.ca
Pinnacle Realty & Management Inc.	Rick Murti	(780) 758-4434	rmurti@pinnaclemgmt.ca
RE/MAX Fort McMurray	Katie Ekroth	(780) 788-8101	remaxbroker@fortmcmurray.com
Robert F McLeod Realty Ltd.	Robert F McLeod	(780) 453-1108	info@mcleodrealty.com
Royal LePage Summitview Realty	Rich Potter	(780) 852-5500	rpotter@royallepage.ca
Royal LePage, Andre Kopp & Associates	Doug Kopp	(780) 865-0071	dougekopp@telusplanet.net
Royal LePage, The Realty Group Grande Prairie - Property Management	Angie Peters	(780) 532-3400	angiepeters@royallepage.ca
RESERVE FUND STUDY PROVIDERS			
Aegis West Engineering Inc.	Garett Cochrane	(780) 238-3418	garett@aegiswest.ca
C3 Engineering Technology Inc.	Cliff Swain	(780) 940-5578	C3Engineering@Shaw.ca

<i>Company</i>	<i>Full Name</i>	<i>Phone</i>	<i>E-mail</i>
CXL Consulting	Ferdinand Gonzales	(604) 445-1035	info@chimeraconsulting.ca
Excel Bldg. Inspection & Consulting	Stuart Schechtel	(780) 464-5634	excelins@telus.net
Entuitive Corporation	Marla Snodden	(780) 935-5614	marla.snodden@entuitive.com
Keller Engineering	Andree Ball	(403) 471-3492	aball@kellerengineering.com
Morrison Hershfield Ltd.	Casey Steele	(780) 483-5200	csteele@morrisonhershfield.com
Read Jones Christoffersen Ltd.	Nick Trovato	(780) 452-2325	ntrovato@rjc.ca
Reliance Asset Consulting Inc.	Harold Weidman	(780) 702-7068	info@relianceconsulting.ca
Reserve Fund Planners Ltd.	Brian Barlund	(403) 348-5444	bbarlund@reservefundplanners.ca
Sharon Bigelow Reserve Fund Study Consultant	Sharon Bigelow	(780) 965-0965	sharonbigelow@shaw.ca
TCL Engineering	Ted Hagemann	(780) 435-2833	thageman@telus.net
Tree of Knowledge (TOK) Engineering	Martin Bankey	(780) 434-2376	mbankey.tok@shaw.ca
Wade Engineering Ltd.	Allan King	(780) 486-2828	aking@wadeengineering.com
Williams Engineering Canada Inc.	Matt Fenwick	(780) 409-3160	mfenwick@williamsengineering.com
UTILITY MANAGEMENT			
ENMAX Energy Corporation	Rob Aujla	(780) 408-2011	raujla@enmax.com
Peace Power Corporation	Chad Mielke	(780) 668-9493	chad.mielke@peacepower.ca
Priority Submetering Solutions Inc.	Andrew Beacom	(866) 836-3837	sales@prioritymeter.com
Solution 105 Consulting Ltd.	Chris Vilcsak	(780) 429-4774	timinski@solution105.com
Shaw Cablesystems G.P.	Larry Kennedy	(780) 490-3638	larry.kennedy@sjrb.ca
WINDOWS & DOORS			
All Reach Glass Services Inc.	Blaine Adams	(780) 483-9561	office@allreachglass.com
All Weather Windows Renovations	Fay Poholko	(780) 447-6878	fpoholko@allweatherwindows.com
Aurora Industries Ltd.	Kris Dutchak	(780) 898-7078	accounting@auroraindustries.ca
Durabuilt Windows & Doors Inc.	Steve Roy	(780) 982-6156	steve@durabuiltwindows.com
Paneless Window Washing Inc.	Matthew Stewart	(780) 707-8385	contact@panelesswindow.com
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