

CANADIAN CONDOMINIUM INSTITUTE
NORTH ALBERTA CHAPTER

INSITE TO CONDOS

THIS ISSUE:

Spring Cleanup:
Dealing with all those
Skeletons in the Closet

Condo Legislation: It's Not
Time to Panic ... Yet

A Contactor's View on
Projects

VOL. 32, ISSUE 3 - SPRING 2019



Canadian
Condominium
Institute

cci

Institut
canadien des
condominiums

North Alberta Chapter

The Canadian Condominium Institute is an independent, non-profit organization formed in 1982 with Chapters throughout Canada, including the North Alberta Chapter. This organization is the only national association dealing exclusively with condominium issues affecting all of the participants in the condominium community. The Chapters throughout the country provide practical comparisons to the different provincial Acts. The CCI assists its members in establishing and operating successful Condominium Corporations through information dissemination, education, workshops, courses, and seminars.

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MESSAGE FROM THE PRESIDENT

BY ANAND SHARMA

Welcome to the spring edition of *Insite to Condos*.

Here at CCI North Alberta, we have been run off our feet since the beginning of the year! This is in large part to the release of the Condominium Property Act Regulations on December 14. The Government Advocacy Committee, led by our amazing volunteer lawyer team of Victoria Archer, Hugh Willis, Melissa Stappler and Todd Shipley, have been in research and planning mode from the beginning of the new year. Together, along with support from our staff team and former CCI North Alberta chairperson Helena Smith, we successfully created two different seminars on the changes and the significant impact they will have on condominium living in Alberta. We held sold out evening seminars on January 30 and March 13 here in Edmonton. We also held a daylong seminar targeted towards condominium managers and self-managed boards on February 15. This event was the largest gathering of condominium managers I have seen over the past ten years here in Alberta! I am very proud that CCI North Alberta was able to deliver educational support to my fellow condominium managers and board members who work tirelessly on our community's behalf. Rest assured, more events will be held over the next year to aid in the preparation for the many changes that lie ahead. We are also in the process of providing the video recording of the January 30 evening seminar on our website since it was recorded to benefit members outside of Edmonton and those who have been unable to attend the in-person sessions. All members across North Alberta will have

access to these clips before the end of May.

The next significant educational event is our 10th Annual Alberta Condo Expo being held at the Robbins Health Learning Centre (MacEwan University) on April 27. This is a fantastic venue for learning and this year the event is themed "Back to School" which is how much of the industry feels after the release of the new regulations! I strongly encourage every board member, owner, condominium manager and anyone involved with the condominium industry to register, as space is limited.

Finally, I want to share some very sad news for CCI as well as the entire condominium community here in Alberta. On

February 11, 2019 we were informed that CCI North Alberta executive member and long-time condominium manager Trudy Anderson had passed away after illness. Trudy chaired the education committee and was a critical member of our team. She was deeply loved and admired by her condominium family. Trudy had taught many courses and seminars on CCI's behalf and was invaluable to us as an organization and as a colleague.

On a personal note, I am grateful to have met her, learned from her, laughed with her and shared with her. Trudy wasn't afraid to dispense much-needed advice to me, from telling me to "suck it up and be strong", to advising me to let your heart

heal when things in life disappoint you. She was always the first to send encouraging words and remind us of our accomplishments, which we can sometimes forget in the hustle and bustle of life. Our deepest condolences to Trudy's work family at KDM Management, her many peers and colleagues who knew her over the years and, most importantly, to her family. She will be missed but certainly not forgotten.

In solidarity,

Anand Sharma
President, CCI North Alberta

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Brian Shedden is Principal in the Existing Buildings group at Entuitive. With a career spanning over 35 years in the building construction and restoration industry, Brian provides consultation and design for various building projects. He also serves on the CCI-NAB Board of Directors.

MEET THE BOARD

BRIAN SHEDDEN

Q: What led you into the wild and wonderful world of Engineering?

I walked into a Beaver Lumber store in 1976 and fell in love with the smell of wood. Ever since, I have been involved in construction and Building Science.

Q: Do you notice much of a difference in the quality of construction from a residential to a commercial building?

The differences are striking. Generally, a commercial building has a full team of professionals and an experienced general contractor or construction manager to deliver the final product. Many times, in residential construction, the budgets do not allow for enough "adult

supervision" of the project and many corners end up getting cut.

Q: Most interesting aspect of working in the condominium industry.

This has to be the people. I'm a people person and in the condo world, you get to meet every type of person!

Q: How did you first get involved with CCI?

I joined CCI Toronto in 1991, as I lived in Toronto at that time. I eventually was elected to the Board in Toronto. When I moved to Calgary, I was elected to the Board off CCI South Alberta and now, having moved to Edmonton, my favourite city of the bunch, I

was fortunate to be elected to the Board here in North Alberta as well. In the Fall of 2018, I was elected to the CCI National Executive. So, with 28 years of CCI under my belt, I think you can understand how valuable I feel that membership in this organization is.

Q: What are you most looking forward to this summer?
Finally thawing out after that brutal winter!

Q: What is the best advice you've ever received?
Learn to forgive.

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

Nelson Mandela.

Q: What was your first job?

Farm hand on a beef cattle ranch.

Q: Is there a charitable cause you support? Why?

I have been supporting World Vision for over 30 years. Being able to help young women in third world countries is a privilege.

Q: What are you most grateful for?

Being born in Canada.

Q: What is one sound you love to hear most?

Laughing children.

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ALBERTA CONDO EXPO

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ALBERTA CONDO EXPO
MacEwan University - April 27, 2019



BACK TO SCHOOL EDITION - UNDERSTANDING THE NEW REALITIES OF CONDO GOVERNANCE

Just in time to assist all concerned in understanding the myriad of upcoming legislative changes, our “Back to School” themed conference and trade show returns to our home at MacEwan University. This next year will represent the **biggest single change in condominium legislation** in almost 20 years. Both Boards and Managers will be challenged not only to comprehend the new landscape but will also be tasked with the added workload that will be needed to implement the required changes.

Our industry professionals are charged with upgrading their student’s “Condominium IQ” in as plain language as possible while providing some tips and tools they can take away to feel more confident to complete their duties.

Choose between either the Full Conference Package (Best Value) or if time is an issue, register for any of the individual sessions that interest you the most.

ALBERTA CONDO EXPO HIGHLIGHTS!

- **Presentation Focus on Specific Areas of Legislation Changes**
- **Additional General Presentations for Boards and Managers**
- **Condominium Legal Panel Returns to Answer your Questions**
- **Largest Networking Opportunity for Owners, Boards, Managers and Professionals**
- **Tradeshow Featuring 50+ Vendors is FREE to the General Public**
- **Condo Owner Session: How the Changes in Legislation Affects You Directly**

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

Disrupting A 6 Billion Dollar Industry:

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

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

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

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

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

What Was The Difference?

It came down to a single choice each board made.

Who would they partner with for property management?

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

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

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

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

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

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

They found industry leading technology that made their role

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

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

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

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

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

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

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



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MEMBERSHIP *Musings*

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

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ON BOARD

THIS ISSUE:

- ▶ *Upcoming Condominium Document Retention Schedule*
- ▶ *It's Not Time to Panic...Yet*

UPCOMING CONDOMINIUM DOCUMENT RETENTION SCHEDULE



Effective July 1, 2019, condominiums will have direction as to the minimum time frames they are required to keep the corporation's documents and information. As you will notice, time frames vary depending on the document with some requiring permanent retention while the majority of others are either three or seven years.

A document can be retained electronically if "the document is complete, is legible in its entirety and may be reproduced by the corporation in an electronic format or in a hard copy format."

UPCOMING CONDOMINIUM DOCUMENT RETENTION SCHEDULE

This table sets out what documents a corporation must retain and for how long.

FOR INFORMATION ONLY - CHANGES ARE NOT IN EFFECT UNTIL JULY 1, 2019

Schedule 3

Minimum Retention Period for a Corporation's Documents and Information

(Section 44.2 of the Act, Section 20.59 of this Regulation)

Type of Documents and Information	Minimum Retention Period
1 Documents and information consisting of	
(a) A copy of the current bylaws of the corporation (section 32 of the Act)	Permanent
(b) The particulars of any action commenced against the corporation and served on the corporation (section 20.57(1)(a)(i) of this Regulation)	At least 7 years after the action concludes
(c) The particulars of any unsatisfied judgment or order for which the corporation is liable (section 20.57(1)(a)(ii) of this Regulation)	At least 7 years after the judgment or order is satisfied
(d) The particulars of any written demand made on the corporation for an amount in excess of \$5000 that, if not met, may result in an action being brought against the corporation (section 20.57(1)(a)(iii) of this Regulation)	At least 7 years after the demand is made
(e) The particulars of any post tensioned cables that are located anywhere on or within the property that is included in the condominium plan (section 20.57(1)(h) of this Regulation)	Permanent
(f) A statement setting out the unit factors and the criteria used to determine unit factor allocation (section 20.57(1)(m) of this Regulation)	Permanent
(g) A statement setting out any structural deficiencies that the corporation has knowledge of at the time of the request in any of the buildings that are included on the condominium plan (section 20.57(1)(d) of this Regulation)	Permanent
(h) Professional reports, such as engineering reports (section 20.57(1)(r) of this Regulation)	At least 7 years after the date of the report
(i) Copy of any legal or other professional advice or opinions paid for by the corporation	At least 7 years after the date the advice was received
(j) Copies of all manuals, schematic drawings, operating instructions, service guides, manufacturers' documentation, records of service and repairs and other similar information or documentation in the possession or control of the developer, the interim board or the corporation respecting the construction, maintenance, repair and servicing of any common property or real or personal property of the corporation (section 16.1 of the Act, section 20.2(1)(d) of this Regulation)	3 years after the property to which the record relates is disposed of
(k) Structural, electrical, mechanical and architectural working drawings and specifications, and as built drawings (sections 8(1)(b) and (e) and 16.1(1)(b)(i) and (ii) of the Act)	Permanent
(l) The plans that exist showing the location of underground utility services, sewer pipes and cable television lines located on the parcel (section 16.1(1)(c) of the Act)	Permanent

UPCOMING CONDOMINIUM DOCUMENT RETENTION SCHEDULE

Type of Documents and Information

Minimum Retention Period

- | | |
|---|--|
| <p>(m) All certificates, approvals and permits issued by a municipal authority, a person accredited by the Administrator under the <i>Safety Codes Act</i>, the Government or an agent of the Government that relate to the real property of the corporation, the common property and managed property</p> <p>(n) Any building assessment report required under the <i>New Home Buyer Protection Act</i> or, in the case of a conversion, required under section 16.1(1)(f) or 21.1 of the Act</p> <p>(o) Copies of all plans, documents and amended documents that are required to be prepared under the <i>Safety Codes Act</i></p> <p>(p) Copy of the condominium plan and any plan of redivision (sections 8 and 20 of the Act)</p> | <p>Permanent</p> <p>Permanent</p> <p>Permanent</p> <p>Until the subsequent plan is filed</p> |
|---|--|
- 2** The reserve fund report, reserve fund plan and any updates of either (section 20.57(1)(u) of this Regulation)
- 12 years after creation
- 3** Documents and information consisting of
- | | |
|--|--|
| <p>(a) A copy of the budget of the corporation (section 20.57(1)(i) of this Regulation)</p> <p>(b) Annual financial statements, if any, of the corporation (section 30(4)(b) of the Act)</p> <p>(c) A copy of any approved minutes of proceedings of a general meeting of the corporation or of the board (section 20.57(1)(l) of this Regulation)</p> <p>(d) A copy of all insurance policies and insurance records obtained by or on behalf of the corporation and the certificate respecting each insurance policy (section 48 of the Act, section 20.57(1)(s) and (t) of this Regulation)</p> <p>(e) Records of repair and maintenance</p> <p>(f) Copies of all records respecting the account maintained by the financial institution holding the reserve fund, operating funds or any other funds of the corporation</p> | <p>7 years after creation</p> <p>7 years after creation</p> <p>7 years after creation</p> <p>7 years after creation</p> <p>3 years after the property to which the record relates is disposed of</p> <p>7 years after creation</p> |
|--|--|
- 4** List of board member names and addresses for service (section 20.57(1)(p) of this Regulation)
- Current board members, plus previous board members for 3 years after their term expiry
- 5** Documents and information consisting of
- | | |
|--|---|
| <p>(a) A statement produced on request setting out the amount of any contributions in respect of a unit and the amount that is payable</p> <p>(b) A statement produced on request setting out the amount of the capital replacement reserve fund (section 20.57(1)(b) of this Regulation)</p> <p>(c) A statement setting out the amount of the contributions and the basis on which that amount was determined (section 20.57(1)(c) of this Regulation)</p> <p>(d) A copy of all caveats registered against units that are owned by the corporation or intended to be transferred to the corporation</p> <p>(e) Draft minutes of an annual general meeting that happened at least 30 days before (section 20.57(1)(l) of this Regulation)</p> <p>(f) A loan disclosure document (section 20.57(1)(e) of this Regulation)</p> <p>(g) Estoppel certificate (section 43.2 of the Act)</p> | <p>3 years after creation</p> <p>3 years after creation</p> <p>3 years after creation</p> <p>3 years after registration</p> <p>Current — until replaced by approved minutes</p> <p>3 years after creation</p> <p>3 years after creation</p> |
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UPCOMING CONDOMINIUM DOCUMENT RETENTION SCHEDULE

Type of Documents and Information	Minimum Retention Period
(h) Copies of all outstanding orders made pursuant to the <i>Safety Codes Act</i> , <i>Municipal Government Act</i> or <i>New Home Buyer Protection Act</i>	3 years after expiry of the order
(i) A copy of any restrictive covenant registered against the parcel (sections 51 and 52 of the Act)	3 years after creation
(j) Proposals and notices of bylaw sanction (section 73.53 of this Regulation)	3 years after the notice is issued
6 Results of votes on ordinary or special resolutions (section 20.54(2) of this Regulation)	3 years after vote
7 List of all common assets	3 years after the item was disposed of, along with the details of any disposition
8 Documents and information consisting of	
(a) A copy of any current or subsisting management agreement (section 20.57(1)(f) of this Regulation)	3 years after end of agreement
(b) A copy of any current or subsisting recreational agreement (section 20.57(1)(g) of this Regulation)	3 years after end of agreement
(c) A copy of any current or subsisting lease agreement or exclusive use agreement, or bylaw, lease, licence or other instrument granting an owner the right to exercise exclusive possession with respect to the possession of a portion of the common property, including a parking stall or storage unit (section 20.57(1)(n) of this Regulation)	3 years after end of agreement
(d) Every lease, licence or agreement for the common property or real property of the corporation	3 years after end of agreement
(e) List of the names of each tenant, the unit number being occupied by the tenant and the amount of any deposit paid by the owner (section 53(1)(a) and (b) of the Act)	3 years after end of rental agreement
9 Rules adopted by the corporation (section 32.1 of the Act)	3 years after the rule ceases to be in effect or is amended or repealed
10 All warranties and guarantees on the real and personal property of the corporation, the common property and managed property	3 years after the expiry of the last warranty coverage
11 Original votes cast in an ordinary or special resolution (sections 26.3 to 26.8 of the Act)	12 months after the vote
12 Proxy forms (section 26(5) of the Act, section 31.2 of this Regulation)	180 days after provided to the corporation
13 Documents and information consisting of	
(a) Assignments of areas of exclusive possession to each owner (sections 8(1)(i) and 50 of the Act)	3 years after the end of the assignment of the exclusive possession area
(b) Any additional address for service of an owner, apart from the owner's unit address	Maintain on ongoing basis
(c) List of the names and addresses of all mortgagees who have given written notice to the corporation under section 26(3) of the Act	Maintain on ongoing basis




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IT'S NOT TIME TO PANIC ... YET



BY ALAN WHYTE

What you can do to prepare for the upcoming Legislative changes

One of the consistent concerns raised by attendees at any of our legislation update sessions has been, "How are we going to be able to deal with all these added responsibilities?" Similar versions have been echoed by board directors and managers alike, along with a frustration that some legislation (albeit, a small portion) appears to be more of a make-work project with no overriding benefit for anyone. The reality of the situation, however, is that the forthcoming legislation will be in force shortly and everyone is going to have to work within the framework provided. So what can you do in the meantime?

REVIEW THE LEGISLATION

Although copies of the revised Act and Regulation are not available through Queen's Printer (as of April 1, 2019) Service Alberta and CCI North Alberta (under Resources/Document Library/Public Information) have posted the updated changes on their websites. They are colour-coded to indicate what is current, what is changing, when the changes come into effect along with a mini summary as to the intent of each change. It's definitely not digestible in one bedtime reading, so break it down into smaller chunks to keep your sanity.

ASK THE PROFESSIONALS

Condominium board members and managers alike, regardless of how long they have been involved in the industry, are going to need to seek out experts in their field to assist with interpretation and proper implementation of the new legislation. Whether it is your insurance broker, legal counsel or reserve fund study provider, now is the time to lean on them for assistance and direction. While I am sure they are still in the process of figuring it all out ahead of time, they should have a good grasp on best practices that should be applied in their area of expertise. If they don't, then you may want to consider looking at other options available to you.

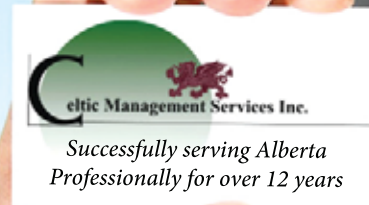


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STAY POSTED WITH UPCOMING CCI EVENTS

Based on the success of our previous sold out legislation events, we know there is an appetite to understand how the landscape has changed and what needs to be done differently. Our upcoming Alberta Condo Expo on Saturday, April 27th will continue the process with tightly focused sessions on each of the major areas of regulation change including a separate seminar geared directly to condo owners. It is also a great opportunity to grow your network of expertise while meeting the exhibitors, presenters and fellow attendees who can broaden your perspective in different areas. We will also continue to offer sessions throughout 2019 to provide as much direction as possible to our members and to the general public.

EXAMINE YOUR EXISTING BYLAWS, RULES AND POLICIES

Not to add to the pile, but it is critical to align your bylaws so that they don't contravene any of either the Act or Regulation changes. Just a few of the common scenarios that could easily be in contravention of the upcoming legislation would be:

- Amounts and processes for fines and sanctions
- Rental deposits for off-site owners
- Notification and documentation required for AGMs
- Insurance repairs and claims process

In addition, any existing rules and policies must be sent to all owners and unit occupants within 90 days of the legislation coming into force or they are no longer valid or enforceable.

PREPARE A GAME PLAN (AND DON'T BE HESITANT TO CHANGE ON THE FLY)

Due to the enormity of these revisions, it's important that the board and manager are not only on the same page as to what's been added to their plates, but come to an understanding as to exactly where the responsibility is going

to fall in each situation. Reviewing the management contract would be a good place to start and being prepared to discuss what does and does not apply. Also working to figure out a solution to ensure the corporation is in compliance in all aspects. Self-managed boards will need to determine whether some of the added responsibilities should now be contracted out and, if not, make sure the responsibilities are distributed in a reasonable manner to reduce possible board burnout.

KEEP YOUR OWNERS/OCCUPANTS INFORMED

It is easy to forget, when you are so focused on what you have to do in your leadership roles, that keeping the owners (and now occupants) updated is a critical but often overlooked obligation. Yes, the ultimate burden is with the owners themselves, however, we all know that the more engaged and informed they are, the smoother the bumps are along the way. Whether it is by newsletter, website, information meeting or a combination of these and other methods, do your best to give them the resources to help understand their new rights and responsibilities.

RECORD HOW THE NEW LEGISLATION WORKS FOR YOU

No one can correctly identify how everything will work out until they first go through the process. The advantage with most of these changes being created in the Regulation instead of the Act, allows (in theory) a quicker process to make revisions if significant unintended consequences surface on multiple occasions. If these types of issues occur due to the new legislation that needs to be revisited, it is our responsibility to let the responsible parties know. Put your concerns in writing to both Service Alberta and your MLA and, if possible, provide an alternate solution for their consideration. The more concerns received, the louder our voice becomes. Then again, maybe everything will be tickety-boo and we will all live happily ever after.

Sweet dreams everyone!

TIP: Condominiums will have until July 1, 2020 to amend their contravening bylaws by ordinary resolution (as opposed to special resolution) to bring them into compliance with the new provisions of the Act and Regulation.

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SPRING CLEANUP: DEALING WITH ALL THOSE SKELETONS IN THE CLOSET

LONGER DAYS BRING
MAINTENANCE WORK AND
MAJOR RENOS TO THE
FOREFRONT - BY REBECCA MEDEL

The days are getting longer, the air is warmer and it's safe to say that everyone is happier that six months of winter has ended.

And you know what that means for condominium corporations—spring cleanup.



The projects that were held over from 2018 (or longer, depending on your reserve fund), the dirt and debris that has piled up over the winter and the general maintenance that needs to be done in warmer weather, are now items that can be tackled. Does your corporation have go-to contractors that you routinely use for maintenance and renovation projects or are you in the market to find the right crew? Either way, it's a good idea to review the basics when hiring anyone to work on your building. A great property manager can act as a go-between with contractors and the condo board, but choosing those contractors in the first place comes down to the board.

Before a contractor even steps on site, when the contract is at the tendering stage, the condo board should be asking them to provide a valid certificate of insurance that shows a minimum of \$2 million in liability coverage, preferably \$5 million, according to Dawn Mitchell, Senior Commercial Account

And definitely don't allow owners to have their friends and family do major work on their units.

"We had one corporation where the owner was doing a bathroom reno and their friend was soldering the pipes in the bathroom and set the unit on fire," Mitchell recalls. "If they had hired a contractor, the contractor would have had the proper coverage. As it was, it was just a friend of the owner and there was no ability to seek restitution back for the damages caused by the person that started the fire."

The fire ended up damaging all four units of this townhome as all four bathrooms were connected via pipework on the inside. Mitchell says the corporation's property insurance responded against the damage, but the insurers had no one to claim damages from. Now it shows as a huge claim on the corporation's policy.

Having a list of questions prepared for any

If someone is injured or damages happen because of the corporation's negligence, there's a really good chance there will be legal involvement. Mitchell says winter is not the only time ripe with opportunities for injury or damages. If a contractor is mowing the lawn and they hit a rock that flies and damages a vehicle, then the owner will likely want reimbursement. If the contractor does not have insurance, then the corporation is responsible.

Beyond routine maintenance work, spring and summer tend to be the time when major renovations and other big projects get underway. Not every board has the time to properly vet contractors and often property managers play a big role in acting as go-betweens. Sometimes the communication line between the property manager, condo board and contractor could use some work if, for instance, the property manager hasn't properly explained what's happening to the board.

Dean Amundson, Project Manager for The Restorers Group, says if you've got good communication between the contractor, board and property manager, it makes the whole process smoother for everyone. It's usually a good idea to have contractors meet with the board before work begins so that introductions can be made, and questions can be answered.

"It should be a fairly seamless process," Amundson says. "For myself, as a contractor, it's to educate the board, be there to help and make sure we're doing the best we can, not be the fly by night contractor who is in and out."

Coming from the world of consulting to contracting, Amundson previously worked at Entuitive, he has a good understanding of when a board should be able to handle a project directly with a contractor and when hiring a consultant might make sense. Involving a consultant can offload responsibilities and paperwork from the board, while ensuring the contractor adheres to the project contract documents.

"I've seen both sides now," Amundson says. "I've been a consultant and I've been a contractor, there really isn't a set-in stone project value for involving a consultant, rather the scope of work should play a role in helping with your decision. Reaching out to both contractors and consultants for their opinions, can sometimes feel like you are going in circles, however I feel it is a worthwhile exercise in order to develop and establish the appropriate course of action."

"Spring is probably the most important time of year to conduct a visual review of your property and building, from the lowest level of the parkade to the rooftop," says Brian Shedden, Principal at Entuitive, a consulting engineering practice. "A spring thaw reveals a lot of things that may have gone unnoticed before, things like a leaky roof, loose equipment, uneven concrete or paving, failing sealants or foggy window glazing."

Executive of HUB International Insurance Brokers.

"It would change depending on the scope of the work," Mitchell adds. "If they're going in and doing a one-day thing like trimming trees that are not close to any buildings or any property, then the lower limit is fine. But if they're going in and doing a major job where they're ripping siding off and going to be onsite for a while, they should have a higher limit."

Another thing? Don't hire condo owners as handymen. *"We really frown upon having board members or members of the corporation do work."* She says unless that handyman has their own insurance, the corporation is either going to hire them as an employee, in which case they're going to be covered under the corporation's insurance, but then the corporation is going to have to purchase WCB to cover them as an independent contractor.

potential contractors is a good idea, you might even want to create a checklist that the board can have readily at its fingertips. Most important are to make sure the contractor adds the condominium corporation as an additional insured on its insurance and has WCB coverage for its workers, even when hiring general maintenance work like snow shovelling and lawn mowing.

"What that does, especially with snow removal contractors, because we all know we have snow and ice, is if somebody slips and falls and breaks their leg, the lawyer's going to cast the widest net that they possibly can. If [the corporation is] added as an additional insured on the contractor's policy, then the contractor's required to defend the condominium corporation through their insurance as opposed to using the corporation's coverage. If the corporation didn't do anything to cause the injuries, they're not the ones that should be responsible for it," Mitchell says.

What about getting a few projects done at once? Since the contractors will already be onsite, maybe it makes more sense to have them handle a number of projects at once. There's no definitive answer, but Amundson recommends forecasting and developing a well thought out plan to execute concurrent projects located at one building, before awarding them to a contractor. This process could involve discussions between the contractor and board to develop an accurate scope of work and construction schedule. Ultimately you want to make sure that there is no overlap in scope of work where there could be a risk of incurring duplicate project costs.

"Let's say you have a contractor working at your building, and you would like to address a few landscaping issues. Prior to performing the landscaping, current or future projects should be considered. For instance, if the buildings balconies are to have new vinyl membrane installed this season, it might make sense to defer the landscaping, as construction activity from the membrane replacement work could potentially impact this landscaped area."

Pricing for projects can vary depending on the time of year and you might want to consider booking your contractors when their workload is not at capacity. Amundson gives the example of a heated parkade restoration project that would likely see better pricing if issued to contractors later in the year, as opposed to spring, with work commencing in the fall and winter months.

At the end of the day, it all comes down to good communication between all parties involved: boards, property managers, contractors and consultants.

"The condo market is filled with tales of woe when it comes to having work done on a building or in a townhouse community," Shedden says. "It is important to remember that as a board, you are running a multimillion-dollar business on behalf of each unit owner. There are way too many AGMs that go completely off the rails when a project has failed, usually by contractor error, and you must weigh the risk you are willing to take when not retaining a professional to act on behalf of the corporation. It is far too easy to be penny wise and pound foolish."



PUT YOUR MIND AT EASE AND KEEP THIS CHECKLIST ON HAND FOR ALL CONTRACT WORK

- Do they have a certificate of insurance that also names the property management firm as an additional insured
- Do they have a copy of their WCB Clearance Certificate
- Do they have references from similar types of clients that you can call
- Make sure to always get at least three prices to do anything other than minor repair work.
- Have you given a detailed and written Scope of Work should to each potential contractor
- Never pay a deposit
- Does the contractor have a Building Permit for restoration work
- Ask for start and completion dates as part of the contract
- Always get firm quotations, not estimates (which are subject to change)
- Consider whether or not parking will be allowed on site
- Consider how garbage will be disposed of
- Is the board capable and experienced in this kind of work, if not hire a professional (i.e. engineer)
- Any larger contracts worth more than \$50,000 should incorporate a CCDC2 Stipulated Price Contract
- Verify that no liens exist. The Construction Lien Act requires that a 10% holdback be retained on all construction payments until 45 days after Substantial completion and verification that no liens exist on the title
- Check your bylaws to understand if you need a minuted motion to expend funds, rather than just and email from a board member
- Ask the contractor if they are members of CCI



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THE ROLE OF PROPERTY MANAGEMENT IN SUPERVISING A RESTORATION PROJECT

BY BRIAN SHEDDEN

One thing that every condominium corporation has in common is the need to restore the common elements as they reach the end of their service life. All too frequently, the "normal" service life is not met and that is usually due to improper original construction techniques.

When it comes to major restoration projects, things like roof replacement, window replacement, balcony restoration, parkade repair, plumbing or heating line replacement or the ever-dreaded building envelope replacement, we often find boards who figure that either: a) they can manage the project themselves, or b) the property manager should be able to handle this for them.


Both of these options are fraught with problems. With few exceptions, major restoration projects require a building permit. Many contractors will argue this point, but just call the city and they will be quick to tell you that you will need a building permit.

A volunteer board should never undertake a major project by themselves as they are risking the corporation's hard-earned reserve funds and exposing the corporation to risks that are just not acceptable to proper board governance. A property manager should also never be tasked with this project. Why? It's simple: a property manager's role is to manage the property, not to oversee the many time-consuming challenges of ensuring a project is correctly carried out.

In my experience, the proper role for a property manager in a major project and the area in which they can provide the greatest positive impact is in effectively communicating with the residents. In this day and age where people are bombarded with information from the moment they open their eyes in the morning, having a trusted voice that accurately relays the important

information on a project in a timely fashion is critical to the successful outcome of a project.


The thing we must always remember is that condos are homes. Real people live in these condos and they all have their own individual concerns about what is going on, when will it happen, how much will it cost and if they be inconvenienced. All of these are good things to be concerned with. A property manager is best positioned to facilitate communication, not to run a project. For the relatively small percentage of construction costs that require being run by experienced professionals, it is money well spent.



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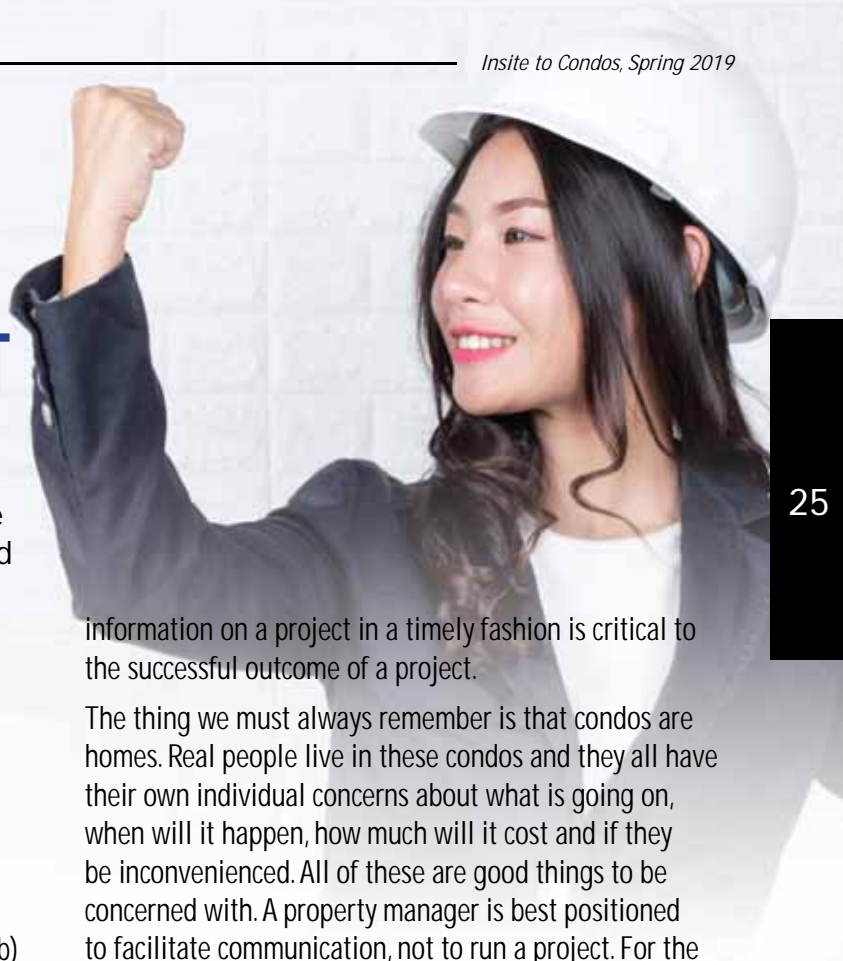
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SPRING HAS SPRUNG

**CONSTRUCTION SEASON IS THE TIME TO
KEEP A SENSE OF HUMOUR AND WORK
ON THAT PATIENCE** BY JONATHAN MAYNARD

Construction sucks!

There, I said it. We invade your domicile, your castle, the place where you can be you and forget that the rest of the world exists ... except you can't because we're jackhammering above you and your newborn needs to sleep and now won't stop crying. If this sounds familiar, you're not alone. We deal with it all the time. If we could do what is needed without bothering you, without causing anyone grief, and making you—as board members, property managers, engineers, home owners—feel good, we would do it!

That is the goal with every project, or at least it should be if your contractor cares about their reputation and doing a good job.

So what is the best way to go about vetting the companies who will work on your condo building?

As a condo board president, general contractor and former consultant, here are some rules that have helped me select project teams:

Trust your gut: a project creates a bond between stakeholders and each party must rely on the other throughout the project. You want someone that will encourage and foster that relationship. Someone who will work with the owners and accommodate their needs

Seek guidance: for larger projects, professionals can provide invaluable services for designing, tendering and reviewing construction projects so that you avoid potential pitfalls. Whether it's boiler replacement, elevator modernization or balcony repairs, there are professionals

who can streamline the process and steer the ship. Often, rehabilitation vs full replacement is an option, provided the stakeholders understand the advantages and disadvantages of each approach.

Have fun: humour is important. Your contractor should be able to laugh at the silly mistakes they make along the way and fix them just the same (i.e., if the railings are crooked, your contractor should be honest with themselves and fix their mistake)

I've had the pleasure of heated owner meetings where pitchforks are being thrown my way for decisions I've made. It is impossible to make everyone happy, but that doesn't mean we can ignore what owners want. It is our responsibility to do right by them. To take their needs and make them our own, in all facets of condo living and project work. So let's work together, get these projects out of the way and enjoy the sorely needed vitamin D while it lasts.

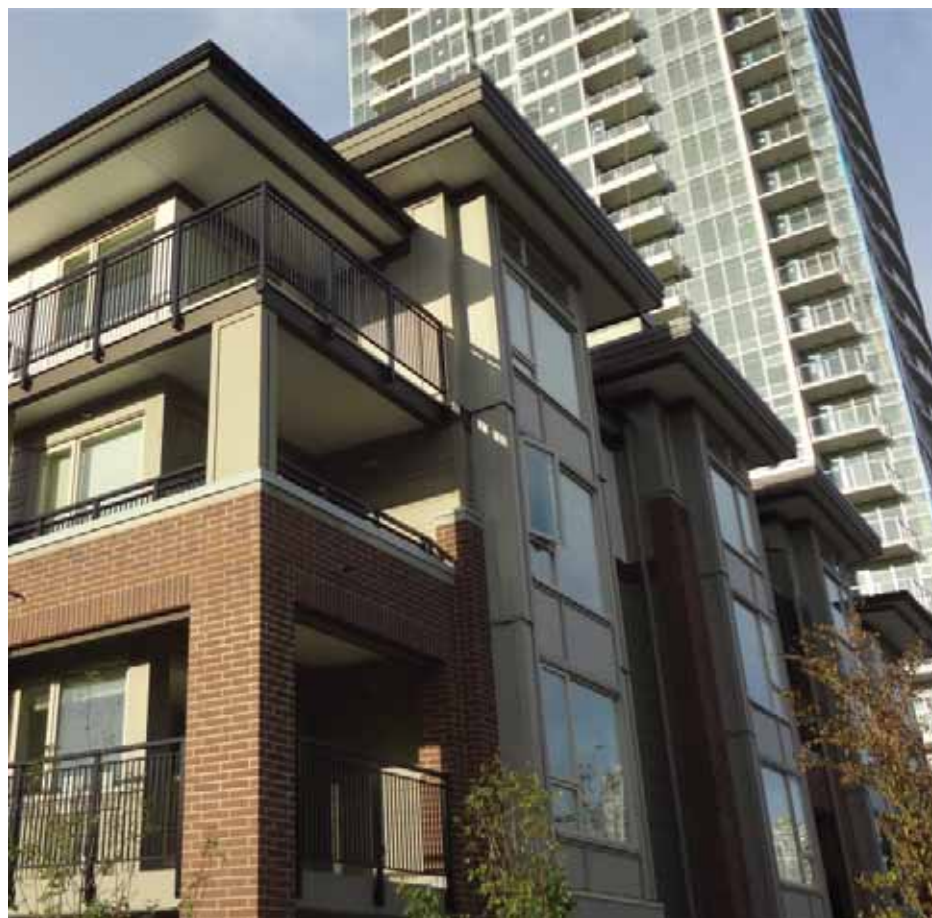
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DO GOOD, FEEL GOOD, SAVE MONEY: COMMUNITY ENERGY FOR CONDOS

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BY CARLYNN MCANEELEY, ALBERTA GREEN ECONOMY NETWORK 8

As you face creeping expenses like insurance and maintenance, wouldn't it be nice to take control over reducing the cost of your condo building's power? It's possible to reduce your building's overall energy consumption with upgrades to your heating, lighting, insulation and water.

There has never been a better time to retrofit for energy efficiency. But how does a condo corporation go about paying for it all and getting the most out of their dollars?

Economists worldwide agree that putting a price on carbon use and dedicating those revenues towards environmental mitigation programs is the best way governments can fairly impact climate change on a broad scale. Energy Efficiency Alberta is a government of Alberta agency that helps Albertans save energy using funds from Alberta's carbon levy. Right now they have some impressive incentive programs your condo corporation can apply to common areas like the lobby, hallways, parkade, gym, common room, exterior windows and doors, and roof.

Custom Energy Solutions This start-to-finish program takes you from a scoping energy audit to whole building efficiency retrofits based on audit results and with pre-approval. Upgrade your building's exterior windows and doors, insulation and HVAC with up to \$250,000 in rebates per condo.

Business Energy Solutions Access pre-set rebates for typical equipment upgrades to condo common property. Upgrade items like LED lighting, motion sensors, boilers and emergency exit signs with up to \$25,000 in rebates per year per condo.

Residential and Commercial Solar Program Solar panels on your building's roof could produce enough energy for all your common area power needs and pay for themselves while reducing your carbon emissions and environmental footprint.



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Why solar?

- A financial return on a capital investment
- Reduced environmental footprint
- Predictable power costs
- 20 to 30 year solution
- Ideal for Edmonton's climate
- Attractive to homebuyers

Since you're still connected to the grid, it's free power from the sun during the day, with the backup stability of the power grid during the night or on cloudy days. And any excess power you produce is sold back to the Alberta power grid and credited on your building's bill.

According to the latest survey from the Canadian Home Buyers' Association, five of the top ten must-haves for Canadian home buyers are energy efficiency measures. In the competitive condo market, solar systems and energy efficiency upgrades will set you apart.

Solar photovoltaic (PV) systems today can be installed for as low as \$2.50 per Watt (before rebates!) With a system warranty of 25 years, buying a solar system today is comparable to locking in at today's electricity prices for the next 25 years. Nonprofits like condos qualify for rebates of \$1.00 per watt of solar pv system installed to a maximum of \$1,000,000 or 35% of the costs of design, equipment and installation. The City of Edmonton solar incentive tops up the provincial program by another \$0.15/watt rebate.

Community Generation

If you're sold on solar power, there are exciting new opportunities for community organizations like condo corporations to invest in even larger solar pv systems to make a healthy profit. A new government regulation allows for condos to create solar power systems much larger than their own needs require and sell power to the provincial distribution grid at a rate guaranteed by the provincial government for 20 years.

vincial government for 20 years.

If you need assistance with financing, you could partner with an investor like a real estate developer and co-own the solar system and the power—and profits—it creates.

Time to act now

Solar systems are at their cheapest ever in the history of the province as a result of increased global supply and political will. Our provincial government recognizes the costly, dangerous and irreversible effects of climate change and has set a critical target: that 30 percent of our province's power come from renewable energy sources by 2030. Community solar power generation allows you to be part of helping Alberta reach that target for future generations of Albertans.

Next steps down the energy efficiency path:

- Contact Energy Efficiency Alberta to set up an account through Custom Energy Solutions. <https://www.efficiencyalberta.ca/customsolutions/>
- Consider getting an energy audit and implementing energy efficiency upgrades first to reduce your overall consumption. It's eligible for rebates under Custom Energy Solutions.
- Pursue energy efficiency upgrades through Business Energy Solutions and/or Custom Energy Solutions programs.

- Contact a reputable solar installer for a (free) quote. Solar Energy Society of Alberta has a checklist for choosing a solar installer on their website: <https://solaralberta.ca/how-choose-solar-provider>
- Contact Energy Efficiency Alberta to make sure your solar project is eligible for rebates.
- Your new contractor can take care of applying for all the necessary permits and approvals with the city and liaising with your power provider.
- They will also do the installation and get your system turned on.
- Your contractor should also be familiar with and handle all the rebate applications with the province and city.
- Enjoy your new lower power bills!

For more information and to get started with community solar power generation, visit <https://www.efficiencyalberta.ca/commgen/>

Alberta Green Economy Network is a network of green entrepreneurs, NGOs, labour, institutions and First Nations partners who work to support Alberta's transition to a just and low-carbon economy. <http://www.albertagen.ca/>

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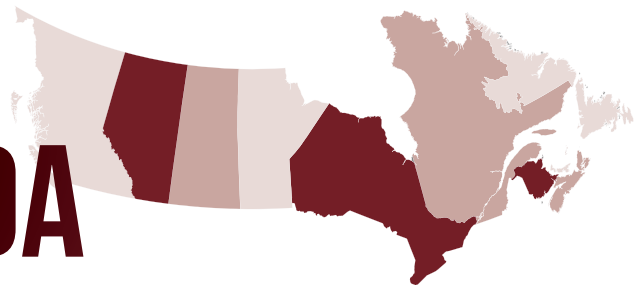
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LEGAL CORNER



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CONDO CASES ACROSS CANADA



We are pleased to showcase the work of condominium lawyer James Davidson, LL.B., ACCI, FCCI whose labour of love over the years has produced an amazing amount of brief

summaries of recent condominium court decisions. To view the judgment 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.

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CONDOMINIUM CORPORATION NO. 9312374 V. AVIVA INSURANCE COMPANY OF CANADA (ALBERTA COURT OF QUEEN'S BENCH) SEPTEMBER 19, 2018

*09/19/2018 – Jurisdiction Alberta
Part 64 published on 12/01/2018*

Damage to parking area not covered by corporation's property insurance

The condominium corporation hired a contractor to provide "parking rehabilitation and maintenance work to the parking surface in the parkade area" of the complex. The work involved cutting into the membrane of the parkade surface. The contractor cut too deeply, causing damage to the structural integrity of the parkade. The question was whether or not that damage was covered by the corporation's property insurance policy.

The insurance policy was an "all risks" policy that included an exclusion for faulty or improper workmanship. However, the exclusion said that the exclusion "does not apply to loss or damage caused directly by a resultant peril not otherwise excluded" in the policy.

The lower court had held that the structural damage was not part of the contractor's work (or in other words, went beyond the contractor's work) and accordingly was

"resultant" damage covered by the policy. On appeal, the Court of Queen's Bench found that none of the damage was covered by the policy and reversed the lower court decision. The Appeal Court said:

In the case before me, however, the exception to the exclusion is that the faulty workmanship exclusion does not apply to loss or damage caused by a resultant peril not otherwise excluded; that is to say, loss or damage caused by an otherwise insured peril. So, for example, if the faulty workmanship caused a fire, damages arising from faulty workmanship which caused the insured peril of fire would be covered by the policy by virtue of the exception to the exclusion. However, if no insured (i.e. not excluded) peril occurs, then the exception to the exclusion does not apply.

This is the plain reading of the policy wording. No ambiguity arises in either the exclusion or the exception to the exclusion.

No such resultant insured peril occurred in this instance. The respondent argues that damage to the structural integrity of the building is itself a "resultant peril", since it has not been specifically excluded from the "all risks" insuring agreement. However, damage is not a peril; it is a result. This argument by the respondent must accordingly fail.

Editorial Comment: The court seems to be saying that the damage in this case did not result from a new peril, but rather was part and parcel of the same risk, namely the risk of faulty work by a contractor. In other words, the court seems to

be saying that the exception in the exclusion did not apply in this particular case.

OMOTAYO V. DA COSTA (ONTARIO SUPERIOR COURT) MARCH 29, 2018

29/05/2018 – Jurisdiction Ontario

Part 62 published on 01/06/2018

Condominium corporation not liable for assault at board meeting

At a board meeting, one of the participants allegedly assaulted one of the other participants. The meeting had taken place on the condominium's common elements. The injured party sued the alleged assailant as well as the condominium corporation. The alleged assailant also cross-claimed against the condominium corporation. The allegation against the condominium corporation was that it should have done more to keep the meeting safe and to calm the escalating hostilities between the two participants. This was also alleged to be part of the condominium corporation's obligation as occupier of the common elements.

The claims against the condominium corporation were dismissed. The court said:

Based on the case law and evidence before me, I find that there is no genuine issue requiring a trial on the issue of whether MTCC 1292 breached its duty of care to the plaintiff.

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It would be unduly onerous to find that a condominium corporation has a duty to provide security at every board meeting to prevent a potential assault. Even given the contentious environment at the board in this case, it would not be reasonable to require the condominium corporation to provide security. It is reasonable to expect individuals who participate on the boards of condominium corporations to adhere to a standard of conduct that includes, at a minimum, refraining from assaulting another participant.

SEYMOUR V. STRATA PLAN VIS 2551 (BC HUMAN RIGHTS TRIBUNAL) AUGUST 10, 2018

10/08/2018 – Jurisdiction British Columbia

Part 63 published on 01/09/2018

Human Rights claim dismissed. Complainant had failed to provide information requested by strata corporation

A resident of the strata property asked for permission to make certain renovations to his unit, in order to accommodate his physical disability, mental disability and/or age. The strata corporation refused to give consent because the resident had failed to provide information about the proposed renovation as required by the corporation's bylaws, including details of any anticipated changes to the existing plumbing.

The resident brought a claim to the Human Rights Tribunal, alleging discrimination. The claim was dismissed. The Human Rights Tribunal said:

The central issue in this complaint concerns the reason for the strata's decision to refuse its approval of renovations to Mr. Seymour's unit. The Strata says its refusal was justified given Mr. Seymour's failure to comply with reasonable strata bylaw requirements.

... Given that Mr. Seymour failed to provide requisite and reasonable information to the strata, I am persuaded there is no reasonable prospect that Mr. Seymour's complaint will succeed.

BRAUN V. CONDO CORP. NO. 9612496 (ALBERTA COURT OF QUEEN'S BENCH) AUGUST 24, 2018

08/24/2018 – Jurisdiction Alberta

Part 65 published on 01/03/2019

Condominium corporation had given proper notice for required access to unit

The condominium corporation had given the owner notice of required access to the unit to check for a leak in the fire sprinkler system. The owner initially refused access, but ultimately allowed access after the corporation arranged for a lawyer's letter to be sent to the owner (demanding that the owner permit the requested access).

The remaining question for the court was whether or not the owner should be required to pay the related legal costs.

The court held that the notice provided to the owner had been reasonable (in accordance with the corporation's bylaws), the owner's initial refusal to allow access had not been reasonable, and the owner was accordingly responsible for the related legal costs.

The court held that oral (rather than written) notice provided in this case was sufficient. The bylaws did not require that the notice be in writing.

James Davidson, LL.B., ACCI, FCCI has been practicing condominium law for over 30 years and is one of the founding partners of Davidson Houle Allen LLP in Ottawa, Ontario.



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BLAST FROM THE PAST

The year 2000 was the last time a major overhaul of the condominium legislation in Alberta was completed. So we felt it appropriate to return some of the humour shared back then, to give our members a well earned break from digesting the current legislation changes. Enjoy!..



The Lighter Side

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The Water Closet

An English schoolteacher was looking for rooms in Switzerland. She called upon the local schoolmaster to help her find an apartment that would be suitable. Such rooms were found and she returned to London for her belongings. She remembered that she had not noticed a bathroom, or as she called it, "a water closet." She wrote to the schoolmaster and asked if there was a "W.C." in or near the apartment.

The schoolmaster, not knowing the English expression was puzzled by the "W.C.," never dreaming that she was talking about a bathroom. He finally sought advice from the parish priest. They concluded that she must mean a Wayside Chapel. The lady received the following letter a few days later:

Dear Madam,

The W. C. is located 9 miles from the house, in the head of a beautiful grove of trees. It will seat 150 people at one time and is open on Tuesdays, Thursdays and Sundays.

Some people bring their lunch and make a day of it. On Thursdays there is an organ accompaniment. The acoustics are very good. The slightest sound can be heard by everyone. It may interest you to know that my daughter met her husband at the W.C. We are now in the process of taking donations to purchase plush seats. We feel that this is a long-felt need, as the present seats have holes in them. My wife, being rather delicate, hasn't been able to attend regularly. It has been six months since she last went. Naturally, it pains her not to be able to go more often.

I will close now with the desire to accomodate you in every way possible and will be happy to save you a seat either down front or near the door, as you prefer.



Sunday Hymns

One Sunday a pastor told his congregation that the church needed some extra money and asked the people to prayerfully consider giving a little extra in the offering plate. He said that whoever gave the most would be able to pick out three hymns. After the offering plates were passed, the paster glanced down and noticed that someone had placed a \$1,000 bill in offering. He was so excited that he immediately shared his joy with his congregation and said he'd like to personally thank the person who placed the money in the plate.

A very quiet, elderly, saintly lady all the way in the back shyly raised her hand. The pastor asked her to come to the front. Slowly she made her way to the pastor. He told her how wonderful it was that she gave so much, and in thanksgiving asked her to pick out three hymns. Her eyes brightened as she looked over the congregation, pointed to the three most handsome men in the building and said "I'll take him and him and him."



Meeting Etiquette Lesson #1 - Six Ways to Guarantee a Conflict

Be offended when anyone disagrees with you, and be sure to show it.

It may help if you think: "How dare you see this any other way but my way?"

Believe your view is the only one that could possibly be correct, only you know the truth.

Fight hard for the right to be right.

Debate and argue to convince others to see if your way.

Bring up any and all evidence from the past to show that you are always right.



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1

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2

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3

Research and select the best products for your home. Weiss-Johnson carries Daikin furnaces that have an industry leading 12 year parts and labor warranty. We also carry Trane, Goodman and Lennox equipment.

4

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		Total	\$412.34	Total	\$824.67
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		Total	\$825.83	Total	\$1,651.65
Full Page	7.0"w x 9.5"h	gst	\$1,179.20 \$58.96	gst	\$2,358.40 \$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 \$67.80	gst	\$2,712.00 \$135.60
		Total	\$1,423.80	Total	\$2,847.60
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SPRING 2019



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