

CANADIAN CONDOMINIUM INSTITUTE  
NORTH ALBERTA CHAPTER

# INSITE TO CONDOS

## THIS ISSUE:

Legislation Changes  
Overview

Tackling Human Rights  
Issues

Alberta Condo Expo Recap

VOL. 32, ISSUE 4 - SUMMER 2019

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Condominium  
Institute

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# MESSAGE FROM THE PRESIDENT

BY ANAND SHARMA

## Welcome to the summer edition of Insite Magazine!

I have just returned from St. John's, Newfoundland, along with most of the North Alberta CCI Executive Team, where we attended the Leader's Forum for CCI National as your National Council Representatives.

Much of the conference was related to the internal workings of a national organization, and our attempts to make CCI National benefit the local chapters and membership. Some of the out-facing discussions were about how to use newer forms of communications such as the use of podcasts to reach out to new demographics such as Millennials. CCI National will be launching a brand new website that will assist the condominium community in connecting to information that is needed. Our Chapter continues to be one of the fastest growing and financially viable chapters in Canada thanks to your support!

CCI North Alberta held the 10th Annual Alberta Condo Expo on April 27, 2019. Many of the sessions were sold out well in advance of the conference, with close to 700 attendees, making the Expo our largest ever! Many thanks to all the volunteers and presenters this year, as well as the many sponsors

who help make this event happen. Without the sponsors and volunteers, an event of this magnitude could not take place! In particular, I wish to thank BFL Canada as the title sponsor. BFL Canada has supported CCI North Alberta immensely over the past several years, we could not put on this event without their ongoing commitment to us. Much thanks goes out to Executive Director, Alan Whyte, who despite a very busy year, did an incredible job organizing this growing condominium expo. CCI North Alberta has recently launched their new website to allow members

to have access to our events, articles, presentations Forum and online education. This summer we will be adding recordings from some of our events this past year, including ones that featured the many changes related to the new regulations. We look forward to expanding our services to provide greater membership benefits.

Membership renewals for 2019-2020 have commenced! If you have not yet renewed your membership, please do so. If we have provided any benefit to you, help spread the word and encourage other businesses, professionals, individuals or

condominium corporations to sign up! Help us continue to grow our amazing chapter.

Finally, I am personally inviting you to join us to our Annual Golf Tournament being held on August 21st at the Mill Woods Golf Course. This golf mixer is a great way to socialize and have fun with fellow condominium industry members and owners alike.

Wishing you a relaxing and fun-filled summer!

**Anand Sharma**  
President, CCI North Alberta

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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](mailto:info@ccinorthalberta.com)

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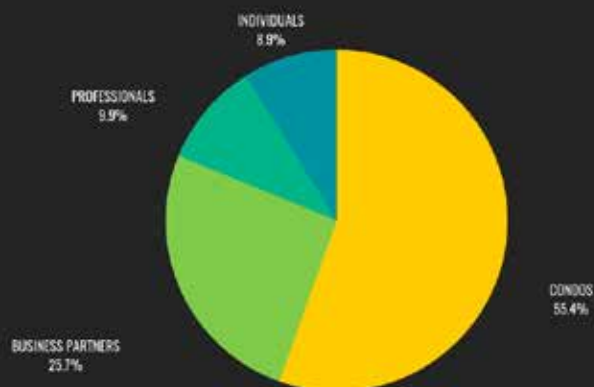
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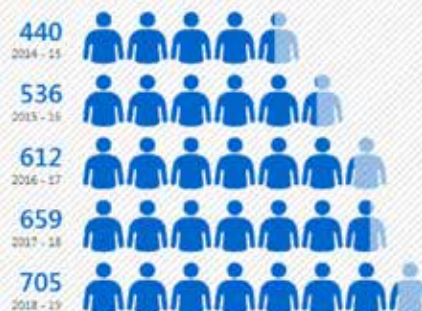
## CCI NORTH ALBERTA MEMBERSHIP BREAKDOWN 2019



CCI  
North Alberta Chapter

## MEMBERSHIP

### GROWTH BY THE YEARS



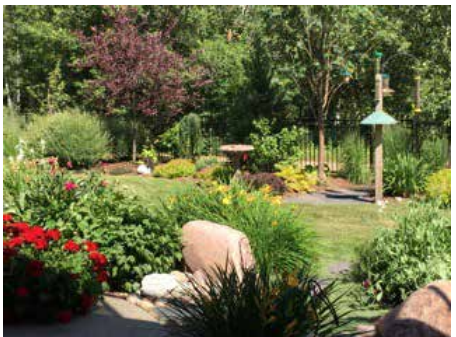


2019 CCI North Alberta

# CONDOS IN BLOOM

## CONTEST

9



**REGISTRATION  
OPENS JUNE 1, 2019  
CLOSES JULY 15, 2019**

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

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

### **CATEGORIES INCLUDE:**

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

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A REGISTRATION FORM.**

Anand Sharma is a lifelong resident of Edmonton, and the owner of the condominium management firm, 113 West Management. He has worked within the condominium industry since 2008 and has been a strong voice on behalf of the condominium community over the past decade. He is currently serving his seventh term as the President of the North Alberta Chapter of the Canadian Condominium Institute and also co-chairs the Government Advocacy Committee.

Anand obtained his Bachelor of Arts in 2005 from the University of Alberta and was heavily involved in student rights advocacy. In 2008-2009 Anand was elected as the President of Alberta New Democratic Party and has served in numerous roles within the party since 1997. In his spare time, Anand enjoys curling in leagues and bonspiels and is an active member of the Edmonton board game community.

## MEET THE BOARD



# ANAND SHARMA

**Q: What precipitated you getting involved with CCI to begin with?**  
I was completely new to the condominium industry, having worked at the Alberta Legislature in politics right after I graduated from the University of Alberta. There was no real training on how to be a condominium manager, so what better way to learn than to immerse myself in everything condo, and CCI was the perfect organization to allow me to do just that. Being part of the CCI family allowed me to learn and be mentored by the best in the industry and helped to build my knowledge and understanding of condominium.

**Q: 12 years is a long time to be invested in a volunteer role as a member of the Board of Directors. What keeps you motivated?**  
Honestly, condominium has given me my career, and I have always

been proud of my craft. I am a big believer in giving back and have always gravitated towards leadership roles in my life. The motivation comes from achievement and progress, I am so proud of what we have done with CCI North Alberta over the past 10 years! To be able to work with the best and the brightest in the industry also keeps me motivated, we really have built an amazing community here in Edmonton and North Alberta.

**Q: Last year you took the plunge to open up your own condominium management company. What is the biggest adjustment you had to make as an owner?**  
For me the biggest change was managing my time efficiently and effectively, using tools and best practices that involves learning in new ways. Running a business and

managing a portfolio has its challenges, however I have an amazing team at 113 West Management to support what I do. This group of talented individuals are amazing at what they do, and supportive of one another which is key.

**Q: Last movie you saw in theatres?**  
The Aftermath, a post World War II period piece, drama and romance all rolled into one.

**Q: What's the last country you visited?** One of my favorites is to go to the United States, and specifically rural Nevada and Arizona and drive around. I love the terrain, the emptiness, its so different from Edmonton!

**Q: Which time period would you visit in history?**  
The 1970s! The era of disco!

**Q: Are you spring, summer, fall, or winter? Please share why.** I am a fall person; I love the colors and the cooler weather. I like overcast skies and even rainy weather, I have no idea why, but I prefer it!

**Q: What are you listening to right now?** Do I have to be honest? Love is the Air by John Paul Young. That song and the greatest hits of Ace of Base of course!

**Q: Last photograph you took?** A selfie of me next to an iceberg in Twillingate Newfoundland!

**Q: What advice would you give your younger self?** Enjoy every minute, be true to yourself and accept the things you can't change. Love a little more, hurt a little more, resist a little more.

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# CCI EDUCATION STATION

09 SEP 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 Sep	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17 EVENING SEMINAR #1	18	19	20	21
22	23	24	25	26 LUNCHEON #1	27	28
29	30					

## SAVE THE DATES!

**EVENING SEMINAR #1 -**  
TUESDAY, SEPTEMBER 17, 2019 @ 6:30 PM

**LUNCHEON #1 -**  
THURSDAY, SEPTEMBER 26, 2019 @ 11:30 AM

10 OCT 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 Oct	2	3	4	5
6	7	8 AGM MEMBER MIXER	9	10	11	12
13	14	15	16 CONDO BOARD BASICS	17	18	19
20	21	22	23	24	25	26
27	28	29	30 EVENING SEMINAR #2	31		

**ANNUAL GENERAL MEETING AND MEMBER MIXER -**  
TUESDAY, OCTOBER 8, 2019 @ 5:30 PM

**CONDO BOARD BASICS AND BEST PRACTICES**  
WEDNESDAY, OCTOBER 16, 2019 @ 6:30 PM

**EVENING SEMINAR #2**  
WEDNESDAY OCTOBER 30, 2019 @ 6:30 PM

10 NOV 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 Nov	2
3	4	5	6	7	8	9
10	11	12 CONDO OWNER ESSENTIALS	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28 LUNCHEON #2	29	30

**CONDO OWNER ESSENTIALS -**  
TUESDAY, NOVEMBER 12, 2019 @ 6:30 PM

**LUNCHEON #2**  
THURSDAY, NOVEMBER 28, 2019 @ 11:30 AM

UPDATES WILL BE PROVIDED THIS SUMMER VIA OUR EMAIL NEWSLETTER AND OUR WEBSITE.

# GOVERNMENT ADVOCACY REPORT

12

I am pleased to report that your Chapter's Government Advocacy Committee has been very busy since I last reported to you in the winter of 2018. As many will be aware, the new condominium regulations were released on December 14, 2018. We immediately set out an aggressive legislation education schedule to ensure that condominium managers, boards, owners, and industry members were made aware of the upcoming changes that will be implemented on July 1, 2019 and January 1, 2020. CCI held two sold-out evening seminars on the changes to legislation on January 30, 2019 and March 13, 2019. We also held an in-depth, all-day session targeted towards self-managed boards and condominium managers on February 15, 2019. We have recorded the evening seminar session and will be posting this on our new website this summer as a resource to members. It is important to note that all the content in these presentations was developed by members of the Government Advocacy Committee which includes lawyers, Hugh Willis and Melissa Stappler (Willis Law LLP), Victoria A. Archer (Gledhill Larocque), Todd Shipley (Reynolds Mirth Richards and Farmer), and board members, Dawn Mitchell (Hub International Insurance) and Chris Vilcsak (Solutions 105). Much thanks to Helena Smith for her assistance as well. This volunteer committee has benefited our industry immensely and CCI North Alberta and its members are grateful and lucky to have such amazing professionals involved in our Chapter.

The theme of this year's Alberta Condo Expo, held on April 27, 2019, was "Back to School". This was due to the idea that with the new legislation, the condominium community has much to learn. Most of the conference was focused on legislative changes related to; insurance, reserve study requirements, and voting/

AGM procedures. Once again, our Government Advocacy Committee was front and center educating our members in many sessions. In addition, long-time condominium lawyer, John Frame (Witten LLP), graciously agreed to assist us with the legal panel held at the end of the Condo Expo - much thanks John!

On June 17, 2019 CCI North Alberta will be presenting a mock AGM to better prepare condominium managers and boards on the impact of the changes to legislation specific to AGM preparation and procedures in meetings.

Over the summer our committee will be working on our fall and winter education schedule to continue to help managers, boards, and owners prepare for the legislative changes. We are also re-commencing our advocacy efforts with the new Alberta Government. As you are aware, we have a new government when the United Conservative Party formed government on April 16, 2019. We are committed to demonstrating that some of the regulation changes are problematic and not practical. While transparency is important, increased costs to condominium owners due to increased administrative burdens on the condominium corporations was an

unintended consequence and needs to be addressed in the coming months. CCI North Alberta congratulates the Honorable Nate Glubish on his appointment as Minister for Service Alberta and we look forward to meeting and discussing our concerns with him soon.

Anand Sharma  
Co-chair, Government Advocacy  
Committee  
CCI North Alberta

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**WE GREW AGAIN!** We had record numbers attending the 2019 Alberta Condo Expo, which was again held at the Robbins Health Learning Centre of MacEwan University in downtown Edmonton on Saturday, April 27th. With over 700 participants this year, we were very pleased with the support received from all involved. Even with the snow falling in the morning (yes, it was late April!), we still had record attendance.

We would like to acknowledge everyone involved in the event to make it the great success that it was.

**ATTENDEES** - With all the previous legislative sessions held this year, we had an initial concern of education burnout approaching the Expo. However the numbers suggested otherwise as we tried to find the right mix of topics that would appeal to our condominium community. We thank all of the attendees who took time from their schedules to join us for a day of education and enlightenment. We had a lot of information to share regarding the legislative changes coming and we were so happy that so many owners, board members and managers came out to discover and learn. We know that many attendees loved the opportunity to network with others, as sometimes our problems and concerns are best solved with one-to-one interaction with others. A special thank you to all of you who provided us with feedback after our event. It is the testimonials and suggestions that we receive that help us to strive to make each year better than the last.

**EXHIBITORS** - We had a record 58 vendors participating this year and so many we had to turn away

due to space limitations. The tradeshow was free for everyone to attend and from the feedback we received after the event, attendees enjoyed the chance to meet with so many service providers to the condominium community. "Great variety of vendors that provide services all condo corporations would be in need of at one point or another" one attendee told us, and another said, "I found a company to do our reserve fund!" We gratefully acknowledge that we could not host such a large number of people to our event if it were not for the exhibitors at the Expo. Their participation as well as their generosity of supplying the enormous number of draw prizes helps to make this event the highlight of the year for many attendees in finding information regarding condominium law and management.

**PRESENTERS** - We held 10 different presentations throughout the day in addition to the ever popular Legal Panel wrapping the day up. And truly, the lawyers discussing their "spirit animals" was more entertaining than one would expect! All of our presenters volunteered their time to create and deliver their presentations at the Expo, and we appreciate so much that they share their expertise on this day. It is a daunting task to bring so much information and insight to our audiences but our presenters never fail in broadening our scope of understanding and comprehension on all of the topics that affect condominium ownership and management. Copies of the presentations that were made available to us have been uploaded to our website, [www.ccinorthalberta.com](http://www.ccinorthalberta.com) under the Resources tab, in the Member Only Document Library.









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**VENUE** - It was noted by many that we seem to have reached a capacity at the venue, the Robbins Health Learning Centre at MacEwan University. We continue to love this venue for many aspects; the abundance of natural light, the classroom settings, the central location, and the willingness of the staff to accommodate our needs for this day. We give special thanks to the on-site team and support staff who oversaw the events and hiccups that occur when delivering an event of this size. While it's true there was a short delay during lunch, we can attribute this to the fact that our attendees are a very hungry bunch for not just education, but food as well. No worries though, we have a plan in place to remedy this in 2020!

---

*"Congratulations to everyone involved in the CCI North Alberta organization and Expo. I'm so impressed with your communitarian spirit and the high quality of your undertakings. I imagine the Expo was a significant volunteer commitment that I really appreciate. Thanks very much!!!"*

*-Anonymous*

---

**VOLUNTEERS** - It is always amazing to the CCI North Alberta organization how many volunteers we have who step forward to help us out both prior to the Expo and on event day. Kudos to all of you who contributed in so many ways, wearing many hats and handling whatever was thrown at them with grace and calmness. With events of this scale and magnitude it can happen that volunteers are the silent helpers, who work tirelessly and diligently who may not get all of the recognition they deserve. Please know that we do appreciate the efforts and hard work that our volunteers gave to us to enable us in having a very successful event! We definitely could not do it without you!

**SPECIAL THANKS** - As with any event of this size there are a few people whose efforts went above and beyond and we would like to acknowledge them accordingly.

*Anand Sharma* - Always the entertainer and master of keeping the crowds wanting more, Anand was at the podium throughout the day to help guide the activities.

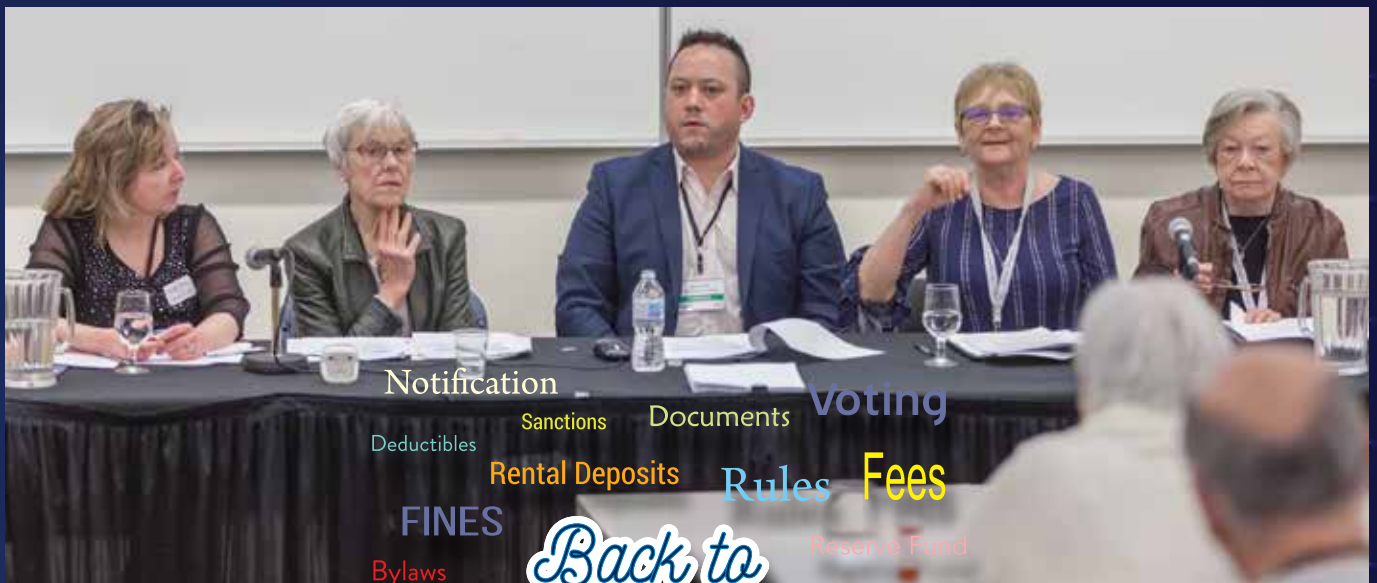
*Sandi Danielson* - For the fourth year in a row, Sandi and her mighty team have handled the registration process so efficiently that attendees were commenting on how fast and friendly the registration process was.

*Shantel Kalakalo* - She oversaw and tended to the Exhibitors throughout the day (with great support from Chris Vilcsak), smoothed out any issues that arose and assisted with the door prizes portion at the end of the day. Although she wanted that bottle of Crown Royal she did hand it over to the winner!

*Beverley Thornton and Michelle Riopel* - The dynamic duo were instrumental in assisting our Executive Director, Alan Whyte complete all the details to prepare for this event. Then on the big day they covered the bases from registration to classroom monitoring, troubleshooting to problem solving, to help provide a smooth and successful day.

*Minuteman Press* - Cam and Meredith helped with many of the communication aspects of the day by not only creating our two Programs but also our posters and signage throughout the event. They managed everything we threw at them with no hesitation and always delivered on time!





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## What Boards Need to Prepare for with the Upcoming Legislation

Based on the turnouts at our legislative update sessions so far this year, there is a growing appetite for boards and managers to get up to speed as best as possible. While we realize corporations are at different stages of their preparedness we have created this cheat sheet of key aspects of the changes to assist as many members as possible. **Please note this list is not all-inclusive nor does it provide all the necessary details.** We refer to the relevant sections of the Act (CPA) or regulations (CPR) when appropriate. Changes to the legislation are scheduled for **July 1, 2019** unless indicated otherwise.

### **AGM Logistics (CPR ss. 20.5, 20.51, 20.52, 20.53, 20.54, 20.55)**

Probably the most significant changes from the previous legislation occur around the Annual General Meeting. From preliminary notification to meeting notices, owner agenda items, voting changes to recording of votes and all the added documentation required before and after the meeting there is a lot to catch up on. If you are fortunate to already have had your AGM this year prior to the changes you may want to see if you can request to observe a neighbouring corporation ahead of time to give you a better understanding of the added responsibilities now assigned.

### **Condo Documents – Fees and Retention (CPR ss.20.57, 20.58, 20.59 & Schedule 3)**

A controversial topic during the public consultations, the government has now set maximum limits for what a corporation can charge for documents and have now indicated a number of documents that will be available at no cost. In addition, Schedule 3 in the Regulations is a comprehensive list outlining the minimum time periods records of the corporation must be kept. For those corporations who are managed it would be prudent to review both aspects with your management company.

### **Default Bylaws (CPA s. 33, CPR Schedule 4)**

For those corporations who do not have their own registered bylaws there are changes in the default bylaws

as well. They will now be located in Schedule 4 of the regulations (as opposed to the Appendixes in the Act). Changes include monetary sanctions, board eligibility and vacancies, rules of order and board code of conduct. **NOTE-** These bylaws do not apply to corporations who have their own registered set of bylaws.

### **Electronic Consent Forms (CPR s. 73.51)**

With all the added notification requirements (AGM, insurance, rules, etc.) for corporations, sending them via email instead of hard copy can result in significant savings of both time and money. Owners must give written consent and are not required to comply if they prefer the traditional paper method, but wouldn't you rather have as many sent electronically as possible? **There is a template located on the website in the Members Only folder of the Document Library,** (under Resources).

### **Existing Rules and Policies (CPR s. 79.1(10))**

**Within 90 days** of the regulations coming into force, **corporations must deliver copies of any existing rule/policy** that are currently in effect (e.g. – moving, amenity room bookings, visitor parking, etc.) for them to remain enforceable. For boards wishing to implement new rules please review sections 31.25, 73.52 and 73.54 in the regulations and Section 32.1 of the Act.

### **Fidelity Bonding (CPR s. 62.5)**

**As of January 1, 2020** corporations will be required to purchase a fidelity bond(s) to protect the corporation from any financial malfeasance from board members or managers. Minimum amounts of the bonding are outlined in the regulation and must be reviewed at least every two years. Contact your insurance broker to understand the details of the coverage.

### **New Sanction Process (CPR ss. 73.53, 73.54)**

The introduction of a notice of proposed sanction as the first step when dealing with perceived breaches of the bylaws and the resulting process that follows is one major aspect of the changes in this area. Limits for maximum amounts of sanctions from initial to subsequent instances as well as cumulative limits are now laid out as well.



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### Owners Notification Regarding Deductible Insurance (CPR s. 62.4)

As of January 1, 2020 a corporation will be allowed to claim back an insurance deductible if the damage originated in that owner's unit up to a maximum of \$50,000. There are some exceptions noted in the regulations, however the owner's absolute liability means that the corporation can claim back the deductible from the originating unit without the need to prove negligence providing none of the exemptions apply. Owners need to be advised of this added responsibility so that they can update their own policy accordingly for proper coverage.

### Review Possible Conflicts of Existing Bylaws (CPA s. 34.1)

There are a number of significant changes in the regulations and/or Act that may now conflict with your existing bylaws. Items such as AGM notice, sanction amounts, rental deposits and insurance repairs/claims process are several possible candidates that now may be unenforceable until they comply with the new legislation. Only for existing bylaws that are now in contravention of the Act or regulations, corporations will have until June 30, 2020 to amend them by ordinary resolution as opposed to special resolution.

### Standard Insurable Unit Description (CPR ss. 60.1, 61.1, 62.1)

Required by January 1, 2020 a standard insurable unit description outlining the details of what each corporation is responsible for insuring must be created, approved and registered at Land Titles. Contact your insurance broker for recommended professionals who can assist in creating the detailed description required and review the approval process options in the regulations once a draft is supplied. Please note that this process will take some time to create and approve so start sooner than later. Make sure to supply all owners with a copy of the description(s) once approved so they can upgrade their own coverage for any improvements not covered in the description if applicable.

### Understand Voting Changes (CPA s. 26)

Before you have your next general meeting or send out a special resolution it is important to know the significant way in which voting has changed. Votes are now tabulated (along with unit factors) by unit rather than owner with any titled entity (residential, parking, stall, storage locker, etc.) other than those owned by the corporation being recognized as a voting unit. Details on recording votes, how co-owners vote and voting rights are all areas that need to be reviewed and understood.

### Contact Legal Counsel

There is simply too much change in the legislation to take this lightly. Review the changes and discuss with all board members and your manager (when applicable) to make sure everyone is on the same page. For all the items

that need further clarification and/or interpretation compile your list of questions accordingly. For those corporations who do not have a legal counsel representative currently, there is no better time than the present to get some professional assistance. It is part of your due diligence to make sure you are governing your corporation properly.

*Check our website for updated copies of the Act and regulations (when available) as well as previous legislative session's information in our Members Only section of the Document Library.*



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# LEGISLATION FEEDBACK - THE LAWYERS WEIGH IN

As those who have attended recent educational events realize, the amendments to the Condominium Property Act and the new Condominium Regulations are numerous. Our industry is working to try to make sense and consider how these changes affect each condominium corporation.



## We reached out to condominium lawyers in the province and asked them for a brief response to three questions. Here are the responses:

### 1) IN YOUR OPINION, WHAT IS ONE AMENDMENT OR NEW REGULATION WHICH YOU THINK IS A POSITIVE?

#### *John Frame, Witten LLP:*

- The insurance deductible chargeback as an absolute liability, though we need to clarify whether it is a contribution.
- Clarity around electronic notice and delivery of requested documents electronically
- Clarity on rules versus sanctions

#### *Hugh Willis, Willis Law:*

- The standard insurable unit concept is a really good idea. There are some kinks to work out. As an example, as of today's date Service Alberta has yet to provide the form for Land Titles for a condominium corporation to register the standard insurable unit after the owner's have approved it.
- The changes to the Reserve Fund Report at the AGM, which adds the requirement to forecast expenditures for the upcoming year, is a positive.

#### *David S. Cumming, McLeod Law LLP:*

- I like the changes for the AGM requirements. The process for introducing motions at an AGM was always problematic for me, and this provides some clarity.

#### *John M. McDougall, SVR Lawyers:*

- I think the proxies changes, borrowing changes and confirmation of board policies are all minor positive changes.
- The major positive change would be the chargeback of insurance deductible and requiring owners to obtain deductible insurance through the bylaws.

#### *Laurie S. Kiedrowski, McLeod Law LLP:*

- The fact that they have legislated the ability to charge back deductibles is very good. Why they limited that chargeback to \$50K is beyond me. I have a few properties that are well over \$50K in deductibles and they are suffering terribly financially.

#### *Melissa L. Stappler, Willis Law:*

- The standard unit description;
- Purchasers of new condo developments now have more remedies available to them as against the developer. For example, if there is a material change;
- There is now a mechanism to allow notices to be delivered via email; and
- The additional guidelines around proxies are helpful.

### 2) PLEASE DESCRIBE AN AMENDMENT OR NEW REGULATION WHICH YOU ANTICIPATE BEING PROBLEMATIC

#### *John Frame, Witten LLP:*

- While the additional documentation delivery requirements prior to the AGM will help with transparency for the ownership, the mailing and productions costs of complying with this will be very expensive and a financial burden.

- The maximum fees for document delivery are too low and at times will not even cover the cost of production.
- The requirement to send AGM minutes and registration of new board to LTO within 30 days. The timing of this is too short and most won't have the registration back from LTO within that timeframe.
- While not an amendment, failure to address the ability to consider costs of enforcement a contribution.
- The mandatory document retention. I don't necessary disagree with it, but I believe the board will look to PMs to deal with this, and with turnover of PMs and board members, this may become problematic.

#### *Hugh Willis, Willis Law:*

- The chargeback issue was not wholly corrected.
- The language regarding the assessment of insurance deductibles back to owners did not contemplate whether we can charge the deductible back as if it is a special assessment against that owner (meaning the condominium corporation is secured against the unit), or whether a corporation will need to pursue this in small claims court (meaning the condominium corporation will have to hope there is equity or the owner has sufficient assets to collect).
- Voting rights and meeting processes are now over-regulated and impractical. The result will be increased costs to owners with little to no benefit.

#### *David S. Cumming, McLeod Law LLP:*

- The new requirements with respect to fines. It took an already toothless remedy and made it even more burdensome to implement.

#### *John M. McDougall, SVR Lawyers:*

- I believe the request for owners to add to the agenda and setting that agenda at the AGM will be problematic; however, the biggest issue arising from the amendments has to be the standard insurable unit and how to deal with that.

#### *Laurie S. Kiedrowski, McLeod Law LLP:*

- The legislated 15% owner ability to call a SGM is an issue. In my opinion, this belongs in the Bylaws, and should be specific to the project in question. If you have a 10-unit building, all you require is two troublemaking owners to be repeatedly requisitioning SGMs and making these poor volunteer Boards jump through hoops for them.
- Another change that I think is very problematic is giving Corporations the ability to borrow by way of Ordinary Resolution if the bylaws permit it. This is far too much power for a board to have, to elect to enter into financing, with approval only by way of Ordinary Resolution. These financing terms can vary greatly, they can dramatically affect an Owners ability to sell, often times an opt in/opt out approach is the best way to go, and the list goes on. Proper legal advice should be obtained before Boards even consider this.

#### *Melissa L. Stappler, Willis Law:*

- The additional rules around voting by co-owners are ridiculous and will create a lot of problems and confusion.



**3) BASED UPON YOUR DISCUSSIONS WITH CLIENTS IN 2019 AND AS CORPORATIONS ARE LOOKING AT THE PRACTICAL EFFECTS, ARE THERE ANY AREAS OF MISCONCEPTION IN THE AMENDMENTS OR REGULATIONS WHICH SHOULD BE CLARIFIED?**

**John Frame, Witten LLP:**

- The regulations are missing clarification on how the standard insurable unit description applies to residential bareland units.
- Clarity on what changes can be made to bylaws on the one-year ordinary resolution basis. For example, is adding a brand new concept (such as the 60-day save the date) into the bylaws permitted even though that is not a true conflict between the current bylaws and the Act?

**Hugh Willis, Willis Law:**

- There is ongoing confusion over whether the appendix bylaws in the Regulations take precedence over a condominium corporation's existing bylaws, which seems to be triggered by the timing of producing financial statements. The answer is that the appendix bylaws only apply to a condominium corporation until the corporation repeals and replaces with their own bylaws – usually done by the developer.
- The one-year transition period to bring the bylaws into good standing by ordinary resolution, as opposed to special resolution, is also causing massive confusion. The section is ambiguous, and I get inquiries weekly on this point. The ambiguity is going to result in an increase in litigation when

bylaw amendments are challenged – likely in a foreclosure or insurance claim scenario. I encourage Boards to seek legal advice on bylaw changes, as bylaws are the most important legal document of the condominium corporation.

**John M. McDougall, SVR Lawyers:**

- This one is hard to provide any comment on as we are still doing presentations on the changes themselves. I guess the issue here isn't really "misconception" but more the nature and extent of all the changes—I don't think boards or owners have any idea how much is changing.

**Laurie S. Kiedrowski, McLeod Law LLP:**

- I am regularly hearing that people think they have a year to change their bylaws by Ordinary Resolution. That is not true—they can only change them to the extent that is required to bring them into compliance with the Act.
- Another misconception is that the Regulation bylaws are in force even after replacement bylaws are registered. I am constantly being challenged on this and getting arguments that they trump. That is not the case—you can put the regulation bylaws in the shredder if you have your own set. I think this has come to the forefront as the regulation bylaws are in the spotlight as a result of these other amendments.

**Melissa L. Stappler, Willis Law:**

- The new definition of a special resolution. I think this should have stayed the way it was.

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# PREPARING FOR THE NEW CONDO REALITIES

Over the past several months, CCI has hosted many events aimed at preparing the Alberta condominium industry for the upcoming changes brought about by the roll-out of the new regulations and changes to the Condominium Property Act

Some of the most significant and perhaps daunting challenges for boards and condominium managers are the new requirements surrounding AGMs, including how they are conducted and the new documentation requirements.

With this in mind, CCI reached out to two leaders in the Edmonton condominium management community to gain some insight into how their firms are preparing to meet the challenges of the new regulations.

**Robyn Brown, CPM®, ARM® serves as Vice President, Associate Broker at Ayre & Oxford Inc. (A&O). Amanda Leclerc serves as Regional Manager at FirstService Residential (FSR).** We thank them both for taking the time to each answer four central questions on their perspectives on the challenges presented by the new regulations.

## 1) What internal changes are your firms planning to prepare for the new AGM requirements?

**Amanda:** At the beginning of this year, we formed a Condominium Property Act Changes Committee to help us understand and digest the changes and come up with proactive solutions and guidance for our boards. We are developing standard operating procedures to assist with these changes. We're excited that the committee has representatives from each department in our company: community managers, accountants, administrators, and the leadership team, with input from legal counsel. We're able to leverage the expertise of these representatives to support our clients and FSR associates.

**Robyn:** Our managers and many of our boards have all attended the CCI presentations as the legal perspectives are important to get right. We have created new templates for the agendas, notice of meeting and such and have developed new scripts to be used to ensure the meetings are in compliance. Perhaps the most important step we have taken at A&O is to host a mock-AGM at the same time as we are conducting a standard AGM now, before the changes come into effect. This gives our managers,

our boards and our unit owners great insight into what the changes will be as they get to experience them now, ahead of time.

## 2) What challenges are there in meeting the new documentation requirements?

**Amanda:** Change, in and of itself, can be a challenge for a lot of communities and there are certainly a lot of changes. With FSR's proprietary communication platform, Connect, we have the ability to easily meet the new documentation requirements. Connect is a digital platform that has both a resident portal and a tailored resource for corporation board members. Connect gives residents, board members and community managers access to these documents whenever they need them. We're developing procedures for AGMs to advise our boards of the new requirements and ensure that we're compliant with the required content and timelines when sending out AGM packages.

**Robyn:** Documents have always been retained and available as needed at a cost to individual owners. A&O has implemented a new accounting system and these documents will be available at the owners' fingertips for no additional costs. Now certainly, the new regulations and their requirements have had significant cost impacts for management firms as we prepare to work with them, but we have made those investments and are ready.

## 3) What are you advising your client corporations and their boards with respect to what the changes mean for them?

**Amanda:** At FSR, we took a number of steps to ensure our clients and their boards understand both what the changes are and how those changes will impact them. All community managers received training from a local lawyer to ensure they fully understood the changes and how it would impact the communities we serve. We also host free educational seminars for our clients featuring lawyers with condo expertise to help explain what the changes mean to the boards, the owners and their community. We will also be giving board members a detailed information package that cover the changes, broken down into easy to understand language. The package offers instructions and sample templates for letters and





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documents in order to make the changes understandable and actionable.

**Robyn:** At each of our board meetings, our managers have had a mandatory agenda item dealing with the new regulations. As active members of CCI, we have encouraged our boards to attend the CCI courses and presentations and in many cases, we have taken them to these events to ensure that they are both hearing the information and then having an opportunity to discuss it with us. We have prepared new templates for treasurers dealing with the new reserve fund plan requirements as not all boards have been in the habit of planning enough.

#### 4) Will the new regulations impact your existing agreements with corporations and are increased costs expected?

**Amanda:** We don't anticipate increased costs at this time.

**Robyn:** The new regulations are driving increased administration costs as a result of the increased email correspondence and the changes to the documentation costs, which used to fund much of the admin costs, has resulted in a reduction in revenue.



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# NAVIGATING THE STANDARD INSUREABLE UNIT DESCRIPTION

BY HAROLD WEIDMAN

Typically, a condominium corporation will be responsible for insuring the full replacement against all damage and destruction for specific perils—not only the common areas but also the residential unit interiors as required in the Condominium Property Act. These requirements may also apply for bare land condominiums should the bylaws state that the improvements inside the unit boundaries are to be insured and to what extent.

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A loss of a single-family dwelling will embrace all the characteristics found in the building. Condominiums are different. Typically, the bylaws define a description of the responsibilities held by the corporation as well as the unit owners. The definition will vary depending on the bylaws. In some cases, the corporation is only responsible for the basic finishes; and sometimes, the corporation is also responsible for all betterments and improvements (instead of the owners). It is critically important to clearly define the difference between these levels of finishes. Unfortunately, problems arise when a claim is made and there are no clear guidelines.

The changes arising from the Condominium Property Amendment Act 2014 (The Act) are meant to deal with this matter. The Act provides no major changes but states this issue is subject to the regulations. The Regulations under Section 60 to 62 have now attempted to clarify how this problem should be covered. The corporation's current bylaws may still define to what extent the coverage should extend from basic finishes only to full coverage (including betterments and improvements).

Service Alberta sent a survey prior to preparing the revisions to the Act. The response to this survey was mostly in favour of restricting the corporation's requirements to a shell of the unit with any interior improvements the responsibility of the owners. Ideally, this makes sense; however, from a practical standpoint, the outcome could be unsettling. The process must always take into consideration the best possible protection of a unit owner, the corporation and also if mortgagees are involved.

The Regulations contained in Sections 60 through 62, **which are to come in effect on January 1, 2020**, ultimately considered the best possible protection for unit owners, the corporation and mortgagees in terms of accountability and clarity.



The Regulations require a Standard Insurable Unit Description be provided. This is meant to define standard finishes versus the betterments and improvements. In the past, the difference between a standard finish (carpet) and a betterment (hardwood flooring) was easily understood. But what if carpet (36oz nylon) was replaced by the owner with a superior carpet (48 oz beiber). The Standard Insurable Unit Description is meant to make this process much clearer.

The regulations state the Standard Insurable Unit Description must be provided to purchasers of notional typical standard fixtures and finishing. **These descriptions are to be restricted to residential units**, including those owned by the developer or the corporation. Non-residential units such as industrial and commercial units, titled parking spaces or storage units do not require a standard insurable unit description.

The next matter that the Regulations set out is the need for a Class or Classes of the Standard Insurable Unit Description. **Class of residential units** is defined as: *“having a comparable design, or comparable original fixtures and finishing, or similar types of buildings in the case of multiple buildings on a condominium plan”*.

In many projects there may be differences that can only be distinguished and catalogued due to various characteristics that are uncommon or atypical to other units. EXAMPLE: in a mixed development such as an apartment/townhouse project with each having distinct finishes. Phased developments are another example where there may be several builders that were involved and/or with different specifications applied over an extended marketing and absorption period for the various phases. Discussion always leads to whether there needs to be a class for each unit type. If the standard of finish is similar, the answer may be no; however, if there are inherent major differences (such as fireplaces and/or walk-in closets) in larger units compared to smaller units then there will be options to deal with this.

#### So, what does the description of typical features include?

The list is as follows:

- (a) internal doors and windows;
- (b) closets, storage installations and space dividers, other than ceilings and walls;
- (c) flooring, wall coverings and trim;
- (d) lighting fixtures;
- (e) installations with respect to
  - (i) the provision of water and sewage systems, including water lines, toilets, sinks, water heaters and other water-related fixtures,
  - (ii) the provision of natural gas and heating devices, including gas lines and appliances,
  - (iii) cooling, ventilation and air exchangers, including conduits, filters and appliances,
  - (iv) the provision of electricity, including outlets, tel-

ecommunications and television technologies, smoke detectors, washing machine drainage, clothes dryer outlets, exhaust outlets and built-in vacuuming systems, and

- (v) acoustical dampening;
- (f) other appliances and mechanical devices other than chattel appliances;
- (g) kitchen, bathroom and laundry plumbing, fixtures and controls;
- (h) kitchen, bathroom and laundry cabinets and countertops.

This list somewhat mirrors the standard list contained in the Saskatchewan Condo Act. It is a basic list and, in many instances, can be expanded as deemed necessary by the board.

**Who can provide the STANDARD INSURABLE UNIT DESCRIPTION?** If a builder/developer has provided a set of building specifications (not marketing standards) then this is all that most boards will need. Boards can establish their own set of standards, but the pitfalls come if the descriptions are not as concise as they should be or if unit owners feel like there was some undue influence or favouritism applied by the board or a board member. Consultants that normally deal with these descriptions on a regular basis, such as insurance appraisers and claims adjusters, are also likely resources.

Even with the Standard Insurable Unit Description provided, there are still several concerns that should be addressed. Newer buildings can easily have the Standard Insurable Unit Description set out, however, **the process can become much more challenging in some scenarios:**

- When buildings are much older, where there are no identifiable or available specifications
- If multiple changes have occurred in units/buildings over the years
- Where units with finishes that are in fact inferior to the standard unit finish
- When mechanical components no longer comply with the current code

Consultants with extensive experience are critical in navigating through this process. Application of certain wording related to product brand and/or applying dollar allowances to components are examples of wording that needs to be dealt with correctly. The Standard Insurable Unit Description may be in existence for some time and needs to endure.

In some instances, it may also be required to describe the quality of finishes for certain items. If words like “average”, “basic” or “good” are applied, these require clear definition to provide the reader with a concise understanding of their application. Anything less will lead to confusion and open-ended speculation.

The process to adopt or amend a Standard Insurable Unit Description can be done by

- a) a bylaw which requires a special resolution or
- b) an ordinary resolution either at a general meeting or in writing or
- c) a board resolution if neither a) or b) have been passed. If option c) is used, the corporation must present that description as an agenda item at the next annual general meeting for ratification or amendment by ordinary resolution

To complete the process, the Standard Insurable Unit Description **must be filed at Land Titles** either as part of the bylaws or as a standalone document. This description can be amended, however if more than one revision is filed in the same fiscal year the latter revision(s) can only be applied in the following fiscal year.

**The point to remember—typically once the Standard Insurable Unit Description is defined, there should not be any reason to disturb it in the future as it sets the benchmark from the past.**

#### WHAT ARE THE TIME FACTORS TO KEEP IN MIND?

The regulations for the Standard Insurable Unit Description are set to come in effect in less than six months. Defining the Standard Insurable Unit Description and approving them by the corporation (either through bylaws or by the board and owners at the Annual General Meeting) as well as Land Titles registration are clear. The factors that present more thought and must be considered over the next year include:

- The **appraisal renewal**, which will incorporate the Standard Insurable Unit Description
- The **insurance renewal date** when these can be incorporated into the appraisals
- What happens should an insurance claim arise in the interim, and
- **Any amendments** the Corporation may deem necessary

Your insurance appraiser and insurance broker should be able to assist you in completing this requirement over the next year.

In setting the Standard Insurable Unit Description, the corporation should ensure there is a clear understanding in the event of a claim, finishes will be replaced on a like-for-like basis which is the basic premise of insurance. More importantly, descriptions need to be provided and must be a true representation of finishes whereby **all unit owners feel these finishes are equitable and they are not paying for other unit owners improvements or betterments, unless these are included in the bylaws.**

*Harold Weidman is the President of Reliance Asset Consulting Inc. Specialist in Insurance Appraisals & Reserve Fund Study Providers*



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# RESERVE FUND NEW ACT & REGULATIONS — WHAT YOU NEED TO KNOW IN EFFECT JULY 1, 2019

BY SHANTEL KALAKALO - WADE ENGINEERING

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## SOME OF THE KEY CHANGES TO THE ACT INCLUDE:

- Must establish and maintain a reserve fund that is reasonably sufficient to provide for major repairs and replacement of the corporation's real, personal, common and managed property
- Such repairs must not be the type that occur annually
- Funds can be used for reserve fund study and any other reports prepared by an expert examining the condition of the real and personal property of the corporation: common/managed property
- Funds shall not be taken from the reserve fund for the purpose of making capital improvements unless removal of funds is authorized by a special resolution or is necessary to maintain property to comply with health, building and maintenance and occupancy standards as required by law and there will be sufficient funds remaining in the reserve fund to meet the requirements of subsection 1
- Special assessment now referred to as special levy

## SOME OF THE KEY CHANGES TO THE REGULATIONS INCLUDE:

- 30-year replacement schedule
- Visual inspection, interview the board/manager and review relevant documents
- Specified qualifications of reserve fund provider (professional engineer, engineering technologist, appraiser, certified reserve fund planner, individual approved by director) all with specific knowledge
- Qualifications of provider to be provided in the report
- Approved reserve fund plan must be provided to the owners prior to collection of any funds
- Corporation must prepare an annual report for each fiscal year to include at least the following:
- Amount of reserve fund as of the last date for that year
- All payments made into and out of the reserve fund for that year and the sources and uses of those payment

- A list of depreciating property that was repaired or replaced during that year and the costs incurred

- Must be available before or at annual general meeting

- At the conclusion of five years from the day that the most recent reserve fund plan was approved, the corporation must carry out a reserve fund study, prepare a reserve fund report and approve the reserve fund plan

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**Act (Section 38, 39 – pgs. 9 to 12):**  
[http://www.qp.alberta.ca/documents/Acts/2014CH10\\_UNPR.pdf](http://www.qp.alberta.ca/documents/Acts/2014CH10_UNPR.pdf)  
**Regulations (Part 2 – pgs. 27 to 32):**  
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# LEGAL CORNER

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## TACKLING HUMAN RIGHTS IN CONDOS

BY HEIDI BESUIJEN AND MELISSA L. STAPPLER

Alberta case law has recently confirmed that the Alberta Human Rights Act (the “Act”) applies to condominium corporations. This means that condominium corporations are prohibited from discriminating against unit owners or occupants on the basis of any of the protected grounds identified in the Act, which are: race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status and sexual orientation.

**WHEN AN OWNER OR OCCUPANT INFORMS A CONDOMINIUM CORPORATION THAT THEY HAVE AN INDIVIDUAL NEED (BASED ON A PROTECTED GROUND) THAT REQUIRES ACCOMMODATION, THE CORPORATION THEN HAS A DUTY TO ACCOMMODATE THAT OWNER OR OCCUPANT.**




This requires the condominium corporation to take reasonable steps to accommodate the owner’s or occupant’s individual needs to the point of undue hardship. In other words, the condominium corporation must make reasonable efforts to find an appropriate accommodation for the individual. This might involve the physical alteration of some amenity in a condominium complex (i.e. installing an automatic door mechanism so that a person using a wheelchair is able to open the door) or it might involve permitting an owner to display an item of religious importance during a religious celebration even though this would normally be prohibited by the bylaws.

Undue hardship occurs if the condominium corporation has investigated its options in an attempt to affect accommodation, but has determined that accommodation would create onerous conditions. Undue hardship is determined in light of all the circumstances, but it must be something more than mere inconvenience. Relevant factors when determining whether an owner or occupant’s request can or cannot be accommodated include cost, level of disruption, interference with the rights of other persons, and health and safety concerns.

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It is also important to remember that both the individual seeking accommodation and the condominium corporation have rights and responsibilities in the accommodation process.

### Responsibilities of the Individual

The individual who is requesting an accommodation must inform the corporation in writing about their individual need(s) that require accommodation. They must also provide an explanation of why the accommodation is required. The request should be supported with documentary evidence where possible, such as a written statement from a physician. The request should also suggest what measures would be appropriate as well as how long the accommodation will be required. It is very important that the request for accommodation be submitted to the condominium corporation clearly and in writing. In order for the condominium corporation to know how to appropriately respond to an owner or occupant's request, it must have sufficient information about what the person requesting the accommodation needs.

### Responsibilities of the Corporation

Once a request for accommodation has been received, the corporation has an onus or responsibility to accommodate. This means that condominium corporations and their Board members must act in good faith and make reasonable efforts to accommodate the owner or occupant's request. This will involve a careful and considered review of the materials and information submitted with the request for accommodation. It might also require the corporation to gather additional information so that the condominium corporation can fully understand the nature of the request. Board members must always respect the privacy of any person seeking accommodation by not discussing the request with other owners.

From a practical perspective, it is important that condominium corporations take a creative and flexible approach when considering the accommodation options. It is okay for Board members to discuss the options with the person requesting the accommodation and attempt to identify solutions that work for everyone. Once a solution has been found, the corporation should make a formal, written agreement with the person requesting the accommodation. Remember, the corporation must take reasonable steps to accommodate to the point of undue hardship and if that is proving difficult, the corporation should consider seeking legal counsel.

Throughout the process, the condominium corporation should also maintain detailed records including the dates and time of conversations, what was discussed, copies of communications between the parties, quotes from contractors, investigations undertaken to address the request for accommodation and any other information or materials relating to the request and the condominium corporation's efforts to accommodate.

### Alberta Human Rights Commission

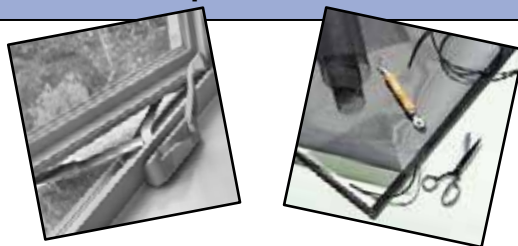
Unfortunately in some cases, an appropriate accommodation cannot be agreed upon as between the parties. In such cases, it is possible that a complaint may be made to the Alberta Human Rights Commission. Upon receiving notification of a human rights complaint, a condominium corporation should seek legal counsel to assist in the process of responding to the complaint and resolving the matter.

The details of the Alberta Human Rights Commission complaints process are too complex to deal with in this short article. Condominium corporations are urged to review the materials available on the Alberta Human Rights Commission's website. The materials include information about each stage of the complaints process and reference the role of the representative for the Alberta Human Rights Commission at each stage.

The Alberta Human Rights Commission website is: <https://www.albertahumanrights.ab.ca>

*At our recent Alberta Condo Expo, we were treated to a presentation by Heidi Besuijen of Reynolds Mirth, Richards & Farmer LLP and Melissa L. Stappler of Willis Law on the topic of dealing with requests for accommodation under the Alberta Human Rights Act.*

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Despite all the legislation and technology changes, this timeless article about what it takes to make a condominium a successful community is as pertinent now as it was back in 2001 when it was originally written.

## “Flesh & Blood” Aspects of Living in a Condominium

... by Helma Voth, Condo Owner,  
Former Board Member,  
Psychologist

### Introduction

You walk into the condominium you bought, and you walk into a setting and situation you can't really find anywhere else: a community that isn't really a community (i.e. a group of people living together and subject to the same laws, having common interests, and mutual participation), a place that demands and requires responsibility/consideration within the community but advertises itself as carefree living, a place where volunteers, whose qualifications you don't know, make major financial and community decisions. Considering even these introductory observations, it quickly becomes apparent that there will be struggles: making individual choices versus belonging/conforming to the group, pursuing individual freedoms versus acquiescing to rules that demand sameness.

The word 'condominium,' meaning joint sovereignty or ownership, actually means 'together + rule'. As stated in other documentation about condominiums, people, who own their individual units, have joined together for a common benefit: share common expenses, give up rights for the common good. If there is to be joint sovereignty and sharing, there will also need to be a sense of community, a pride of ownership, and a respect for fellow owners. The question is, "How can this pride and commitment to sharing be built, and, more importantly, be maintained, as differences and problems inevitably arise?" "People want to feel secure in their homes, and one way to feel secure is to live with people who care about each other, who know how to respect and communicate with compassion. Yet the truth is, people in condominiums live very close together and often wish they had more private space.

No doubt we have all seen the advertisements that describe condominiums as "carefree living" with "no responsibilities." In reality, it is impossible to have rights without responsibilities. Therefore, many new owners are unprepared for the demands inherent in joint ownership: a need for more cooperation rather than less, the need for knowledgeable Board Members, and the challenge of making decisions that will affect every other owner.

### Need For A Goal

It is relatively easy to say the words, 'we are joining together for a common benefit: share expenses', but once maintenance problems and interpersonal problems surface, the need for skilled, responsive management committed to a clearly stated vision/goal becomes very apparent. As long as condominiums (or churches, schools, workplaces) don't create, together with all the stakeholders, over and over, a common vision, there will be groups, i.e. 'us' versus 'them'. And always, the 'bad guy' is the other guy. Naturally, as humans, we will clamor for our rights, but, because we are committed to joint ownership, we may need to sign a formal contract that clearly recognizes the needs, desires, and views of all the equal partners, and more importantly, also spells out a clearly articulated commitment to relevant common goals.



### Financial “Partners”

One could say that moving into a con-

dominium is like blindly moving into a "financial marriage," with no premarital courses. Nor is there any courtship in this arrangement. Business partners wouldn't get together like this! In a condominium an owner is 'married' to all the other owners in the association. This is much more difficult than making financial decisions with your marriage partner, because you must consider many more partners (each with their own agenda, their own life-story, many different values, many different ways of communicating and problem solving), and, there is no commitment to building a relationship. Just try to imagine two people deciding to live together, without even having met each other before, deciding that all they will do is share common costs. And furthermore, imagine them agreeing to follow a list of rules prepared by someone else. The truth is that money is a very difficult thing to share, and often financial difficulties can break up a marriage. Yet in a condominium, sharing common expenses is somehow supposed to be the central cooperative focus. One really should not be surprised that misunderstandings and mistrust develop in this setting. In our own lives we choose accountants, financial institutions, and business partners with care, whereas in a condominium we have to allow virtual strangers to make significant financial decisions for us. This matter is further complicated by the fact that these volunteer Boards of Directors do not have to present us with a list of their qualifications: how they problem-solve, how skilled they are in financial management, and how well they can sort out priorities for the variety of owners they must represent.

Consider many more partners (each with their own agenda, their own life-story, many different values, many different ways of communicating and problem solving), and, there is no commitment to building a relationship. Just try to imagine two people deciding to live together, without even having met each other before, deciding that all they will do is share common costs. And furthermore, imagine them agreeing to follow a list of rules prepared by someone else. The truth is that money is a very difficult thing to share, and often financial difficulties can break up a marriage. Yet in a condominium, sharing common expenses is somehow supposed to be the central cooperative focus. One really should not be surprised that misunderstandings and mistrust develop in this setting. In our own lives we choose accountants, financial institutions, and business partners with care, whereas in a condominium we have to allow virtual strangers to make significant financial decisions for us. This matter is further complicated by the fact that these volunteer Boards of Directors do not have to present us with a list of their qualifications: how they problem-solve, how skilled they are in financial management, and how well they can sort out priorities for the variety of owners they must represent.

### Tensions

Carefree living? "Heaven!" Yes. But, living in a condominium is not heaven. It is more like an intensive Immersion Course in Human Relationships, and if you care to look in the mirrors that surround you (i.e. people reflect, they are a mirror





for each other), you can begin to move from awareness, to ownership of your skills and weaknesses, and even to a charitable appreciation of the struggles of fellow humans trying to create a home. The only way positive and necessary changes in neighbour relationships will occur is if each reader (whether a Property Manager, a Board Member, or an owner) begins with himself/herself.

In a world dominated by rapid technological changes and fierce competitive globalization trends, individuals are increasingly feeling that the world around them is totally out of their control. So, when they retreat to their homes, they want to be able to relax. People who have been promised "care-free living" generally do not want to serve on a Board of Directors (especially not as a volunteer), they do not want to deal with a Board and Management Company that delay responses, or worse yet, ignore the concerns raised, nor do they want to read pages and pages of confused, wordy, legal jargon commonly called By-Laws. People do want Board Members that are knowledgeable, but they don't want that onerous task of making decisions for other owners. Indeed, owners want to be represented by people who consider all owners as equals.

If all buyers are under the impression that moving into a condominium truly means "carefree living," one can anticipate several difficulties: finding willing, knowledgeable people to serve on the Boards, selling owners on the value/necessity of bringing to this co-operative living situation skills in decision-making, accounting basics, prac-

tical mechanical-maintenance evaluations, conflict resolution, and using power for the benefit of the total community. This reality points to the need of informing all potential buyers that condominium living does demand respectful, responsible consideration, and lots of knowledgeable cooperation.

Whether we are a spouse, an employer, a Property Manager, a member of the Board of Directors, or an owner in a condominium, each of us sees the world through personal wants, personal values, a personal history, etc. Therefore, personal differences really are to be expected. However, a problem arises when individuals have a tenacious attachment to their own viewpoints, convinced that they alone possess "the truth, the right way." That's when the power struggles begin. In condominium settings, where various parties feel hurt, ignored, misunderstood, and frustrated, conflict is often escalated by individuals resorting to the use of aggressive or defensive responses. Board members can easily slip into the role of behaving like authoritarian parents; owners can resort to whining, deliberate uncooperative behaviours, etc. Perhaps every new owner should be invited to collaborate in a clearly stated goal: "we pledge to try to hear what the other person is saying and feeling, allowing him/her to fully present their concerns; we pledge to express our own

viewpoint clearly, avoiding sarcasm, blaming, and bossy manipulations."

Sharing financial expenses and common property is a tremendous challenge, and a successful condominium project must constantly focus on communication skills, listening skills, and how to develop good human relationships. Living together is hard work, and a list of skeleton By-Laws cannot resolve the "flesh-and-blood" problems. As already alluded to, all concerned parties (Management, Board, owners) must constantly evaluate their own listening skills. Can we listen to the other person's story, concern,



suggestion, etc., without having that obsessive need to immediately edit it, revise it, or reject it? When Management Companies and/or Boards of Directors view queries, suggestions, and complaints as challenges to their power, instead of as the urges of equal owners to express their individual likes, fears, and confusion, there will be nothing but power struggles, temper tantrums, and resistance. This may be the time for Boards and Management to look beyond By-Laws and financial statements to a serious consideration of how to develop cooperation and pride in the condominium project.

By-Laws cannot create community. A clarity in common goals and procedures is important, but many adult



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homeowners resent being handed a long list of rules, especially if they have had no input in creating them. They balk at unexplained restrictions. People already often feel like a mere number in society, like helpless, inconsequential entities bombarded by forces outside of their control, so they certainly don't want to feel powerless in their own home. Where is the forum for regularly discussing, changing, and updating By-Laws created by the previous owners? Where is the rationale for these laws? There are even Board members who



have admitted they have not read the By-Laws. In summary, this is a document that provides detailed rules and procedures to guide owners, Boards, and Management Companies in condominium business matters, however such By-Laws cannot legislate attitudes and the awareness necessary

for building a cooperative community.

### Management Mazes

One of the biggest challenges in condominium living is to find efficient, skilled, knowledgeable people who will manage the project. Many owners are only too happy to let someone else do the hard work, but, they also expect their own wishes and ideas to be acted upon. Though many owners are relieved of decision-making related to contractors, maintenance personnel, etc., they are also often left confused, and in the dark, as to what is happening when, who is in charge, whom to notify about which concerns, and what recourse they have when issues are not addressed. Having served as a Board Member, and also as a sounding board for many acquaintances in various condominiums, I am aware that there is considerable confusion about the roles of the Board of Directors, the owners, the resident manager, and the Management Company. Whose agenda takes precedence? Who is responsible to whom? Who should take in complaints and concerns? What should be the relationship between the Board of Directors and the Management Company? What procedure is in place to sort out confusion, discontent, and "lost" communications? How is the Management Company evaluated? Only by the Board of Directors, or are owners involved as well? What are the criteria used to evaluate the

Management Company? Unless there is a concerted effort on the part of individuals in a position of power to clarify their roles, to communicate with owners promptly and consistently, the Management Companies and Boards of Directors can expect anger, behind-the-back nastiness, and even a decrease in the participation at the annual general meetings.

As most readers will know, the role of the Board in a condominium is very important. Furthermore, how the Board relates to the owners sets the tone of the entire Condominium Association. When both the Directors and the owners are committed to clearly stated goals and responsible, frequent communication, then there is also the possibility of creating a home environment that is secure, compassionate, and financially appealing. Selecting owners to serve on the Board of Directors is a challenge in itself. The reasons for avoiding this responsibility are varied: it is definitely not part of care-free living, there is fear of such responsibility, many people feel inadequate, people have enough problems to face in their personal lives, and having to mediate in conflicts is exhausting. Of course, as in many organizations, there are individuals who love the position of power, and, once they are selected, they dominate everything. Another problem is that people are bribed and conned into serving on the Board, often having no clear understanding of what that role demands. One of the reasons many owners are uneasy about Boards is that the positions are voluntary. Generally nobody volunteering presents a clear summary of their background, training, skills, and stated objectives. And we are to trust them with our finances? Because many Boards and Management Companies give minimal feedback (e.g. a few numbers, brief statements relating to maintenance issues), and then only at the annual General Meeting, owners become impatient, apprehensive, and disillusioned. At the same time, Board members (often the same people, year after year) become tired, frustrated, and often feel their hours of volunteer work gives them nothing but headaches, criticism, and deliberate defiance.

Managing a condominium is not a license to impose your personal agendas on everyone else. On the contrary, it is a responsibility to ascertain the needs of the community, to dialogue with the owners, to report back to owners consistently, in a timely fashion, on all inquiries/concerns, to take in "complaints and concerns" without becoming defensive, etc. When



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people have money invested in a property they want to be heard, they desire to be well-informed, and, of course, they want the assurance that their power will not be dissipated by apparent confusion, delays, negligence, or even the refusal to respond (i.e. be accountable), somewhere in the hierarchy of power.

### Strategies/Solutions

There are owners who are uninformed, there are Directors who lack good problem-solving skills, and there are Management Companies that fail to respond effectively and promptly. Though this list hardly mentions all the human behaviours and characteristics that contribute to the joys and tribulations of living in a condominium community, it does help to bring into focus the need for communication: on-going clear, respectful communication.

Many problems actually originate from the kind of work some contractors do, and from the less-than-thorough inspections. For example, why do some condominium have only wide-open storage spaces? This is obviously fertile ground for arguments, thefts, and unfair monopolizing of space. When owners eventually find improper wiring, poorly constructed shelving, plumbing nightmares, etc., it is very difficult to get appropriate information and contacts. Because of this, Board members and Management Companies often get the brunt of much anger. Perhaps every Condominium should have a list of the tradespeople originally involved in the construction of the building(s), plus a copy of the inspection report?

Because condominium living is much more than merely buying some personal living space, real estate agents should advise all potential owners that condominiums are very dependent on responsible, involved, cooperative owners. The "carefree living" phrase must be clearly explained, or, totally omitted!

Conflicts and disagreements are inevitable, particularly because of the common property, the list of rules (By-Laws), and the layers of government (i.e. Board of Directors, Management Company). The By-Laws are often the major source of frustration. Rules and restrictions without reasons, without a clear rationale, invite resistance, the "I'll show you!" attitude. Furthermore, when the wording and the organization of

the By-Laws is not reader-friendly owners will probably not bother even reading the By-Laws. There is a need to update these By-Laws, to involve all the present owners in re-evaluating the effectiveness and relevance of these By-Laws, and this directive should be identified in the By-Laws, e.g. the building was built in 1975, the By-Laws must be reviewed and revised every 8 years.

Often busy boards and management companies attempt to get feedback by installing suggestion boxes. And often this is a one-way communication, offering no feedback. Notes are ignored, and that brings out more anger. The alternative is to set up a safe, open forum where the leadership models the effective conflict resolution procedure, where owners are invited to raise concerns, where problem-solving focuses on how to maximize advantages for all owners, and where owners are encouraged to submit suggestions on improving management methods. Page One of the By-Laws needs a Preface: Conflict Resolution Procedure, clearly itemizing the steps that can lead to better problem-solving. Many people have difficulty listening to anger, criticisms, and expressed desires and wants. They respond aggressively (blaming, insulting, ignoring, negating, refuse to listen or engage in conversation, etc.), and then wonder why the speakers become progressively more antagonistic.

Several questions could be raised at this point, to stimulate self-examination. As a Board Member, do I know how to use my position of power for the benefit of the whole community? As a Board Member, am I truly committed to representing the owners? Do I really know what the needs are? As an owner, am I willing to improve my problem-solving skills, my communication skills? As an owner, would I be willing to sign a contract, indicating I have read, and will comply with, all the By-Laws? If I am disturbed about something, do I know how to articulate my concern clearly, to the appropriate person, and am I willing to learn to work through the issue?

A concern is often raised about where owners can go when Board Members and Management Companies fail to deal with concerns. Similarly, Board Members and Management Companies sometimes must deal with very defiant, abusive owners. The need for an Ombudsman, and/or an effective mediator, is certainly an alternative that should be pursued at this time. Persistent bad relations can poison the whole condominium association, and there seems to be no way for individual owners to resolve the impasse. Conceivably the mediator could inform builders, contractors, Management Companies, Boards, and the Legislature of particular problem areas each specific group could address.

### Conclusion

Only as we take the time to honestly look at the problems in condominium living, as we take the risk of choosing to dialogue with our neighbours, and as we dare to entertain the impact of compassionate cooperation, will we be able to participate in the necessary changes that condominium living demands. We cannot legislate attitudes and skills, but we must, individually, open up ourselves to improved communication. ♦



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