

CANADIAN CONDOMINIUM INSTITUTE
NORTH ALBERTA CHAPTER

INSITE TO CONDOS

THIS ISSUE:

A Time for Tolerance and Understanding

Raising the BAR

What's up Doc?

VOL. 33, ISSUE 3 - SPRING 2020



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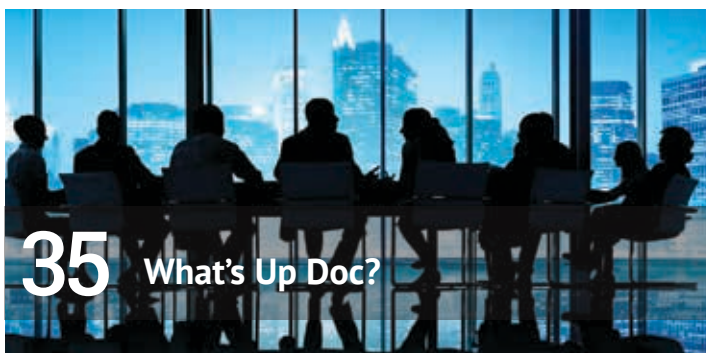
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MESSAGE FROM THE PRESIDENT

BY ANAND SHARMA

WELCOME TO THE SPRING EDITION OF THE INSITE TO CONDOS MAGAZINE

Our world has changed in the few months since I last reported to you. The impact of COVID-19 and its effects on our lives has been profound. Our personal health and economic security are under strain, and how we live and work in condominiums has drastically changed. Despite the many fears and stresses we face I am amazed and moved with the stories of solidarity and support that are emerging every day. Whether it's the neighbor down the hall dropping of groceries and supplies for the sick and elderly, or the many community initiatives that remind us that we are all in this together, human tenacity and kindness have emerged as prominent characteristics of who we are as people. This is only heightened in condominium living, where we already share our homes with one another and actively engage in caring and sharing initiatives.

Our goal at CCI is to help you navigate condominium living in this new world. Relaying health and safety information and informing condominium boards, owners, and industry members about legislative impacts due to COVID-19 will be our focus in the coming weeks and months.

Your safety is paramount to our organization, which is why as information emerged about COVID-19, our chapter made the difficult but

necessary decision to cancel our educational schedule through to May and likely beyond. This includes the Alberta Condo Expo and legislative update seminars to be held in Grande Prairie and Fort McMurray. No formal decision has been made on whether we are postponing these events to later this year, or cancelling until 2021, but we will keep you informed. It is my commitment to our members in Grande Prairie and Fort McMurray that we will resume events in your communities when it is deemed safe to do so.

Our staff Beverley Thornton and Alan Whyte have been exceptional over the past number of weeks answering questions, communicating through our newsletters, and working hard on your behalf to reschedule our events. Thank you to both of them for their ongoing exceptional work.

CCI North Alberta is now re-focusing our efforts on the delivery of on-line education and we hope to roll out a free educational event online in the coming months. With the evolving situation around COVID-19 however, this commitment is fluid as staff and volunteer safety is not negotiable.

On behalf of the Executive and Board of CCI North Alberta, I am sending out our heartfelt best wishes for a healthy and safe few months ahead for you and your families.

Anand Sharma
President, CCI North Alberta



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04 APR 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
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05 MAY 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
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06 JUN 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
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21	22	23	24	25	26	27
28	29	30				

CCI EVENTS CANCELLED UNTIL FURTHER NOTICE!

As per the Alberta government's directive on March 12 regarding mass gatherings of people, we have cancelled all of our educational events and the Alberta Condo Expo until further notice.

Updates will be provided in the coming months via email, newsletter and our website.

**WATCH FOR
NEW ONLINE CONTENT
COMING SOON!**



RED DEER LEGISLATION UPDATE

CCI North Alberta heard from the condominium community that our education regarding the condominium legislation updates needed to hit the road, so we travelled to Red Deer and what a turn out!

Despite a sudden snowstorm that made getting to the event a bit treacherous at times, the event was packed. Over 120 members of the condo community in Red Deer and the surrounding areas (including Ponoka, Blackfalds and more) ventured out in the snow that day to meet new fellow condo owners and board members.

Presenters, Todd Shipley from Reynolds Mirth Richards & Farmer, and Alan Whyte, Executive Director of CCI NAB, gave an entertaining and informative presentation regarding the legislation changes and the changes in insurance regarding condominiums. There were a lot of questions from the floor and many of the audience members at the mic, before asking their question, gave gratitude and thanks to CCI for coming to Red Deer and sharing this information. It was a rewarding day.

Part of any successful CCI Event is our sponsors. The business partner members that brought their representatives and valuable information to the event were bombarded with questions during the breaks, as condo owners, board members and other members of the community were hungry for information on best practices for governance.

We are thankful that the sponsors managed to make it and for their generosity for the great selection of door prizes for the attendees. Thank you to HUB Insurance Brokers, our event sponsor and to the other sponsors, Balance Valuation, Skyline QS Consultants, and Safe With Ulli for committing to this event.

Our next out of town education event is planned for Grande Prairie with a future date to be announced through our email newsletter. Our original date of March 28th was cancelled due to COVID-19 considerations but as soon as we are able to move forward with our planning we are taking our education back out on the road.

Thank you, Red Deer, for such a warm welcome, we look forward to returning.

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MEET THE BOARD

GERRIT ROOSENBOOM

You have been volunteering with CCI for many years, how did you get started?

In 1992 we bought our first condominium in Richmond Hill, Ontario. On the same day that we took possession, I attended a meeting of the board of directors that was open for residents to attend. As a vacancy on the board had recently occurred, I was appointed to a directors position. Not having any knowledge of the working of condominium corporation, I immediately started a search for information and discovered the Canadian Condominium Institute, Toronto Chapter, offered a series of educational courses for directors. On the completion of these courses I was invited to join the CCI Toronto Chapter as a director. And after a few years joined the board of directors of CCI National and ultimately selected to become the president. During these same years, my friends and I created a new CCI chapter (the Huronia Chapter) in Barrie Ontario to provide service to the Northern Ontario area. In 2003 I retired from railroad career and moved to Winnipeg, joining the CCI board there. I moved to Edmonton in 2007 and joined the board of CCI North Alberta Chapter. While serving on various boards in Ontario I became acutely aware of the need of an alternative method to settle disputes among condo

owners, owners and director, boards and developers, boards and property managers and between boards and the Home Warranty providers. To better promote mediation service, I attended a number of mediation courses provided by the University of Windsor in Ontario and when I arrived in Edmonton attended more mediation and arbitration courses.

What motivates you to volunteer, not just with CCI but in general?

I have a natural curiosity to learn how things work. I never stopped going to school and have attended and continue to attend educational seminars throughout my entire adult life. I experience a great deal of pleasure helping people solve problems and continue to make many friends and gain knowledge while doing so.

What is your current role in the condominium community besides being a CCI Board Member?

I provide consulting and mediating services to condo owners condo boards, condo managers and developers. I have attended meeting with our government on the development of a tribunal organization to settle disputes before or instead of court procedures.

What is your favourite part of working in the condominium community?

The interface with people and the enjoyment of making new friends.

What special education do you need to be a mediator?

The Alternate Dispute Resolution Institute of Alberta (ADRIA) offers education courses.

What was the last movie you saw in the theatre? Andre Rieu, a musical featuring Johann Strauss.

What are some of your favourite past times?

Travelling, golfing, dancing, reading and carpentry.

If you could redesign the food pyramid without any dire health consequences, what would the base of your diet be? Vegan.

What are you listening to right now? BBC news.

Which skill would you love to learn? Structural engineering.

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GOVERNMENT ADVOCACY REPORT

Dear members,

Our committee has been very active on several initiatives over the past months.

Educational Events – Regulation Changes

CCI North Alberta held three events related to the regulation changes that came into effect on January 1, 2020. These events were targeted towards condominium owners, boards, managers, and professionals and were held in January and February of 2020. Additionally, we held an event in Red Deer that was well attended on February 29, 2020. This is the first major event we have held in Red Deer in many years, and we wish to thank everyone who attended and the volunteers who assisted with the event. Our intention was to take this event to Grande Prairie and Fort McMurray, however, due to COVID-19, we have had to postpone until a later date. Many thanks to members of our committee who developed this seminar content and delivered the seminars at their own expense. I would like to thank Executive Director Alan Whyte and lawyers Hugh Willis, Melissa Stapler, Victoria Archer, Todd Shipley, and Robert Noce for their participation. Thank you as well to all the volunteers who helped ensure all four events were run successfully.

Condominium Manager Licensing and Education

The Real Estate Council of Alberta's Implementation Committee is currently working again to move forward the process of manager licensing in Alberta. The intention is to consult with the industry and public around proposed changes in the near future, however COVID-19 is expected to impact timelines. To be clear, CCI North Alberta is not seeking, nor has the mandate, to be a licensing body for the condominium industry. We are, however, very interested in continuing our leading role in curating content and providing ongoing education for condominium managers, boards and owners in Alberta.

Review of the Condominium Property Act

Members of our committee are working closely with the Alberta Government on reviewing the issues of chargebacks in condominiums, as well as voting. These two issues have been identified as areas that require Act changes in order to improve condominium living in Alberta. Lawyers Hugh Willis and Victoria Archer are leading this initiative on behalf of the condominium

industry. I am hopeful that we will have an announcement soon that our longtime recommendations will be adopted.

Insurance Crisis in Alberta

Over the past many months, CCI North Alberta has been alerted to the significant increase in insurance premiums for condominium corporations with much higher deductibles. We have even heard from condominium corporations who were not able to obtain insurance and declined, often without explanation. This includes jurisdictions outside of Fort McMurray where the ability to obtain insurance coverage has been a challenge. Significant double digit increases regardless of a corporation's claim history are seemingly the norm, not the exception. In order to ascertain the extent of this issue, CCI North Alberta has circulated a survey to condominium corporations to better understand how widespread and critical this issue is. We will be collating this information and providing it to the public and Alberta Government this summer.

This issue of massive increases in premiums has only been amplified with the COVID-19 pandemic. Condominium owners are losing employment and struggling to make ends meet, while these significant premium increases force condominium fees to rise significantly. Rest assured we will be pushing the Alberta Government hard, with your help, for fairness in insurance in the coming weeks and months. Stay tuned for more details.

COVID-19 Pandemic and Condominiums

Our committee is working quickly to provide resources as we deal with the catastrophic and ever evolving health crisis across the world. We have recently created a FAQ sheet available on our website and linked to in our newsletter that addresses some of the common questions around COVID-19 and condominiums. We are also encouraging the Alberta Government to consider allowing Condominium Corporations to utilize their reserve funds to cover off deficits in the operating due to owners inability to pay condominiums fees in the interim while this economic and health crisis changes. We are committed to informing the condominium community about how COVID-19 impacts us legislatively and in our daily lives given our collective living situation.

Anand Sharma

Co-Chair – Government Advocacy Committee

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



North Alberta Chapter



**ALBERTA
CONDO
EXPO**

POSTPONED UNTIL FURTHER NOTICE

**ROBBINS HEALTH LEARNING CENTRE
MACEWAN UNIVERSITY 10910 -104 AVE,
EDMONTON, AB**



This time last year we were busy preparing for the biggest change in condominium legislation in almost 20 years.

Lo and behold, even more changes were introduced later in the year and the starting line was moved back to January 1, 2020. This has left Boards, Managers and Owners trying to absorb all of this information, which is akin to attempting to drink water from a fire hose!

Once we can safely determine a new date for the next Expo, we are excited to gather everybody together and help **“Navigate the New Normal”** in our condominium community. Our industry professionals are tasked 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.

ALBERTA CONDO EXPO HIGHLIGHTS!

- Continued Focus on Specific Areas of Legislation Changes
- Additional Best Practices Sessions for Boards and Managers
- Condominium Legal Panel Returns to Answer your Questions
- Largest Networking Opportunity for Owners, Boards, Managers and Professionals
- Tradeshow Featuring 60 Vendors is FREE to the General Public
- Condo Owner Session: How the Changes in Legislation Affects You Directly



CONFERENCE DETAILS

FULL CONFERENCE PACKAGE (BEST VALUE)

Includes: Your choice of one topic in each of the three sessions, Legal Panel session, Tradeshow, Continental Breakfast, Luncheon and Parking Pass

CCI Member EarlyBird Rate	\$125 + GST
CCI Member Regular Rate	\$150 + GST
General Public Rate	\$225 + GST

INDIVIDUAL CONFERENCE SESSIONS (REGISTER BY TOPIC) AND LEGAL PANEL*

Rates are priced per individual session. (*Due to room limitations, the Legal Panel will be available to Conference Package registrants only until April 15 and then if space permits it will open for individual registration). Includes Tradeshow Access.

CCI Member EarlyBird Rate	\$35 + GST
CCI Member Regular Rate	\$40 + GST
General Public Rate	\$60 + GST

SCHEDULE

Registration & Welcome Address <ul style="list-style-type: none"> Registration and Check In/Tradeshow Set Up Grab 'n Go Breakfast for Conference Registrants/Welcome Address 	7:30 a.m. to 8:30 a.m.
Conference Session #1 (Pre-select one Topic from the choices listed)	8:30 a.m. to 9:45 a.m.
Tradeshow Open <ul style="list-style-type: none"> Free to General Public 	9:30 a.m. - 4:00 p.m.
Break with Tradeshow Exhibitors	9:45 a.m. to 10:15 a.m.
Conference Session #2 (Pre-select one Topic from the choices listed)	10:15 a.m. to 11:30 a.m.
Break with Tradeshow Exhibitors	11:30 a.m. to 12 Noon
Keynote Luncheon for Conference Registrants only	12 Noon - 1:15 PM
Conference Session #3 (Pre-select one Topic from the choices listed)	1:15 p.m. to 2:30 p.m.
Break with Tradeshow Exhibitors	2:30 p.m. to 3:00 p.m.
Conference Session #4- Condominium Legal Panel	3:00 p.m. to 4:15 p.m.
Grand Finale <ul style="list-style-type: none"> Door Prize Draws/ Closing Remarks 	4:15 p.m. to 4:30 p.m.
CONDO OWNER SESSION: HOW THE CHANGES IN LEGISLATION AFFECTS YOU DIRECTLY 9:30 AM - 11:00 AM	



CONFERENCE TOPICS

SESSION #1 8:30 A.M. TO 9:45 A.M.

1 A) IS YOUR CONDO NOW A HOTEL? THE SHORT TERM RENTAL DILEMMA

PRESENTER: ERIN BERNEY (FIELD LAW)

As a result of a recent judgment regarding condo owners and short-term rentals, condo corporations in Alberta now have the legal authority to pass bylaws that prohibit, restrict or regulate the operation of units as short-term rentals. Such accommodations are now being viewed as hotel stays, which brings up the question of licenses vs. leases, and the legal distinctions between the two legal concepts.

Find out what bylaws are necessary to validly restrict or prohibit short-term rentals, and what questions your corporation should ask before proceeding with enacting new bylaws to deal with these AirBnB-style rentals.

On the other side of the coin, some condominiums welcome this emerging industry. We'll also discuss the possible parameters that should be considered for those interested in allowing short term rentals within their building.

1 B) THE RISK AND REWARD OF SELF-MANAGED CONDOS

PRESENTERS: MAURICE PERRAULT (HARBOUR PARK), CHARISSA SHINE (CORE MANAGEMENT), CHRISTOPHER BATDORF (KLASS MANOR) AND BARBARA SMITH (WATERFRONT POINTE)

Perhaps you are looking to save money, looking to gain control for your board, or are struggling to find a management company to care for your small complex. We will discuss different levels of self-management and how to mitigate risks for your Board. Our panel of people who have self-managed their condominiums, will speak to how they went about becoming self-managed, the advantages they found, the challenges they faced and how they overcame them in this industry. Sharing challenges and discussing solutions on topics such as financial management, bylaw enforcement, capital projects, recruiting contractors and creating a community to name a few will be part of this interactive presentation.

1 C) "LET'S (NOT) MAKE A DEAL" ABOUT RULES AND BYLAWS

PRESENTER: HUGH WILLIS (WILLIS LAW)

In this entertaining homage to the game show era, our presenter will challenge the audience to demonstrate their understanding of the recent changes on rules, policies and bylaws. The format will focus on understanding the criteria to determine whether a matter should be addressed in the bylaws or if it could be set up by creating a rule. Using frequently seen provisions from the past, we will review examples of what would now need revision. Practical solutions will be offered for boards and owners to consider how it would be best applied in their condominium. Who said learning and laughter were mutually exclusive?

SESSION #2 10:15 A.M. TO 11:30 A.M.

2 A) CONDO LEGISLATION FAQs, RESOURCES & NEXT STEPS

PRESENTER: JD CROOKSHANKS (SERVICE ALBERTA)

Since the announcement of changes to condominium regulations in November, Service Alberta has received questions from owners, boards, managers, and others about how to apply some of the changes, understanding the new legislation, and what some of the changes mean. We will reveal some of the most common and pressing questions and answers, including:

- Frequently asked questions and interpretations about the new regulations, such as document fees, standard insurable unit descriptions, and bylaw updates;
- New and updated information resources to help understand the changes;
- Next steps for condominium legislation.

2 B) ADULT BULLYING IS COMPLEX: PREVENTION, INTERVENTION, AND REPAIR

PRESENTER: LINDA CROCKETT MSW, RSW, SEP

This workshop will offer an overview on the definition of bullying and harassment but most importantly, we will review 'what to do about it' including: prevention, intervention, resolution or repair. Linda Crockett, a leader in bullying prevention will include examples of what is and what is not adult bullying, along with examples of the early warning signs, risk factors, tactics used, profiles, and the impact this has on all organizations. This will include a short but powerful video, and a brief overview of policies, procedures, Alberta Legislation, research, stories, and anecdotal examples.

2 C) GENERAL MEETINGS - NEW RULES AND BEST PRACTICES FOR BRINGING THE COMMUNITY TOGETHER

PRESENTER: VICTORIA ARCHER DSA (GLEDHILL LAROCQUE)

The Government has now finalized most of the regulatory requirements for General Meetings. This session will focus on those new requirements and give best practice guidance and tips for implementing them in a way that works for your condominium community. We will discuss:

- Getting ready for the Meeting, Notice requirements and Documents
- Meeting Agendas and Owner Agenda items
- Proxy requirements and restrictions
- New Voting Requirements
- After the Meeting requirements



SESSION #3 1:15 P.M. TO 2:30 P.M.

3 A) INSURANCE AND RISK MANAGEMENT: A PROACTIVE APPROACH

PRESENTERS: DAWN MITCHELL (HUB INTERNATIONAL INSURANCE BROKERS), SHERRY BIGNELL (BFL CANADA INSURANCE SERVICES), AND ROB DE PRUIS (INSURANCE BUREAU OF CANADA)

The reality of increased premiums/deductibles and reduced capacity has had a significant impact on numerous corporations' financial health and in extreme cases their long term viability. How did we get here and what are the key factors that affect rates both globally and locally. We will focus on key aspects within a corporation's control that can be utilized to make themselves more attractive to insurers.

- Preventative Maintenance
- Proper Valuations
- Contractor Coverage
- Self Insuring Options and Deductible Awareness
- Additional Information Requirements for Corporations

3 B) TAMING THE TIGER: USING MEDIATION TO RESOLVE DEPUTES

PRESENTER: DEBORAH HOWES FCCI (HIGH CLOUDS INCORPORATED)

The reality of condominium living is that it's not easy for everyone to get along all the time. In fact at times it seems like the classic Irresistible Force vs. Immovable Object. In this session you will work together with a mediator to resolve one or more common condominium disputes.

- Learn what mediators do and how they can assist.
- Help the mediator identify the real dispute.
- Learn what questions can help or hinder the discussion.
- Observe the mediator in practice. Compare what you would do to what the mediator does.

3 C) PREPARING FOR THE PROCESS: FINES & SANCTIONS

PRESENTER: TODD SHIPLEY (REYNOLDS MIRTH RICHARDS & FARMER LLP)

One of the areas where additional clarification has been welcomed in the legislation is in regards to fines and sanctions. With the additional details provided however, boards must be aware and follow through with the new processes that are outlined in the regulations. This session will outline what is changing and best practices to follow to ensure compliance.

- What is a sanction, and what is the difference between a monetary and non-monetary sanction
- What is the mandated process to issue a sanction and what happens if it is not followed?
- What rights do owners and occupants have and how must those rights be addressed by the Board?
- What practices should boards follow for proper record keeping?

SESSION #4 3:00 P.M. TO 4:15 P.M.

CONDOMINIUM LEGAL PANEL

MODERATOR: ANAND SHARMA (CCI NORTH ALBERTA BOARD PRESIDENT)

PANEL - VICTORIA ARCHER (GLEDHILL LAROCQUE), TODD SHIPLEY (REYNOLDS MIRTH RICHARDS & FARMER LLP) AND HUGH WILLIS (WILLIS LAW)

As you attend your previous sessions there will undoubtedly be questions that arise in your head for further clarification or direction. Providing you are not looking for engineering or accounting expertise our legal panel is assembled once again to assist and entertain as they bring their unique perspectives for the benefit of all. With all that has transpired this past year there will be numerous issues to unpack and we will lead off the session with each of the panel members introducing their priority item for discussion followed by an extended Q & A period open to all attendees.

CONDO OWNER SESSION - 9:30 A.M. TO 11:00 A.M.

SPONSORED BY



HOW THE CHANGES IN LEGISLATION AFFECTS YOU DIRECTLY

CCI Members - \$25 + GST General Public - \$45 + GST

PRESENTER: TODD SHIPLEY (REYNOLDS MIRTH RICHARDS & FARMER LLP)

The recent changes in the legislation are significant and it is important for condo owners to understand the key changes that will have the most impact to them. By understanding your obligations as owners, you are able to prepare for and minimize any financial risk you may, as "I didn't know" is not a valid defence. Further, greater understanding ensures that you are able to protect your investment and property and understand whether the Corporation is being governed properly. Some of the topics that will be reviewed include:

- Condo Documents - New guidelines for costs and distribution, upgraded notifications and clarification of what documents can be shared with owners
- General Meetings - How to address owner concerns
- Board Accountability - Understanding your rights and responsibilities
- Fines and Sanctions - Changes in the process, limitations of fines and timeline to contest
- Insurance - Absolute liability for owners, repair and possible deductible responsibilities and the introduction of the Standard Insurable Unit Description



TRADESHOW



FREE FOR ATTENDEES AND THE GENERAL PUBLIC

- The Tradeshow will have 60 vendors this year!
- Tradeshow will be open from 9:30 am - 3:30 pm.
- Half hour break between each session for full day Attendees to meet Exhibitors.

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

- Exhibitor CCI Member EarlyBird Rate - \$600 + GST
- Exhibitor CCI Member Regular Rate - \$750 + GST
- Exhibitor Non-Member Rate - \$1000 + GST

TESTIMONIALS

"I would and will highly recommend both becoming a member of CCI as well as attending workshops, courses, and conferences. Thanks to everyone involved in making the event such a success!!"

"And please extend our thanks to everyone for the fantastic Condo Expo! My team and I were blown away by the amount of information we received and the networking we were able to do. It was a great day!"

"I would like to thank the entire CCI organizing committee for the great Expo on the weekend. It was very well run and full of very timely and interesting information!"

"Still the best event to tell condo boards they are not operating in the wilderness. That there is a lot of support and information out there."

"The Expo was excellent. Again, the food was exceptional and I'm constantly impressed by the caliber of presenters chosen for the sessions. Well done!"

"We thought the venue, presentations and the whole expo was fantastic!"

"This event is always valuable as you learn a great deal about condo boards and their responsibilities and listening to others you find that there is a common thread among board and issues they deal with."

"I must express how informative and insightful the sessions were. They provided another level of understanding and confidence."

"This year's event was well organized. With the Condo Act Regs. coming into realization, there was a lot of information to share. Being a snowbird, I cannot attend your winter luncheon sessions, so I rely on this conference to get updated. Thank you everyone who worked on this event."

"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!!!"

"Great variety of vendors that provide services all condo corporations would be in need of at one point or another."

ATTENTION: CONDO OWNERS

Boards/Managers-

Please pass this information on

Important Insurance Changes You Need to Know

Effective January 1, 2020, Condominium Corporations will be able to seek recovery of the deductible portion of the Corporation's insurance claim (up to a maximum of \$50,000) from an Owner for damages that originates from the Owner's unit or privacy area.

This "absolute liability" means regardless of whether or not there was any proven negligence the Owner may be responsible to pay the Corporation's deductible amount. With the recent market corrections due to the amount and size of claims in our market, we have seen deductible levels rise substantially from \$2,500 - \$10,000 previously to \$25,000 to \$100,000 and more!

PLEASE NOTE - Owners can obtain coverage in their Unit Owner's policy to assist with paying the Corporation's deductible when required.

ADDITIONAL DETAILS

Limit Reminder - The Corporation can only make the Owner liable for the deductible limit up to a **maximum of \$50,000**. If the deductible is \$25,000 then the Owner's liability is \$25,000 regardless of the size of the claim. Conversely if the deductible is \$100,000, the Owner's liability is \$50,000 as that is the maximum allowable amount.

Coverage Liability - Owners are only required to have this coverage if it is outlined in the Corporation's bylaws but they can be held responsible for the deductible payment regardless of whether or not they have their own coverage.

Legislation - **Section 62.4 of the Condominium Property Regulations** as of Jan 1, 2020 for further details.

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What steps do Owners have to take to ensure proper coverage for themselves?

- 1) Ask your Board, Manager or Corporation Insurance Broker for a copy of the Corporation's Certificate of Insurance** that outlines the current deductible amounts, in particular the water damage deductible.
- 2) Contact your personal Insurance Broker and inquire whether you have deductible coverage in your Unit Owner's policy and if not, request to add coverage.**
- 3) Is the deductible coverage in your Unit Owner's policy equivalent to the Corporation's deductible? If not, adjust your deductible accordingly** (see **Limit Reminder** below).





OWNERS GUIDE TO CONDO LIVING

Welcome to "Owners Guide to Condo Living" created specifically for condominium owners as well as prospective owners.

If you have any topic suggestions please forward them to info@ccinorthalberta.com at your earliest convenience.

How the Changes in Condominium Insurance Legislation Affect Owners

With all the legislative changes that went into effect as of January 1, 2020 the revisions within the Insurance section could have the greatest financial impact on condo owners. Unfortunately due to the breadth of changes introduced throughout the legislation this important aspect of insurance coverage has not gotten the key attention it deserves. We will do our best in this article to explain the key changes and what steps owners need to consider to adjust.

The Key Legislation - "Recovery of the amount of the deductible" (Condominium Property Regulation Section 62.4)

62.4(1) A corporation may pay an insurance deductible in an insurance claim and recover the amount of the deductible from an owner in accordance with the section.

The Details - Owners are "absolutely liable" to the corporation for the amount of the insurance deductible for damage that originates in an owner's unit or exclusive use are assigned to that unit.

What does "Absolutely Liable" mean? The corporation does not have to prove there was negligence or an act of omission on the part of the owner. Confirming the location origin of the loss is sufficient to recover the deductible amount providing all other legislative provisions are met.

What is the Amount of the Deductible? The deductible amounts will vary from condominium to condominium and possibly depending on the type of claim made (e.g. - water damage vs. fire). We have seen significant increases in insurance deductibles in recent years from \$2,500 - \$10,000 previously to current levels of \$25,000 - \$100,000 and more! Your corporation's current Certificate of Insurance which is updated annually will indicate the deductible amounts an owner could be liable for. If you don't have a copy contact your board, manager or the corporation's insurance broker for a copy.

Deductible Limits - Despite what the corporation's deductible limits are, the maximum amount the corporation can recover

from an owner is the lesser amount of \$50,000 or the insurance deductible for that claim. For example if the deductible is \$100,000 the corporation can only recover \$50,000 and if the deductible is \$25,000 the corporation can only recover the \$25,000 regardless of the overall amount of the loss.

Deductible Coverage - Although owners are not required to have deductible coverage unless their bylaws dictate, the difference between the cost of the additional deductible coverage (in most cases less than \$100) compared to the possibility of being on the hook for a \$50,000 deductible is substantial.

How do Owners Obtain/Confirm Coverage?

1) The first document you will require is a copy of the Corporation's Certificate of Insurance that outlines the current deductible amounts, in particular the water damage deductible which is likely the highest amount.

2) Contact your personal Insurance Broker and inquire whether you have deductible coverage in your Unit Owner's policy and if not, request to add the coverage.

3) Check to ensure the deductible coverage in your Unit Owner's policy is at least equivalent to the Corporation's deductible up to \$50,000. If not, adjust your deductible accordingly. If your corporation's deductible amount is currently less than \$50,000 ask what the additional cost would be to have the full limit coverage. This will allow you some added peace of mind if the deductible does increase and a claim occurs within your unit before you have had the opportunity to increase your own coverage.

For More Details - Please review Section 62.4 of the Condominium Property Regulation. Online copies are available through the CCI Resource Centre (Public Information/Legislation folder) on our website.

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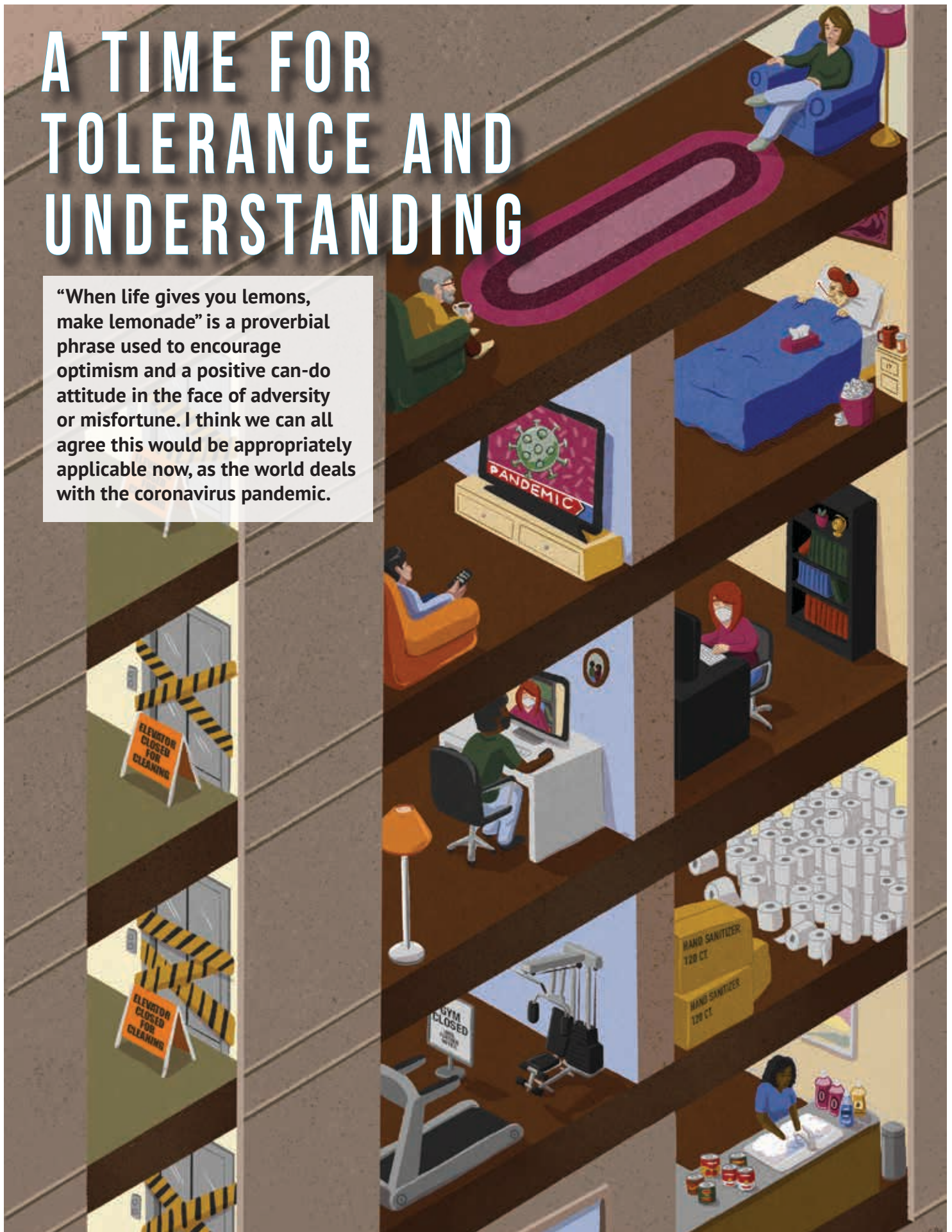
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A TIME FOR TOLERANCE AND UNDERSTANDING

“When life gives you lemons, make lemonade” is a proverbial phrase used to encourage optimism and a positive can-do attitude in the face of adversity or misfortune. I think we can all agree this would be appropriately applicable now, as the world deals with the coronavirus pandemic.



Let's start off by being thankful for where we live and the leadership shown to date to help "flatten the curve" and minimize the possible impact of Covid-19. We may not agree with every decision made to date (#yegtransit)) but compared to Italy or our neighbours to the south, we appear to be in much better hands.

I find myself almost looking forward to the daily updates from Alberta Chief Medical Officer Dr. Deena Henshaw and her calm, cool, collected delivery of information and insight. There are lots of other officials as well who are doing a great job of providing factual information in a measured approach to help all of us cope with our worst fears and anxieties of what may happen as things progress.

Within each condominium community, owners and occupants are hopeful that similar leadership will be present. Volunteer boards have now been thrown another challenge that deals with more than the pandemic itself. Owners, who are suddenly out of work through no fault of their own, worrying how they are going to be able to pay next month's condo fees. Parents having the added stress of keeping their kids engaged 7 days/week. Incessant inquiries about possible occupants who should or should not be self-isolating. Arguments about why the fitness room remains closed or how many people should be allowed in an elevator at one time. Sounds like fun, doesn't it?

We will leave the legal ramifications to those with the expertise (check our website for an updated COVID-19 and Condos FAQ sheet). What we want to explore today is more of the human interest side of things and how those of us in the condominium community can best cope in these unprecedented times since condominiums were created over 50 years ago. The age old question "What is reasonable?" finds us looking at altering some previous answers but also steadfastly returning to the standard responses in other cases. Let's explore some of the common issues that can occur and suggest best practices to consider implementing.

Stay Informed

As we have found out, things can change very rapidly so it is important to have access to the proper information in a timely manner. Unfortunately there is also an abundance of misinformation out there with various talking heads looking for ways to have their voice rise to the top of the conversation. Focus on these three key sources of information from a provincial, national, and global perspective.

- COVID-19 info for Albertans from the Government of Alberta and Alberta Health Services (Includes the Help Prevent the Spread Poster)
- Coronavirus Information - Canada from the Government of Canada and Health Canada

- Coronavirus disease (COVID-19) Pandemic from the World Health Organization

Most of the major municipalities will also have a dedicated section on their website related to the pandemic and ongoing updates on bulletins, restrictions, etc.. Both the provincial and federal governments will be implementing financial support programs to assist individuals who are directly impacted. Check their websites for links that can be passed on through bulletins, newsletters or website postings.

Communication

There is a heightened expectation from owners and occupants to be informed on how this current situation affects your community directly. Boards are best to respond sooner than later to identify what steps are being taken or considered to minimize the impact as best as possible.

- Make sure to stick to the facts and engage your professional network when you are unsure as to what the best practice may be in this particular situation.
- Don't forget about the obvious talking points to reinforce such as handwashing, no face touching (that is way harder than it seems!), social distancing and self isolation when required.
- What steps are being taken to increase cleaning within a building and what recommendations can boards suggest for owners to do their part to help prevent the spread of the virus.
- Posting notices at all of the entranceways to remind occupants and inform visitors, delivery personnel, and contractors, of your current protocol.
- Keep the message positive and don't be afraid to add a little bit of humour in the appropriate places.

Reaching out to your contractors is also important on a couple of different levels. Whatever changes had been outlined to your residents, they should be passed on to the contractors as well. Following up with each of them as to what additional steps they are taking to assist can also be beneficial information to pass on. With smaller contractors there may be a need to have a discussion regarding a back up plan should their staff be unable to work due to self-isolation protocol, parenting duties, etc.

Empathy vs. Hostility

We all react differently in times of stress. On one hand of the spectrum there are the "Nervous Nellies" of the world who have a tendency to overreact in concern, while on the other side you have the "It Doesn't Apply to Me" know-it-alls that disregard any information thrown their way if it interferes with their lifestyle. Even in regular times, there are different perspectives on how things should be handled. The key now is finding common ground using the "What's reasonable?" mantra while understanding there may be a need to rethink the answer based on the ever changing situation. It's one thing to say "stick to the facts" but EVERYBODY needs to have the patience to listen and offer possible solutions that can work for both sides. This quote from educator Stephen Covey summarizes the problem the best "Most people do not listen with the intent to understand; they listen with the intent to reply."

Reach Out to Assist

The effect of this pandemic will vary dramatically between everybody. Inevitably there are going to be some people who are not able to handle the changes as well as others for a myriad of reasons. Of that group there could be a smaller subsection that are either unable or hesitant to ask for assistance. It could be something as simple as just another voice to talk things through, or help finding where they can purchase some freakin' toilet paper or hand sanitizer. If you have the ability to reach out for others let them know, whether it's a notice on a bulletin board, website, or knocking on a neighbour's door (social distancing noted). Random acts of kindness are even more powerful in these times.

Building a Community

Humans are social animals and for some of us, not being able to continue with activities or getting together with friends and family can be frustrating to say the least. (Hermits on the other hand are revelling in their solitude). People are finding lots of creative ways to interact virtually for the time being thanks to some basic technology that is available to most of us in this part of the world. Using free online chat services such as Facetime, Skype, Google Chat, Zoom, and What's App can do wonders to feel engaged without leaving your home. Some examples include:

- **Virtual Work-outs** - Although most fitness centres are closed, lots of instructors are offering classes online. If you can't find something that suits you, consider polling your residents to see if others are interested and set your own private workout for those that are interested.
- **Online Games** - We're not just talking interactive video games but there are also options for classics like Scrabble, Pictionary, etc.
- **Book Clubs Revisited** - Podcasts, YouTube Channel or Twitter Feed Clubs - We all have our favourites that we watch or listen to but wouldn't it be much better to share your finds with others? Arrange a weekly meetup online to discuss options and then rotate the selections accordingly.
- **Community Happy Hour** - Last I checked, even though the bars and nightclubs were shut down we are still allowed to have an adult beverage. Invite all interested parties to prepare their favourite snack and beverage and meet online to share some stories. The schedule may vary depending on the demographics in your complex.

There is still the option of getting outside in the fresh prairie air and sunshine with a small group of like minded people. Set a regular time, explore different walking routes around your neighbourhood and chat while keeping your required distance between others.

Back to the Lemonade

All of these suggestions require some kind of effort to be successful. Lemons don't squeeze themselves either. However the sooner you start, the sooner you can enjoy the "fruits" of your labour.

SELF-ISOLATION DISTRACTIONS

from bored to happy

In the midst of a pandemic, now would be a good time for a reminder on how to amuse ourselves and others. We should, in this time, be able to find lots to do to keep ourselves distracted and connecting with others.

NETFLIX, ETC.

If you haven't already subscribed to an online streaming service, now might be a good time to do that and start to explore. There is a never-ending amount of shows and movies to view. Make a fort with your couch and hunker down for some chilling.

WHAT ARE YOU READING?

Even if you don't have a stack of books to read, you can still access them online through your library. And now would be a great time to introduce yourself to podcasts (basically someone reading to you).

GAME NIGHT

Blow the dust off the board games stored in the closet and put them to good use. Board games and card games are a great way to escape for an hour or two and connect with others. Online game nights are now a thing, if you happen to be solo.

CONNECT

More and more people are connecting with others, it's just not face to face. FaceTime, Zoom, and other video conferencing options are available. But think of other ways to connect. Why not take pen to paper and write a letter. Or send a long text or email to your friends and family.

SLEEP & REST

Maybe you don't have to be busy now. Maybe it's time to catch up on sleep. Or just relax and let your mind rest. Think of it like staring up at the clouds and letting your mind play, invent and imagine. Spend some time daydreaming of what you will do when this over.

DECLUTTER

Being stuck at home is a good excuse as any to tackle a closet or a room in your house (or garage) that needs to be cleaned and decluttered. Don't get overwhelmed, just choose one spot to start and take your time. Determine what to keep, give away or donate, and free up some space.

GRATITUDE

We truly are all in this together but doing it apart. Spend some of your time mindfully creating a list of what you are grateful for at this time. Sometimes focusing on what you have rather than what you don't have, will show you how much you have to be thankful for.



We believe *people*
make a house
a home

- Local knowledge & care
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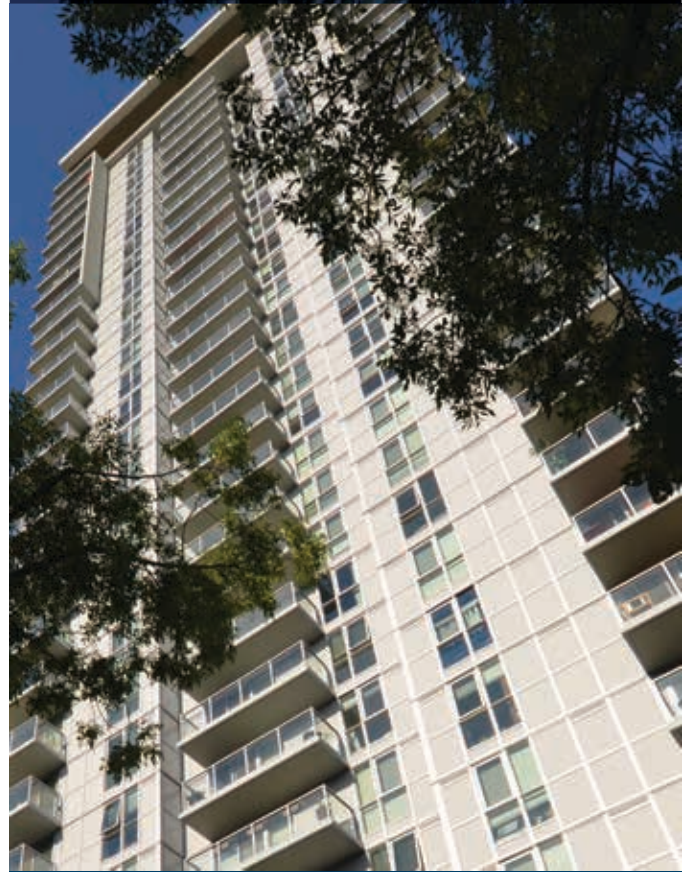
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ASK THE PROFESSIONALS

We wanted to hear from our Business Partners and Professionals about how COVID-19 was affecting their businesses and if they have had to make drastic changes in the way they deliver their products or services in light of our current global pandemic. We recognize there may be many challenges that our business partners and professionals are having in dealing with the coronavirus virus, and so we asked them to share

QUESTION #1 - What affects (if any) has COVID-19 had on your business directly?

QUESTION #2 - What unique measures are you having to take in response to this virus?

Shawn O'Flaherty - Property Manager, Capital Centre Condo Corporation

The Capital Centre is 230 units, located in 3 towers and has 14 commercial units on the 2nd floor and main floor and a public parkade. We are managing the current situation with communication and constant cleaning. We sent a letter out to all owners via email and under all of the doors at the beginning of this month.

We are constantly encouraging residents to "social distance", and to stay home if they are ill. We have also asked them to notify us if they have any symptoms so that if we do have to enter their suite we can do so with extra protection.

The other topic is asking residents to be extremely CAREFUL in their units and not cause an issue that would result in our staff or a contractor needing to enter multiple units to clean-up or remediation. I have a small day-to-day team that keeps the entire building running and we need to avoid staff from getting sick at all costs. And finally, we are asking our owners to be a good neighbor. We have a few elderly people in the building and there are several owners that have offered to assist these residents so that they can stay home and away from the general public. I have been a property manager for 13 years and this "lock-down" is a new experience for me and it comes with thousands of variables.

Rod Donahue - Complete Care Restoration

Although our business has not been completely interrupted like

many, we have encountered obstacles that have disrupted the flow of work, reduced certain services, and created changes in our labour requirements.

Disaster restoration remains a required and necessary continuation of service as water, fire and other random damaging losses continue to occur and in different circumstances than pre-pandemic. As citizens remain at home during this time, residential claims could elevate in frequency. Appliances and mechanical systems continue to fail and create leaks. Some commercial losses expand as business closures and open hour limitations cause some losses to be discovered later than usual.

While emergency services remain strong, many non-essential services have tapered down considerably. The physical distancing measures have resulted in choices by all on what is necessary interaction and immediately necessary. The trades are finding access to sites less frequently and with greater costs to perform the work with personal protective equipment and other measures. Essentially our business has transitioned from a full-service restoration company to more of a disaster mitigation specialist at this time.

All staff now either work from home and/or are dispatched directly from home to a job site without interaction with any co-workers. We have implemented strict policies and procedures for all site related work with the element of personal safety and protection as primary concern to address and eliminate the new hazards added to the workplace.

None of our staff interact with each other or our client base unless in full PPE at all times consisting of Tyvek suit, gloves, full face respirator with HEPA/Vapour combination P100 cartridges. Essentially, we have migrated the same process we use during mould remediation and asbestos abatement into our other everyday process for the protection of our individual staff and our clientele.

We have a select group of staff who remain at the office and warehouse daily to ensure business continuity with tasks that are simply unable to be performed remotely. Our warehouse isolation team also works in full PPE and assists by preparing and disinfecting equipment, tools, vehicles and supplies for our staff and essentially forms the role of our supply chain to jobs with a specific element of decontamination procedures at all times.

Ulli Robson - Safe With Ulli

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we're still actively supporting our clients, we're just doing it with an appropriate degree of caution and respectful social distancing. Very rarely do we need our clients to be present when we are on site, as long as they provide us with access to their premises. Good communication has never been more important than now.

And, whenever possible, we provide our support remotely. At this time, we are encouraging our clients to be set up on our "health-monitoring platform", constantly monitoring not just their cameras, but every part of their entire system, including but not limited to power & Internet. This would guarantee us the ability to remotely support our clients on a moment's notice. This has been on my to-do list for quite some time. COVID-19 made it obvious how crucial this service will be if we are not able to be physically on site.

Steven Knight - Mosaic Home Services Ltd.

Being a seasonal business that does depend on trade shows to kick off spring, we have had to adapt to the cancellation of 9 different trade shows that we were registered so far this year. We have had to take extra precautions for our service team. We are promoting social distancing, and instituting work from home policies for most staff, and mandating self-isolation for all team members returning from travel. We are doing everything we can to talk to our customers but also to avoid meetings.

Kolton Canning - Trusty Tree Services

To minimize risk and reduce the chance of exposure we are doing our best to coordinate with our clients through emails and phone calls, completing all work that does not include contact with other people, increasing cleaning and disinfecting practices in our shop and with our equipment. We continue to monitor updates from local provincial and federal health agencies to protect our employees and our clients. If any of our staff are to develop flu-like symptoms they will be asked to self-guarantee and to contact the Public Health Agency and follow the COVID-19 testing protocol.

Rafal Dyrda - GeniePad.com

We are having a lot of clients contacting us and asking us about how to conduct remote meetings. Because we are a fully remote team and have been operating with the kind of technology needed to do this, we have expertise in this subject. We use Zoom for our online meetings and it is a free tool to use with upgrades to purchase if you need them. There are other tools available to support video conferencing so we recommend that any board or company that needs to have meetings online rather than having an in-person meeting should hop on to google and check out what options there are to help us all out during this time of social distancing and isolation.

Fay Poholko - All Weather Windows

COVID-19 has had a large impact on our business in Alberta where we sell direct to homeowners – we have cancelled all in-home appointments for quotes, installation and service unless the home is unoccupied. We are offering virtual quotes to customers who feel comfortable enough with technology to use FaceTime or Zoom. Showroom appointments are by appointment only and only if necessary.

Our manufacturing facility is going through changes as well with rearranging workstations to allow more space between

them and staggering shifts and lunch breaks to reduce for groups and allow for physical distancing.

Nationally, we are seeing our dealers and builders close their businesses or reduce their hours which will reduce the demand for production. Long term could lead to layoffs

Bev Matthias - Century 21 Platinum Realty

As a result of the Covid-19, we have taken additional measures in our office with providing hand sanitizer, wipes, and staff in our office have ensured that their desks are far enough from each other for the social distancing. Our meetings are held with the same distances in place. We are not showing any occupied units to prospective tenants, we are only showing vacant units. We have disposable gloves that we can wear going out to the units and when we are going out for supplies.

We have a reception log at the front of our office for anyone who walks in our door needs to sign in and sanitize their hands. As keys are given out to suppliers, we sanitize them before we hand them over and again when they are returned. On a continual basis, we sanitize the most often used hard surfaces such as door handles, light switches, etc.

Cody Hodson - Off the Ledge

With Off The Ledge being a newer company, we have recently invested in state-of-the-art equipment and so this financial burden matched with the delay of income has forced us to reduce all non-essential costs as we prepare for a difficult spring and summer. With networking, Expos, and other events being cancelled we have taken the time to contact our clients through emails and phone calls. Exterior quotes are being conducted by assessing properties and keeping a safe distance from others. Despite the bad timing of COVID-19, we are digging deep to help the community the best that we can.



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RAISING THE BAR



BY REBECCA MEDEL

Since 2015, condominiums that are new builds in Alberta have required the developer to have a Building Assessment Report (BAR) prepared by a qualified person, including engineers, technologists and architects.

The New Home Buyer Protection Act (NHBPA) requires that the BAR is completed within 180 days after the first transfer of title in the building.

The BAR was designed as consumer protection to ensure a second set of eyes takes a look at the risks associated with condominium development. It's a final inspection report of the building to make sure it has been constructed in accordance with industry standards and codes. This is something that was not required prior to 2015. Five years into this reporting system has given all those involved in the process—developers, consultants, lawyers and condo owners—time to take a good look at this reporting system and offer suggestions on its improvement.

"In my opinion, I would like to see BARs done at different stages throughout the construction rather than done at the end of construction because the person preparing the BAR then doesn't get to look behind the walls and see the detailing after the unit has been finished," says Hugh Willis of Willis Law. He has been working with clients affected by the BAR since its implementation.

He's referring to the fact that most of the walls are up by the time the BAR is written. Inspections are not required during construction so there is no significant risk mitigation strategy. Oftentimes, developers are unaware they need to have a BAR prepared and can then commission one after construction, which is perfectly compliant with BAR regulations.

But in the opinion of Keller Engineering President Justin Tudor, these late-stage reports "are often woefully inadequate." They meet the minimum standard of BAR reporting and are often just

one-pagers stating no deficiencies have been found. These short letters do, however, accommodate the regulations. But other firms turn out reports that number into 50 – 100 pages. There is nothing in the regulations that requires inspections during construction, so there are no milestones that must be inspected or list of component inventory that should be reviewed.

This leaves consultants to decide for themselves how much detail to include in the report.

"Unequivocally, the BAR is the tool required to ensure consumer protection within Alberta," Tudor says. "It is necessary. It is important. It just needs to be modified to provide better aligned incentives and provide a more thorough document. It's critical that the BAR remain part of the condominium process, whoever's responsibility it is. But it can't go away."

As a building envelope specialist, David Leonard of Entuitive has completed many BARs and knows the work that is required to write a thorough report. He makes visits to the site before the build is complete to catch any deficiencies. "We go to site, we have a look at every nook and cranny of every unit on the project—at least related to the common property elements—and get a lot more of a specialized eye on what the contractors and trades are doing," Leonard says.

Without lumping all developers together, he says one con of the reporting system is there can be a perception that since the developer is the one hiring the consultant to complete the BAR, they might ask for a shorter report.

"As a consultant, our product is the reports we produce. There can be a perception because we are engaged by the developer that we are the developer's consultant. But there has to be an understanding that there is a moral obligation from an engineer's perspective to not turn a blind eye to something that is blatantly wrong, and stamp it and sign off on it," says Leonard.

"The BAR can technically be one page and say everything was built correctly, but what does that really mean to someone purchasing one of these condos? If we can speak to how the buildings were constructed and put a little bit more dialogue to them, it doesn't take a ton of time but it does provide a much higher quality product."

Sandy VanRiper is a new condo owner. After retiring, she and her husband were the first to sleep in their new condo building in Edmonton two years ago. However, there are ongoing issues with the developer that have made their new home a bit of a nightmare. The building doesn't yet have enough owners to have a board made up of them. The developer did not sell enough units and ended up registering a company that bought up the existing units to rent out. As the developer owns the most unit factors, this means he and his associates were able to elect themselves as the board of directors at the AGM in the summer of 2019.

"After the AGM, they agreed to let some of us owners talk with the property manager about common property building deficiencies and if they're ever going to be rectified," VanRiper says. "That just barely happened. This guy has ducked and dived and cancelled meetings and we have no recourse."

VanRiper says the owners love their building, but they have not seen a budget and are not paying into a reserve fund study. The owners have problems in common areas they'd like dealt



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with, and as there is one year to have problems looked at under New Home Warranty, that time has come and gone with the developer not having to deal with anything the owners have requested. Willis has also noted this problem in new builds. “I think one of the challenges is the dovetailing between the Condominium Property Act and the New Home Buyer Protection Act (NHBPA) can be improved. Because what we’ve got right now is a circumstance where a developer’s interim board can be the one controlling the affairs of the corporation while the one-year workmanship and materials warranty runs. And then you’re put in a position where you’re asking a developer-appointed board to report the developer for negligent construction and that’s impractical.”

Alberta’s Ministry of Municipal Affairs oversees the BAR and was recently in consultation with stakeholders regarding its efficiency to date. As Willis points out, one of the challenges is that there’s legislation that applies under the NHBPA, Insurance Act, Condominium Property Act, and Condominium Regulations.

As well as warranty documents that call for a distinction between a deficiency and a defect. It can turn into a lot of paper-trailing and responsibility-shifting when deficiencies do arise as there are multiple pieces of legislation from different departments that all apply and make everything very difficult and complex.

A model that might be worth looking at is Ontario’s. Tudor works in both Alberta and Ontario and says a lot of the guiding legislation in Alberta came from the Ontario model. Ontario has what’s called a performance audit which is the same idea as a BAR, however it’s the board’s responsibility to engage this within the first year after turnover. That means there’s more incentive to find the deficiencies and make them part of a warrantable claim rather than making sure everything is wrapped up on the developer’s end. Many consultants in Alberta are providing technical audits, for example, of the stucco or the roof, but generally owners are undertaking these technical audits of the entire building after construction. These audits are extra work beyond the BAR and are paid for by the condominium corporation rather than the developer.

“It is essentially the board taking on the non-legislative role of doing a technical audit that looks like the performance audit in Ontario. A deficiencies list created for warrant claim and negotiating purposes with the developer,” says Tudor. “Because boards now feel that’s in their best interest to protect their investment, it feels like we’re duplicating work here because boards are not necessarily trusting the BAR that’s provided. Furthermore, there’s no real mechanism to ensure the BAR is provided to the first non-interim board so that they can act.”

It seems to be the standard industry response that the BAR is necessary and should stay, but all agree changes do need to be made.

“A stronger BAR, a more in-depth BAR, would ideally serve to protect both the future owners as well as the developer; more defects could be caught early and corrected before they are hidden and may avoid lawsuits or insurance claims later on,” Tudor says.

“I think I would like to see the BAR continue with some additional detailing on what ought to be included,” Willis says. “So an area for discussion is maybe we can separate the BAR into its components to the extent that they’re able. For example, mechanical does mechanical, that sort of thing.”

The BAR is fundamentally necessary to protect both ends of development—builders and owners—and any changes proposed need to address both parties equally.

Rebecca Medel is an award winning freelance writer and regular contributor to our magazine.

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ON BOARD



WHAT'S UP DOC? AN UPDATE ON CONDOMINIUM DOCUMENTS

BY CARRIE PLETT

Your condominium corporation's documents are a record of the business activities of your condominium and serve to provide information for owners, board members, legal counsel, mortgage companies and prospective purchasers.

Documents may be used in litigation for and against the corporation. It is important for the board of directors to ensure their documents are up to date and that they are following the requirements of the CPA and the Regulations which came into force January 1, 2020.

Documents may now be requested by an owner, purchaser, mortgagee or the solicitor of an owner, purchaser or mortgagee. Owners may make copies of any documents obtained and provide them to other parties. This is important for board members to be aware of as your condominium's documents can be reviewed by various professionals, especially during the sale of a Unit.

Documents Provided Upon Written Request

Two of the most important documents that a condominium corporation must prepare are the Estoppel Certificate and the Information Statement. These documents provide information about the condominium corporation and the unit's financial obligation to the corporation at a specific date. They must be up to date and current when prepared.

Estoppel Certificate (section 43.2 CPA) - this document confirms the financial obligation of the unit to the corporation including when the amount and when condominium fees are payable

(monthly/yearly), the amount of any arrears and amount of interest on any unpaid contribution.

Information Statement (section 20.52 Regulations) - many of the requirements have not changed and the following have been added:

- Actions against the corporation including the amount claimed.
- Loans – details of the loan including starting and current balance, interest rate, monthly payment, amortization period, default information and the purpose of the loan.

Best Practice: Boards and condominium managers need to ensure that information provided on both the Estoppel Certificate and the Information Statement are correct.

Other changes to documents upon written request include:

- Particulars of subsisting and prior management agreements.
- Annual financial statements (as opposed to most recent financial statements).
- Approved minutes of all general meetings or draft minutes if not yet approved (for meetings at least 30 days prior).
- Approved Board meeting minutes.



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Best Practice: Board members and condominium managers should ensure that all motions are properly recorded and noted as carried or defeated. It is also recommended that board members ensure there is flow throughout the meeting minutes. If an item spans several months to complete, ensure that the resolution to the issue is noted in the minutes of the month following the completion.

- Copy of consolidated rules made by the corporation (the government has given boards until March 31, 2020 to prepare and provide a list of the rules to Owners).
- Text of any ordinary or special resolutions voted on by the corporation and the results of the vote (unless show of hands).
- Copies of any reports by professionals (e.g. engineering reports, building assessment reports and others) unless the report has been requested by legal counsel for actual or contemplated litigation.
- Copies of insurance certificate and policies.
- Current Standard Insurable Unit Description. This is a new document required to be registered at land titles. This document should be completed and brought to the next AGM for owner approval. It can be registered at land titles prior to the AGM.
- Copies of reserve fund plans, reports and annual reports.

Best Practice: If a board determines they are following the study as their plan, they should ensure a proper motion is made and carried at a board meeting and that a copy of the plan spreadsheet is available (boards may want to attach it to the minutes).

Documents Provided with Specific Time Frames Noted

The Annual General Meeting minutes must now be provided in draft format to the owners (and mortgagees who have provided notice) within 60 days of the AGM. The draft minutes must include the results of any votes that took place and the number of votes that each board candidate received during the election part of the meeting. If there was a special resolution voted on, the minutes must include the number of persons entitled to vote and the unit factors voted for and against the resolution.

The annual budget must now be out to the owners/mortgagees no less than 30 days prior to the fiscal year end. If adjustments are made to the budget throughout the fiscal year, the revised budget must be sent out to the owners/mortgagees as soon as possible.

Fees for Documents and Document Retention

The Regulations have also addressed the maximum fees that can be charged for providing documents (corporations may charge less than the mandated maximum fee). Traditionally this has been a contentious topic due to the prices that were being charged by various providers of condominium documents. The fee structure is now set with flat rates for documents and rush fees. Fees apply whether documents are provided in electronic or hard copy format.

Regular Fees

- Estoppel Certificate: \$200.00
- Information Statement: \$100.00
- Other documents: \$10.00 or \$0.25/page for documents in hard copy over 40 pages. PLEASE NOTE - Board minutes

compiled for a particular fiscal year are considered to be one single document. You cannot charge for each set of minutes separately.

Rush Fees – Additional charge over and above the regular fee for documents provided within 3 days (excluding holidays)

Estoppel Certificate: \$100.00

Information Statement: \$50.00

Other documents: \$20.00

Best Practice: In order to save both the owners and corporation time and money, it is recommended that you have owners sign up for electronic service of documents. Having a website with documents being readily available for your owners can be helpful.

Until January 2020, there was no set timeline for keeping copies of documents. We now have a complete list of documents and the time frame that the board must keep copies of the documents (Schedule 3 Regulations - download available from the CCI Resource Centre). Documents may be kept electronically, provided that they are complete, legible and capable of being reproduced if necessary.

So What Should Each Board Be Doing Now?

Take inventory of your documents, and compare it to Schedule 3 of the Regulations. Make a list of missing documents and organize those that you do have so they are easily accessible should you require them.

Best Practice: Keeping a copy of your list of missing documents on file will save time in the future. Boards may want to consider adding the list of missing documents to their minutes (makes it less likely to lose the list).

Carrie Plett is the owner of CP Documents and Consulting Services and currently is a Board Director at CCI North Alberta.



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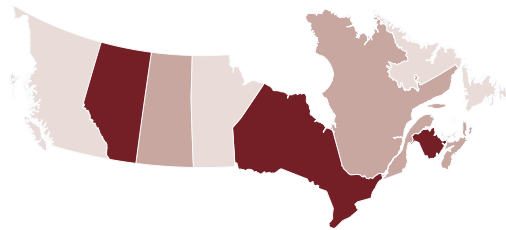
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CONDOMINIUM CORPORATION NO. 042 5177 V. KUZIO (ALBERTA COURT OF QUEEN'S BENCH) OCTOBER 21, 2019

21/10/2019 – Jurisdiction Alberta

Part 68 published on 01/12/2019

Court grants interim injunction to prohibit short-term occupancies

The by-laws or the condominium corporation said that the residential units could be used only as single-family residences and not for commercial purposes. The Respondents were permitting members of the public to occupy their units on a short-term basis. The condominium corporation claimed that this contravened the by-laws, and applied for an order prohibiting these occupancies.

In the meantime, the corporation applied for an interim injunction (to prohibit short-term occupancies), pending the hearing on the main application. The Court granted the interim injunction. The Court held that the condominium corporation had “very strong arguments” and therefore would likely succeed on the main application. The Court also held that failing to enforce the corporation’s by-laws, even on a temporary basis, would cause irreparable harm.

Among other things, the Court said:

In my opinion, the Corporation has a strong argument that Customers are not Tenants within the meaning of the Bylaws. Under s. 32(7) of (the Condominium Property Act), the Act prevails over the Bylaws and therefore must be read with the Bylaws. The Act contains elaborate provisions respecting the rental of units (s. 53) and corporation remedies respecting tenants (ss. 54 -56). Because of the fleeting duration of Customers’ stays, the remedial provisions of the Act could not practically apply respecting Customers’ occupancy. Moreover, the evidence did not disclose that the Respondents complied with s. 53(1) (notice to the Corporation).

If the Bylaws had the effect of prohibiting or restricting “leases” or “dealings” with units as contemplated by s. 32(5) (of the Condominium Property Act), those bylaws would be ineffective.

The nature of the occupancy of units by Customers, in my view, strongly supports the characterization of the arrangement with the Respondents as being a licence only. Customers occupy the premises only briefly. They do not take on the trappings of tenants under the Act or Bylaws. Their occupation is like that of a person who stays in a hotel room. Rather than understanding the relationship as being a very short lease, the relationship is better understood as being a very short stay in the functional equivalent of a very small hotel.

I find that the Corporation has a strong argument that the Respondents’ arrangements with Customers result in licences, not leases.

Subsection 32(5) precludes a bylaw from prohibiting or restricting not only devolution, transfer, lease, or mortgage of units, but also “other dealing” with units. Do short-term licences fall within “other dealing” in s. 32(5)?

The Respondents do have an argument that a licence relating to a unit is a “dealing” relating to a unit, and so is protected from bylaw



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interference under s. 32(5). The term “other dealing” is very broad. If that term were found alone in s. 32(5), its extension to the licencing of units would be difficult to resist.

However, the words “other dealing” do not exist alone in s. 32(5). These words follow a list of terms – devolution, transfer, lease, mortgage. As a matter of statutory interpretation, the broad words “other dealing” must be understood in light of the words that precede it. This is an example of the “limited class” or *ejusdem generis* maxim of interpretation.

In my opinion, the Corporation has a strong argument that the limited class rule applies and “other dealing” must be interpreted to refer to a real property transaction, not contractual arrangements that may have a bearing on the use of property. Hence, licencing arrangements are not included in “other dealing.”

And hence, the Corporation has a strong argument that s. 32(5) does not invalidate the pertinent bylaws.

In my opinion, the Corporation’s case for the Respondents being in violation of valid bylaws is strong. The Corporation is likely to prevail in subsequent proceedings.

THE OWNERS CONDOMINIUM CORPORATION NO. 0211096 V. CLAYTON (ALBERTA COURT OF QUEEN’S BENCH) NOVEMBER 15, 2019

15/11/2019 – Jurisdiction Alberta
Part 68 published on 01/12/2019

Owner ordered to remove dog

The by-laws of the condominium corporation stated that animals could only be permitted on the property with the Board’s consent (which could be arbitrarily withheld). The corporation subsequently adopted a policy prohibiting all dogs, subject to grandfathering of existing dogs. The grandfathering could not be “transferred” to a new dog when a grandfathered dog passed away.

The owner had a grandfathered dog and, when that dog passed away, acquired a new dog (after the implementation of the “no dogs” policy).

The Court held that the new dog was in violation of the policy and ordered that the dog be removed from the property by a stated deadline. The Court said:

This is not a case of the board of the Condominium Corporation taking a casual approach to the enforcement of its rules and regulations, or unreasonably enforcing them. It is a case of a couple who misunderstood the rules and in the throes of personal tragedy, purchased a new dog without getting the requisite approval of the board, or registering the dog.

The dog also did not have a service dog designation, and accordingly was not entitled to remain as a support dog under the *Services Dog Act*. However, the Court said that the owner was “at liberty to pursue designation of their dog as a service dog and submit it to the board for its consideration”.

BRASSEUR V. YORK CONDOMINIUM CORP. NO. 50 (ONTARIO SUPERIOR COURT) JULY 4, 2019

04/07/2019 – Jurisdiction Ontario
Part 67 published on 01/09/2019

Condominium corporation failed to meet its repair and maintenance obligations and was responsible to remediate mould in the Applicant’s unit

Mould was found in the owner’s unit. The owner and the condominium corporation disagreed about the cause of the mould. The owner asserted that the mould was the result of inadequate repair or maintenance of the common elements. The corporation asserted that the mould was the result of the owner’s lifestyle. It appears that the corporation ultimately took reasonable steps to prevent the growth of mould. The corporation also attended to the mould remediation (with the owner’s agreement) on a without prejudice basis (the corporation reserving its right to argue that the owner was responsible for the cost of the mould remediation).

The Court held that the mould was attributable to weaknesses in the common elements and in the design of the building. The Court held that the owner’s lifestyle was not a significant cause of the mould. The Court also held that the corporation had failed to take reasonable steps to resolve the problem with reasonable haste. The Court said:

I too understand that YCC 50 had to take into consideration other financial concerns and had to balance competing needs and priorities. That said, for the reasons given above, I have concluded (that) YCC 50’s overall approach to the mould problem was not reasonable. Thus, I find that YCC 50 has violated their duties as found in s. 90 of the (Condominium Act, 1998).

The Court accordingly held that YCC 50 was responsible for the mould remediation. However, the Court held that the condominium corporation’s conduct was not oppressive (and accordingly dismissed the owner’s claims of oppression). The Court said:

While YCC 50’s response was not a model of responsiveness at all times, I find that Ms. Brasseur has not proven that their conduct amounted to oppression, unfair prejudice, or unfair disregard of the Ms. Brasseur’s interest. In so finding, I must look at the whole of the history and all of the circumstances.

YCC 50 needed time to investigate. It did retain and hire more than one expert. It retained and hired contractors. It met with the Brasseurs. It has ultimately remediated the mould albeit on a without prejudice basis. The Brasseurs have criticized the “band aid” approach of YCC 50. I do not agree. YCC 50 did not have to immediately go with the most comprehensive and expensive option to remediate. It was entitled to take a more graduated, cost-conscious, and hopefully adequately effective option to solve the problem. In addition, one cannot go back in time with the benefit of hindsight. Mould and its reoccurrence can be a complex issue. As it was in this case. It was not a result of a flood or a leaking roof. The reasons for it are multi-faceted and not easy to sort out. The gravity of the situation may not have been immediately appreciated. Hence the need for investigation and expert advice. Also, even when appreciated, experts and contractors are not always immediately available at the drop of a hat. Even when retained, some, like Spectrum in this case, may not work out. There may be honest and reasonable differences of opinion that needs to be sorted out. Even though I am confident no one truly wanted it, this judicial proceeding had to be resorted to work out the differences.

That said, of course, I appreciate that things got delayed. But I do not find that YCC 50 was deliberately dragging its feet.

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G & J Construction Group LP	Grant Wall	(780) 454-0700	services@gjconstruction.ca
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J and J Coatings - Parging Experts	Jeff MacLeod	(780) 709-7499	info@parge.ca
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Paneless Window Washing Inc.	Matthew Stewart	(780) 707-8385	contact@panelesswindow.com
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INSURANCE			
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