

CANADIAN CONDOMINIUM INSTITUTE
NORTH ALBERTA CHAPTER

INSITE TO CONDOS

THIS ISSUE:

The Long and Winding Road: Advocacy for Alberta's Condominium Community

On Board: Prompt Payment Legislation: The Time Has Come

Broker reminder: Renewals start soon & reporting brokerage changes to RECA

VOL. 37, ISSUE 4 - SUMMER 2022

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

Chairperson/Education Co-Chair

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

President/Government Advocacy Co-Chair

Anand Sharma - 113 West Management Ltd.
P: 780-784-3003 E: anand@113west.ca

1st Vice President/Membership Chair

Hamish Farmer - BFL CANADA Insurance Services
P: 780-229-3780 E: hfarmer@bflcanada.ca

2nd Vice President/Communications Chair

Steven DeLuca - EXP
P: 780-203-8605 E: steven.deluca@exp.com

Treasurer

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

Secretary

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

Directors

Amber Nickel - Willis Law
P: 780-809-1888 E: anickel@willislaw.ca

Bereket Alazar - Morrison Hershfield
P: 587-594-4599 E: balazar@morrisonhershfield.com

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

Cody Hodson - Off the Ledge
P: 587-873-2020 E: cody@offtheledge.ca

Jayson Wood - Complete Care Restoration
P: 780-370-8997 E: jayson@completecarrerestoration.ca

Jeremy Dalgliesh - Converge Condo Management
P: 587-920-3550 E: jeremy@convergecondo.com

Kim Clayton
P: 780-263-3087 E: kimc5140@gmail.com

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

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

Executive Director

Amanda Henry - CCI NAB

Administrative and Communications Coordinator

Beverley Thornton - CCI NAB

Education Coordinator

Raffaella Loro - CCI NAB

HOW TO CONTACT US

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

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CO-EDITORS

Amanda Henry, Beverley Thornton, Raffaella Loro

PRODUCTION MANAGER

Minuteman Press Central

COVER ILLUSTRATION

Mike Kendrick

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MESSAGE FROM THE PRESIDENT

BY ANAND SHARMA

WELCOME TO THE SUMMER EDITION OF THE INSIDE TO CONDOS MAGAZINE

Our new membership year is upon us. This is always an exciting time of year for our chapter as we have an opportunity to reconnect with you all and grow our membership.

Your membership and participation in our organization is vital to CCI North Alberta's success. Your membership support allows us to provide a better educational experience as well as provide courses and seminars in new ways and on new topics. We are bringing back a strong focus on in-person courses, continuing to offer webinars, and unveiling updates to many of our signature education courses. It's going to be an exciting year, and we rely on your support to make it happen.

Support through membership fees also allows us to advocate for the community more effectively by allowing us to engage the public through campaigns and events. The more united we are, the more effective our efforts are in political advocacy. We saw the power of our membership through our recent advocacy on insurance, which ultimately brought some relief through the introduction of best terms pricing to the Alberta market. With Bill 19 still up for debate in the Legislature, it's as important as ever that we have the support to be a strong advocate for condominium issues.

If you know others who may be interested in joining, please let our office know and we are happy to reach out. The membership experience is our focus, and I invite you to share ideas and thoughts to allow us to better serve you.

We are already hard at work putting together an education calendar for 2022-23. We will have a mix of in-person and online education sessions this year. Keep an eye out for CM 100-200-300, an updated Condo Board Basics, and a number of hot topic sessions. For condominium corporations, if you are a member, your owners are members too, and can access the member discount rate.

By the time this issue hits your inbox we will have wrapped up the Alberta Condo Expo 2022. Stay tuned for a recap in our Fall issue. I am very excited that we have been able to bring back the Expo in a hybrid format.

Registration is open for our annual Golf Tournament happening on August 26. Tickets are selling fast! I am looking forward to seeing all of you on the course.

There are a few significant updates on the rollout of condominium management licensing.

RECA has a new Chair of the Board. Patricia McLeod stepped down earlier this spring and the Deputy Minister of Service Alberta, David James, is the interim chair until a new permanent chair can be appointed. Thank you to Patricia for her service.

On June 10, 2022, the Residential Property Management Industry Council of RECA (which is responsible for condominium

management) released some changes to how the condominium management licensing is rolling out.

RECA's Residential Property Manager Industry Council will now allow conditional condominium manager associate licensees the opportunity to extend the deadline to complete their licensing courses to March 31, 2023. For RECA to grant the course completion extension, associate licensees must be registered in their course(s) prior to the original course completion deadline of November 30, 2022.

Condominium manager associate licensees may also request an extension to the 90-day timeframe for taking an exam after completing a course. This extension applies to both the *Fundamentals of Condominium Management* and *Practice of Condominium Management* exams.

In addition, learners now have three opportunities to rewrite the *Practice of Condominium Management* exam, if necessary, free of charge. The cost of the initial exam will remain the same at \$235, however learners will now receive three free rewrites before they must re-enrol to take the Practice of Condominium Management course again.

Please check RECA's website for additional information about these announcements. These changes are a direct result of feedback received by RECA from the condominium community.

Volunteer with us! We have a number of openings on CCI North Alberta committees. Committees do vital work for our chapter on everything from planning our education calendar and major events, engaging with members and working hard behind the scenes on communications. We would love to see some new faces who care about the condominium community and want to help us provide top quality education, events and services. Most of our committees are still meeting by video conference, so it is possible to contribute no matter where you are in Alberta. Please get in touch with us if you would like to learn more (info@ccinorthalberta.com, 780-453-9004).

Thank you all for your continued support.

Anand Sharma
President, CCI North Alberta



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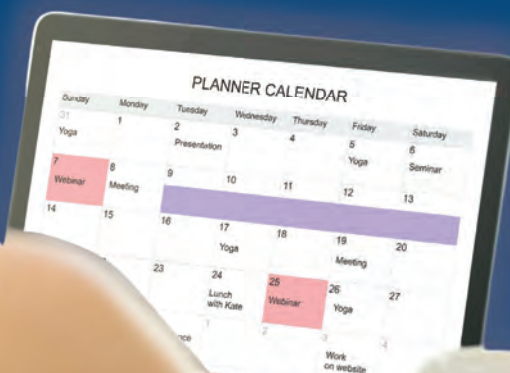
PRIVACY RIGHTS: CONSIDERATIONS IN CONDOMINIUMS September 21, 2022

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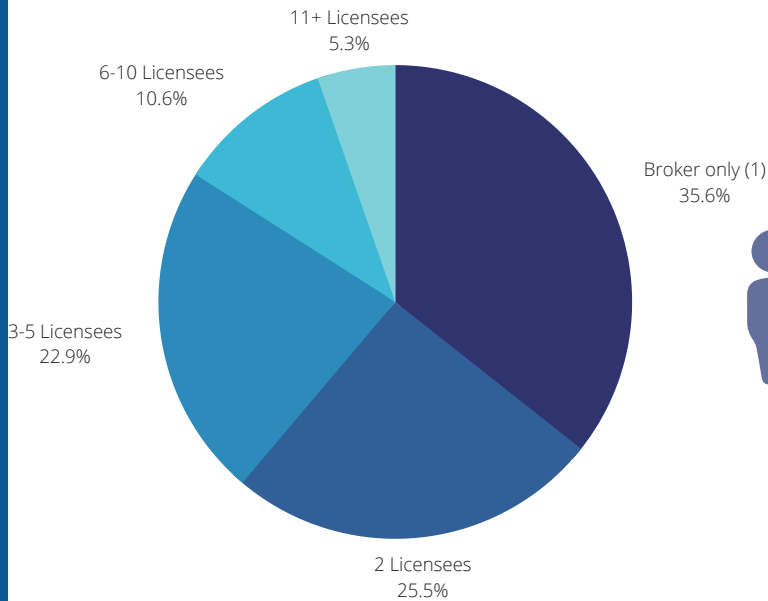
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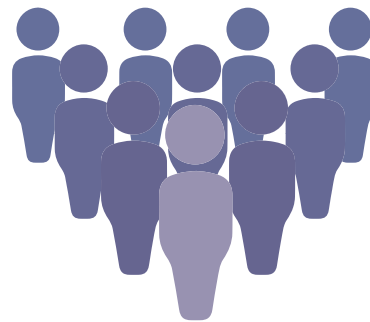


Snapshot of Alberta's Condominium Management Industry

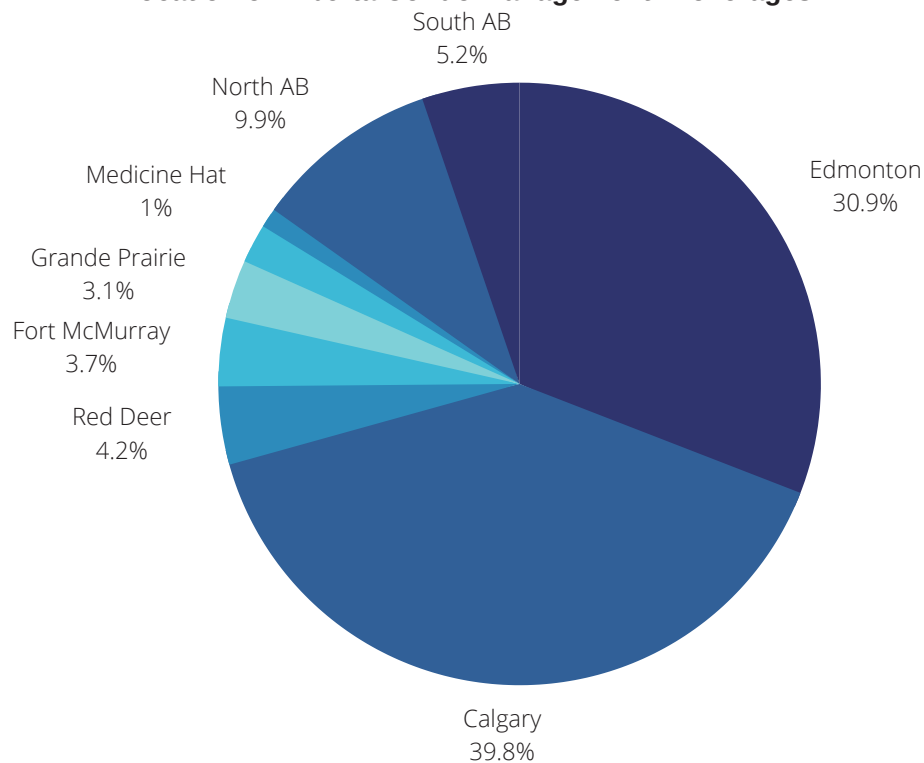
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MEET THE BOARD

CODY HODSON

Cody Hodson is one of the owners of Off the Ledge, an Edmonton based window cleaning and building services company. Cody joined the Board of Directors of CCI North Alberta at our 2021 AGM.

This interview has been edited for length.

You co-founded and operate a professional exterior maintenance service company specializing in window cleaning, eavestrough cleaning, and pressure cleaning. What is the most important thing for a condominium corporation to know?

With being a seasonal company, we have a very short period of time to schedule in as many jobs as possible. May and June are always the most desired months for condominiums corporations to schedule services since this is when street and parking lot sweeping is completed. By booking services two to three months in advance (February to March), or by signing up for a two to three year fixed price agreement, this will help ensure we can schedule the requested service for the desired day or week (ideally right after the parking lot sweeping has been completed).

With owning a seasonal company focused around spring, summer, and fall, what do you do in the winter?

In my early 20s I pursued secondary education during the winter months and attained a Bachelor of Commerce Degree from the University of Alberta, along with a Personal Fitness Trainer Diploma from NAIT. I also did a fair bit of travelling and spent about 6 winters overseas chasing the sun. Once I hit my early 30s I decided to dedicate the winters to really focusing on Off The Ledge by developing client relations, strengthening our extensive safety program, and streamlining operations. I was also fortunate enough to become an elected board member for the CCI and have since dedicated my time and effort to this amazing organization.

How tall is the tallest building you've ever worked on? How do you deal with being that far off the ground?

I performed work on the Marriot Tower during its construction. This tower is 630 ft tall and was the 40th tallest tower in Canada in 2019. Honestly, I love heights and working off ropes. It's a surreal experience being that high off the ground and I'm lucky because I really do get to experience some of the best views in the city. I think a lot of being comfortable at heights is trusting your equipment, skills, and knowledge. Every system we use has a back-up and all of our rope access technicians are IRATA trained and certified. We are all capable of performing self-rescues and assisted-rescues so this really helps with peace of mind. Everyone always says "don't look down" but hey, if you're not looking down, you're missing out on half of the experience!

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

Honestly, it would have to be my grandfather, my mom's dad. He passed away before I was born so I never got the chance to meet him. From all the stories I heard about him, he was quite the character.

What is the best advice you've ever received?

Go travelling. During university I ended up taking a semester off to go travelling. After a couple months of making my way down from the UK to Morocco, I was hooked. I immediately signed up for the exchange program at the University of Alberta and spent the next year living abroad in Wales. From then on, my life has never been the same. I believe travelling is one of the best things a young adult can do. It's eye opening to see the world from a different perspective, to experience different cultures, different ways of life, and to force yourself outside of your comfort zone. As you get older travelling so openly becomes harder and harder and I'm incredibly grateful I had the opportunity to explore the world and have some crazy experiences.

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MEET THE BOARD

HAMISH FARMER

Hamish Farmer is a Vice-President, Client Executive – Real Estate Division with BFL Canada. He joined the board of CCI North Alberta at our 2021 AGM..

This interview has been edited for length.

What got you into a career in insurance?

A friend loved his job as an insurance broker and after university I made a career switch.

We understand you're an avid golfer. What do you like about the game?

You're outside, it's social and I'll never master it.

What sets the condo insurance market apart from other kinds of residential real estate insurance?

The Act, the Act, the Act!. It's fascinating that the government is so involved...

What was your first job?

Busperson in a restaurant. Everyone should work in the hospitality industry for at least one job.

If you didn't have to sleep, what would you do with the extra time?

Run and ride my bike more.

Dogs or cats?

Dogs.

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

Nelson Mandela

What advice would you give your younger self?

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GOVERNMENT ADVOCACY REPORT

Dear Members,

We have a number of updates on the government advocacy front. The Condominium Property Act is once again in front of the Legislature for amendment and there are a number of other regulatory and legislative changes in the works that will impact condominiums.

BILL 19

The first few months of 2022 were very busy as we worked with the provincial government to develop amendments to the Condominium Property Act to address some concerns that CCI North Alberta and other stakeholders have raised. After extensive and productive consultations with stakeholders, the Government of Alberta introduced a series of amendments to the Condominium Property Act including:

- Streamlining the requirements for voting which will improve owners' ability to participate in the governance of their condominiums and will help keep administrative costs down.
- Clarifications on chargebacks to ensure the legislation works as intended when it comes to accountability for unexpected costs or damages in condominiums
- New clarity on the requirements for assessments of converted buildings
- Other changes meant to streamline the Act and improve clarity

CCI North Alberta along with other condominium stakeholders have been advocating for these changes for several years, especially the amendments that will, if passed, streamline voting and clarify the requirements for chargebacks. We also continue our advocacy for a mechanism to protect Owners from reckless claims of chargebacks.

While we were very pleased to see the government respond to our advocacy efforts by bringing these changes forward, we are disappointed that Bill 19 did not pass before the legislature wrapped up the spring sitting. We now have to wait until the fall sitting to see if Bill 19 passes when the legislature resumes. The fall sitting is currently scheduled to begin on October 31, 2022. Nothing changes for condominiums while we wait. The Condominium Property Act as it existed before Bill 19 was introduced continues to be in force.

We will be meeting with Service Alberta this summer to participate in developing the regulations so that, should Bill 19 pass, we can move quickly towards having it proclaimed.

We will also be advocating to the provincial government on the need to press forward with the long-awaited condominium dispute resolution tribunal.

CONDOMINIUM MANAGER LICENSING AND RECA

CCI's efforts on condominium management licensing rollout have been focused on our work as a member of the Alberta Condominium Management Education Consortium (ACMEC) to ensure that condominium managers have timely access to pre-licensing education. We have also been gathering input on how condominium management licensing is unfolding.

We continue to hear concerns from our members about the rollout of licensing in a number of areas. We will be requesting meetings with RECA to discuss these issues. Of particular concern are the concern that the competency framework for condominium management does not adequately reflect the practical reality of the condominium management profession, and concerns about the connection between pre-licensing exams and expertise in condominium management. We are concerned that these issues could negatively impact not only condominium managers, but access to condominium management services for condominium corporations.

RECA is in the process of updating their strategic plan and consulting with stakeholders. We have provided input throughout their consultation process. Overall the shifts that RECA is exploring in its strategic focus are promising. We are advocating for explicit recognition of the diversity of real estate and property management professions including condominium management and for a strong focus on the unique needs of consumers when they are interacting with condominium managers.

PROMPT PAYMENT LEGISLATION IS COMING

The new Builder's Lien (Prompt Payment) Amendment Act will be coming into force and be renamed the Prompt Payment and Construction Lien Act (PPCLA). The new legislation comes into force on August 29, 2022. This legislation will have a significant impact on condominium construction and restoration projects.

Government Advocacy Committee member Amber Nickel has been hard at work behind the scenes on this initiative since well before the legislation was introduced. She participated in consultations on behalf of CCI North Alberta. Check out her latest update in this issue.

NEW HOME BUYER PROTECTION LEGISLATION

Municipal Affairs is undertaking a review of the New Home Buyer legislation. CCI North Alberta attended a stakeholder session in late June and provided input to help ensure that condominium perspectives are represented.

Our position is that Owners paid for a new condominium and paid to have it built correctly from the outset. We are advocating for greater consideration of multi-family concerns within warranty coverage. The concerns affect townhouse, apartment, duplex and other styles of condominium.

Our feedback included:

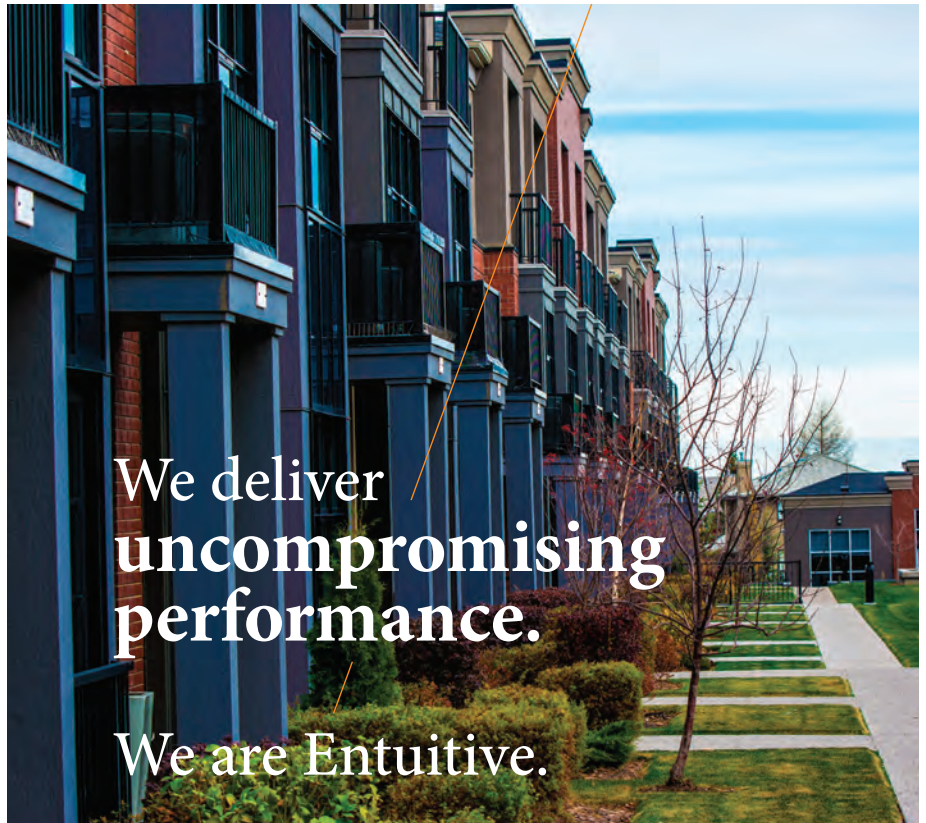
- Identifying that it is condominium owners who bear the financial and other consequences if there are defects which are not covered under the policy, or if the developer fails to complete the work.
- Pressure on developers to finish all work related to the development to avoid incomplete work can be used as an exclusion to warranty coverage.
- Supporting publication of reporting details on number of claims made, nature of the claims made and developer names. This will assist consumers in identifying developers who are struggling to provide homes free of defects
- Request to modernize the Construction Performance Guide published by the government for warranty claims and support the creation of a condominium specific Construction Performance Guide
- Supporting requests for a more clear process to resolve disputes, including a roster of potential umpires with training and expertise in multi-family sites
- Request to revisit the start date of when a common property warranty begins. The warranty on common property begins at the first arm's length sale in a phase or building. There are circumstances where the 1 year common property warranty has expired before some purchasers have even purchased their unit

We will provide additional feedback to the government this summer to help protect Owners and Corporations as we try to effect change for condominiums in the New Home Warranty regimes.

Once again thank you to our volunteer committee of condominium lawyers, Victoria Archer (Gledhill Larocque), Amber Nickel (Willis Law), Todd Shipley (Reynolds Mirth Richards & Farmer), as well as Dawn Mitchell with HUB International and Jeremy Dalgliesh with Converge Condo Management for their ongoing work and dedication.

We would like to thank everyone who burned the midnight oil on Bill 19 - our team dedicated many hours to consultations in the lead up to the legislation's introduction. We would like to thank Victoria Archer in particular for the many hours she spent working on Bill 19 with Hugh on top of all of the other invaluable contributions she makes to our chapter and the condominium community as a whole.

Anand Sharma & Hugh Willis
Co-Chairs – Government Advocacy Committee



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THE LONG AND WINDING ROAD: ADVOCACY FOR ALBERTA'S CONDOMINIUM COMMUNITY

BY ANAND SHARMA AND AMANDA HENRY CCI NORTH ALBERTA

Anand is President of CCI North Alberta and the Co-Chair of the Government Advocacy Committee. Amanda is the Executive Director of CCI North Alberta.

Change isn't easy, and nowhere is that more true than when amending legislation and regulations.

But it's critically important that legislation keep pace with the needs of the people it serves, which is why advocacy is a critically important part of the work that CCI chapters do across Canada for the condominium community.

It has been a very busy few years in Alberta's condominium landscape, and it is showing no signs of slowing any time soon. CCI North Alberta is committed to continuing to advocate for our members and share some tips that will hopefully help you as condominium owners.

WHY ADVOCACY MATTERS

Condominiums have their own legislation which is distinct from other kinds of housing. People who do not have experience living condo life or serving on a condo board don't always have a good handle on the unique nature of how condominiums are regulated and how that affects condo life. As a stakeholder organization, we help to raise the condo IQ of both our members and members of the public, including elected officials and policy decision makers.

In Alberta, we have seen a lot of changes to condominium legislation in the past 5 years. We have seen the introduction of a number of measures meant to address insurance pressure in the condominium market including Standard Insurable Unit Descriptions (SIUDs), deductible chargebacks and Best Terms Pricing. Considering the pandemic, condominium corporations were given additional responsibilities around holding virtual, telephonic, and hybrid AGMs.

It is important for condominium stakeholders like CCI to be at the table when legislation is being amended. Our members have lived experience, industry expertise, and legal insights that are specialized in condominium.

ADVOCACY AT CCI NORTH ALBERTA

Our chapter has historically been quite active in this area. In the late 1990s we participated in the 2000 revision of the *Condominium Property Act*. This was a significant modernization of the Act and had big implications for condominium owners, corporations, and service providers.

In 2013 the provincial government opened the Act again, with significant changes that were not overly helpful in addressing complex issues like chargebacks, voting, and clarity around reserve fund studies. CCI North Alberta took a strong stance against the introduction of *Bill 9, Condominium Property Amendment Act*, that was viewed as problematic by condominium community members. We worked with the Wildrose and NDP opposition to propose 14 amendments to it. One amendment actually was approved on the floor of the Legislature, a rarity in Alberta politics. CCI North Alberta was front and center in the opposition to the Act changes, including the lead story on most major news networks. This was a victory for condominium dwellers but strained the chapter's relationship with the governing Progressive Conservative Party. It was an important lesson for us as a chapter - while going to bat to get amendments introduced was important given the many problems with the proposed legislation, it would have been helpful for us to be consulted well before any changes even made it to the Legislature for debate.

In 2015, a new provincial government was elected and CCI North Alberta decided to focus on working proactively with the government to deepen their understanding of the unique issues that affect the condominium community. The legislation and regulations both saw significant revision under the NDP government - the biggest change we had seen in condominium legislation in almost 20 years. We were very active in working with the provincial government and engaging our members to make sure we were heard. We ran a postcard campaign urging the government to make amendments that ensured accountability for condominium chargebacks.

That campaign was successful in getting the government to pay attention to the issue, largely thanks to the huge participation of CCI North Alberta members. It took a couple more tries to get the legislation right, but we did successfully get the government to focus on how important this issue is.



In 2019, Alberta again elected a new provincial government. One of the first things the UCP government did was pause some of the changes the NDP had proposed to condominium regulations and start a new round of public consultation. CCI North Alberta was again at the table to keep the perspective of our members front and center for government. Our efforts alongside direct advocacy from condo owners helped get some changes to the proposed regulations that would save time and money for both condominium owners and corporations, such as changes to AGM notice and package requirements.

During this whole period, we were also working on another big project: the path to condominium management licensing. We are now at the implementation stage of licensing, and if anything, the advocacy work has become more complex as we see how licensing is unfolding and what the condominium community needs the Real Estate Council of Alberta (RECA) to focus on to ensure this process is successful.

CCI North Alberta's advocacy is non-partisan. We do not ally with any political party, but instead work to build respectful, productive relationships with elected officials of all political stripes. We also work to build bridges and relationships with staff in the civil service and at the regulator responsible for condominium management to ensure that we can bring the concerns of our members forward.

HOW DOES ADVOCACY WORK?

1) Research

When working with the government to push for a change in their perspective, it's crucial to be well-researched. For our chapter, that means we need a group of experts to lean on to help formulate positions and have a researched and well thought out position. When it comes to condominium, this involves everything from understanding the Condominium Property Act and relevant case law to building operations to insurance issues to board and owner perspectives. Gathering this information involves a lot of hard work and leaning into established relationships in the industry. Being a national organization is a significant advantage for us when it comes to research as it means we have access to cross jurisdictional information and insights and advice from other provinces. We share updates with our members through this magazine, through our document library, and on social media, both to keep you up to date on our work and to help with your own research and knowledge.

We also invest a lot of energy into research on what our own members think. We gather this input through surveys, conversations, events, and again by leaning into relationships in the community. For example, to support and inform our advocacy on insurance, we

- Established a working group with representatives from both Alberta chapters of CCI, other condominium associations, and from insurance experts, lawyers, owners, board members, and managers.
- Surveyed Alberta condominium corporations - twice - about trends and issues they were seeing in insurance
- Hosted a series of virtual town halls in 2021 to share what we were hearing and ask for more input on what needs to change
- Investigated insurance issues and policy solutions in other Canadian jurisdictions



2) Relationships

Being able to get the right voices and information to inform our perspective is only half the battle. You also need decision makers who will listen when it comes time to tell them where you stand and what you would like them to do about it. We build relationships with decision makers in a number of ways, but what it boils down to is making time for a lot of conversations and meetings and making sure elected officials and staff don't feel like they only see us when there is a problem. We work to maintain open, two-way communication. We also try to find ways to help them solve problems from their end. We have a lot of issues we want them to address, but it helps us be seen as a valuable partner when we can step up and assist as well.

We also build relationships with other condominium stakeholder organizations. There is strength in numbers, and in having a unified voice. CCI North Alberta and CCI South Alberta work closely together on advocacy priorities, often taking the time to put together joint submissions to the government and to the regulator that now licenses condominium management. Collaboration of this nature also takes time. We have to be able to engage in dialogue and come to consensus on complex and sometimes contentious issues. This is particularly true in an organization like CCI, where we have the perspectives of owners, boards, managers, lawyers, and other businesses and industry stakeholders that support condominiums at the table.

This is as true in condominium corporations as it is when you are working with the government. Having productive relationships with other owners, board members, and between members of the board makes it easier to work together to solve problems.



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3) Responsive

It is critical to be ready and responsive to media and government inquiries on a myriad of issues and develop quick messaging to get into news cycles and assist the government formulate their own position. Being responsive helps to forge those quick connections, which builds partnerships be it with the media or the government. This involves a really big investment of time, as well clear lines of communication inside of the chapter. Volunteers on the government advocacy committee often have to make time on short notice to come to a decision on big issues: things like our feedback on what an Alberta condo dispute resolution tribunal should look like for example.

4) Celebrating your Wins (without giving up momentum)

Advocacy is a slow march to progress, with a lot of effort and curves on the way to success. When we achieve something, even if it's only part of the puzzle, it's important to take some time to celebrate and share our good news back to our members. For example, we are very pleased to see the changes in Bill 19 that clarify voting and chargebacks, but we still have more work to do to get the provincial government to implement an effective condominium dispute resolution tribunal. Celebrating success can take many forms - a press release, emailed thank yous, sometimes a gathering to toast the hard-working individuals who built research papers and attended meetings behind the scenes. Seeing the impact of this work helps us stay motivated to keep building our capacity and relationships.

WAYS TO SUPPORT ADVOCACY

None of this advocacy can happen without the support and active engagement of members of the condominium community.

- Become a member of CCI North Alberta. There is strength in numbers. Having a large membership helps us make our case to the government. It also helps us engage you on the issues that matter through surveys. Our new membership year has a July 1 start, don't forget to renew!
- Let us know what you think. There is a members only Facebook group where CCI North Alberta members can get advice and share perspectives with other members, as well as share thoughts on what you'd like to see. We also put out surveys and other engagement opportunities.
- Write to your elected representative. The tips we have shared above about research in particular will help if you are writing directly to an MLA, City Councilor or Reeve, or other elected officials. Elected officials get a lot of correspondence and are not necessarily experts in every issue, so showing them that you are informed and passionate about the issue you are writing about is important.
- Participate in public consultations (when they happen): most levels of government regularly survey citizens or host town halls about specific issues. Keep an eye out for the consultations that affect you. We will share through our newsletter when we see provincial issues that impact condominiums.

Our chapter's advocacy is built on the support and engagement of its members. We also know that condominium owners often do their own advocacy as active citizens in a democracy. We hope this article has helped shed some light on what goes on at CCI North Alberta behind the scenes, as well as some tips that you can bring into your own volunteering on behalf of not only your condo, but whatever causes you advocate for.

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OWNERS GUIDE TO CONDO LIVING

BY GERRIT ROOSENBOOM

BUYING A NEW CONDO UNIT

In the fall of 1999, we purchased our condo unit from a set of building plans and sales brochures. The sales agreement contained a tentative occupancy date of July 2000. Although construction had started, we felt that the builder was a little optimistic, so we added another 3 months to the potential occupancy date. Feeling like prudent planners, we arranged for the sale of our existing home in October. You might have guessed that our unit was not ready for another 3 months. Unfortunately for the consumer, the Home Warranty Program provided that, if the developer provides proper and timely notice, the expenses incurred to live in temporary accommodations was our burden.

Prior to taking possession, we were asked to inspect our unit. More surprises. Some cupboards were missing. Shower stall doors were not installed. The fireplace was missing, as were some door handles. The bathroom countertop was the wrong colour and the cement floor under the carpet had not been sealed as per the sales agreement. Some bathroom fixtures had not been upgraded and the microwave oven could not be installed. There were many other minor deficiencies. The slow response to fixing these in-suite items was most annoying, although the developer's priority of responding to others who were still waiting to move in was understandable. How long before all items were set right? Difficult to believe, but it was another 3 years.

Shortly after the first family moved into our building, a Steering Committee was created to guide the owners through the mountain of issues associated with the Condominium Property Act, the proposed Condo Plan, bylaws, and Home Warranty Program. Committee members immediately attended educational seminars offered by the local chapter of the Canadian Condominium Institute and then shared their knowledge with other owners at weekly info sessions. Everyone soon realized that the services of a good condo lawyer and engineering

firm would be a priority. Their advice and guidance was priceless throughout the interim occupancy period and while preparing for the registration and turnover meeting. Obtaining this knowledge at an early stage of occupancy and before the building was registered also provided another gold bar for our future owners.

Our committee had carefully studied the proposed Plan and bylaws and became aware of a number of items that would create problems for future boards. Our committee was able to persuade the developer to make changes before registering these documents. The Board of Directors was increased from 5 to 7 persons. The locks on the unit main entry doors and the in-suite HVAC (heat pumps) were identified as common elements and thereby would be the responsibility of the corporation to maintain and repair. This would ensure that the corporation master key would always be able to open individual unit doors for emergency entry and that no unauthorized or unqualified repair person would be able to make adjustments to the sensitive HVAC system.

Our building was registered in June of 2001, and at about the same time, the developer went into receivership. Suspecting that the developer was having financial difficulties, City Hall was asked to hold onto any performance bond monies to ensure property taxes be paid before registration, and that performance bonds remained secured to ensure the substantial completion of our highrise building. Early contact with the Home Warranty program was extremely helpful. Financial companies having interests in the project were contacted and all concerned put a hold on registration until financial concerns were satisfied. The developer was thereby restricted from access to the purchasers' money held in trust. This enabled the transfer of the ownership of the units to the purchasers without financial loss.

It was three and a half years after registration that most of the big deficiencies were corrected, including the replacement of the roof, re-caulking of the windows, and a lot of work on the pool. A very active social committee has made our building a very pleasant place to live. We were blessed with a very proactive Board of seven Directors who created an atmosphere of cooperation and participation

by all residents. The Board meets on the last Wednesday of every month. These meetings are open to all residents for the first 30 minutes at which various committees report their activities and ideas. Ideas from all residents are received and given careful consideration. A calendar of social events and a newsletter are provided monthly.

Even after the many trials and frustrations encountered in getting this building finished, the atmosphere in this building remains positive and pleasant. Buying a new condo unit from a set of plans is a daunting experience, but maintaining a positive attitude and obtaining professional help in a timely manner renders most of the mountains into manageable molehills.

Gerrit Roosenboom has been a Director on two condo Boards for 10 years, and has served on the Board of Directors of a number of CCI chapters across Canada.



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ONBOARD

PROMPT PAYMENT LEGISLATION: THE TIME HAS COME

BY AMBER NICKEL, WILLIS LAW

A LONG TIME AGO IN A GALAXY FAR, FAR AWAY, after jazzercise and step aerobics left the scene to make way for yoga and Zumba classes... an article was published in the CCI North Alberta Chapter *Insite to Condos* (specifically, Vol. 36, Issue 4 - Summer 2021). Fair warning was given to those near and far (well, at least within the Province of Alberta), that changes to the Builders' Lien Act were afoot. The name of that article – (Please Don't) Lien on Me.

The countdown is now on for the new *Builders' Lien (Prompt Payment) Amendment Act* to come into force and the *Builders' Lien Act* to become the *Prompt Payment and Construction Lien Act (PPCLA)*. Alberta will ring in the new legislation on August 29, 2022.

In anticipation of these changes, let's review the highlights.

PAYMENT

Property owners (i.e. the condominium corporation) must pay the contractor within 28 days of receiving a "proper invoice", or issue an "Owner's Notice of Dispute" to the Contractor within 14 days of receiving the disputed invoice.

Contractors and subcontractors have to pay their subcontractors within 7 days of receiving payment from the property owner.

LIENS

Contractors and subcontractors will have **60 days** to register a lien (currently they have **45 days**), with an exception for contractors doing concrete work, who will have **90 days** to register a lien (not applicable to entities that install or use ready-mix concrete).

- The minimum requirement to register a lien (the amount owed to the contractor or subcontractor), is increased from \$300 to \$700.

NEW PROCESS

- Introduction of new rules for the payment of holdbacks on large, multi-year projects.
- Implementation of a new adjudication process to resolve disputes without use of the Courts.

"PROPER INVOICE"

A "proper invoice" must contain the following:

- i. Contractor's name and business address;
- ii. The date of the proper invoice and the period during which work was done or materials were provided;
- iii. Information identifying the authority (such as the contract) under which the work was performed, or materials provided;

Continued on next page >

- iv. A description of the work performed, or materials provided;
- v. The amount requested for payment and the payment terms;
- vi. The name, title and contact information of the person to whom payment is to be sent;
- vii. A statement indicating that the invoice is intended to be a “proper invoice”; and
- viii. Any other information prescribed by the regulations.

PROMPT PAYMENT AND ADJUDICATION REGULATION

The Regulations have filled in many of the missing pieces that initially were found in the draft legislation. Key details of these Regulations include:

- **Application:** The old Builders’ Lien Act continues to apply to contracts entered into before August 29, 2022. However, any contracts that are scheduled to continue for more than two years, must be amended to comply with the PPCLA by August 29, 2024.
- **Proper Invoices:** Proper invoices must be given to an owner at least every 31 days, with some exceptions.
- **Starting an Adjudication:** Disputes regarding any of the following issues may be referred for resolution through the fast-track adjudication process:
 - a. the valuation of services or materials provided;
 - b. payment under the contract, including the payment of change orders;
 - c. disputes that are the subject of a notice of non-payment;
 - d. payment or non-payment of an amount retained as a major lien fund or minor lien fund and owed to a party during or at the end of a contract; and
 - e. any other matter in relation to the contract that the parties in dispute agree to.

The party who wishes to refer a dispute to adjudication must provide notice to the other party and a copy must be provided to the Nominating Authority on the same day. The written notice must include, as follows:

- i. Names and addresses of the parties in dispute;
 - ii. Nature and brief description of the dispute;
 - iii. Nature of the remedy sought;
 - iv. Name of the Nominating Authority to whom the party serving notice intends to submit the notice; and
 - v. Name of the adjudicator requested to oversee the adjudication, if any.
- **Adjudication Timelines:** Based on the timelines set out in the Regulations, the adjudication process will proceed quickly - approximately 60 days from the triggering of the adjudication process to the decision (N.B. all time periods referred to are “calendar days” - any day but Saturday, or a statutory holiday). Timelines for each step of the adjudication process are contained

in the Regulations, such as agreeing on an adjudicator, and providing records and materials. Adjudicators have the authority to extend deadlines to a maximum of 10 calendar days if determined necessary or agreed to by the parties and the adjudicator

- **Adjudication Remedies:** The adjudicator has the jurisdiction to: (1) order the non-paying party to make payment within a specified time; and (2) allow the unpaid party or parties to cease performing work under the contract until payment is made.
- **Limitation Period:** Any party to an adjudication may commence an action in court within 2 years after the notice of adjudication is sent, other than an application for judicial review. The impact of these provisions on those contracts that provide for mandatory arbitration, if any, is unknown.
- **Progressive Holdback Release:** The Regulations outline two mechanisms for holdback release - annual release and release on a phased basis specified in the contract, which only apply to contracts that exceed a price of \$10 million at the time the contract is entered.
- **Consulting Engineers and Architects:** The PPCLA will apply to regulated professional engineers and architects contracted to act in a consultative capacity for projects involving improvements. This means that engineers and architects will also be subject to holdbacks, which they typically have not been.
- **Interest:** The interest rate specified in the applicable contract will apply to any invoice that is not paid when due. If no interest rate is defined in the contract, the rate provided in the Judgment Interest Act.

FORMS

The Builders’ Lien Forms Amendment Regulation adds 5 new forms to those currently available under regulation: an “Owner’s Notice of Dispute”, used to dispute a contractor’s invoice; “Contractor’s Notice of Non-Payment”, issued upon non-payment by the owner; a “Contractor’s Notice of Non-Payment Dispute” issued upon the contractor disputing the amount a subcontractor is entitled to; a “Subcontractor’s Notice of Non-Payment Where Contractor Does Not Pay”, issued upon non-payment by the contractor; and a “Subcontractor’s Notice of Non-Payment Dispute” issued upon the subcontractor disputing the amount another subcontractor is entitled to.

GOING FORWARD

Being involved with a builder’s lien can lead to a sticky situation, especially for condominium corporations. The new legislation, while providing some clarity and the ability to resolve disputes in what will (hopefully) be a more efficient manner, is a lot of information to process and adapt to. With that said, the condo industry does not have to go it alone. This is a great learning opportunity for those in the industry, such as Property Managers and Boards, that could lead to new effective and efficient processes being developed. Corporations should connect with legal counsel for guidance. Never hesitate to ask questions. **Remember – knowledge is power!**



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On behalf of our entire team, thank you.

Keri Roszko

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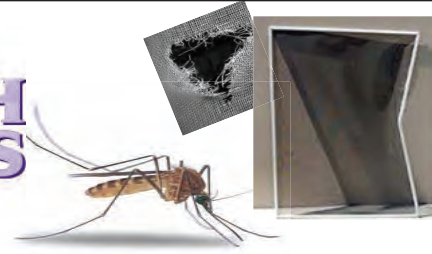
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BROKER REMINDER:

RENEWALS START SOON & REPORTING BROKERAGE CHANGES TO RECA

***THIS BROKER REMINDER IS BROUGHT TO YOU BY DOUG DIXON, REAL ESTATE REGULATORY COMPLIANCE ADVISOR
PUBLISHED BY RECA ON JULY 12, 2022, REPRINTED WITH PERMISSION.**

Since this is the first renewal season for condominium brokerages, this information is intended to inform brokerages of important reporting requirements and renewal deadlines. Please read all of the following information carefully.

All RECA licensees, including condominium management licensees, must renew their licence by **Friday, September 30, 2022**. Any licensees that have education conditions attached to their licence at renewal time will see those conditions carried over to their new licence.

Renewal fees are due at the time of renewal. The fee schedule for 2022 will be posted to RECA's website in August.

BROKERS MUST RENEW FIRST

Brokers must renew the broker and brokerage licence before associates and associate brokers in the brokerage are able to renew. Brokers can begin renewing on **August 15, 2022**, by clicking the Start Renewal button under the My Brokerage tab through myRECA. For more information, see the Tutorial for renewing a brokerage.

HOW TO SUBMIT NOTIFICATION

Some of the most common sanctions we see at RECA are surrounding our notification requirements. Whether your brokerage has moved to a new location, you've opened or closed a trust account, you've changed your fiscal year-end date, changed your brokerage name, or changed your corporate structure, you need to notify RECA of all of these things.

Continued on next page >

WHEN TO NOTIFY RECA

The Real Estate Act Rules (the Rules) say you need to notify RECA “immediately” which is defined as “without delay, and in the absence of extraordinary circumstances, you should submit your written notification within five days of the event.” In some cases, you can submit your amendments through your myRECA account, and in other cases, you can submit changes to RECA at brokerinfo@reca.ca.

Depending on what has changed, RECA may require additional supporting documents (such as an amendment certificate from Alberta Registries). Most amendments are free of charge, but brokerage name and structure changes require a fee of \$50. More information is on RECA’s brokerage amendments webpage.

As I mentioned above, failure to notify RECA about these events are some of the most common sanctions we see. You can find a full list of events that require notification in section 32 of the Rules.

WHY DOES RECA NEED TO KNOW ABOUT YOUR AMENDMENTS?

We know brokers are busy, but keeping us informed about your brokerage is an important part of maintaining the integrity of the condominium industry and protecting the public.

When it comes to reporting brokerage structure changes, RECA needs to know who is involved to ensure that any individuals who pose a risk to the public (including those who are permanently withdrawn or suspended from the industry) aren’t involved.

When it comes to trust accounts, it’s very important that we know what is happening with them because this is where consumers’ money is held. Reporting changes to the brokerage name or address keeps the brokerage contact information up to date with RECA in case any issues arise that the brokerage needs to know about. To put it simply, reporting amendments helps RECA carry out its consumer protection mandate.

EDUCATE YOUR ASSOCIATES

Please make sure you are reading all of the upcoming emails from RECA leading up to the September 30, 2022 renewal deadline and ensure your licensees are aware that this deadline and associated fee are separate from the education requirements that may still be required on their conditional licenses.

If you have any questions about reporting brokerage changes or the upcoming renewal process, feel free to contact me at ddixon@reca.ca.

Doug Dixon is a Real Estate Regulatory Compliance Advisor with the Real Estate Council of Alberta



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Condominium Education Deadlines

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November 30, 2022



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Currently hold another licence with RECA in any industry



70-120
hours to complete.

Practice of Condominium Management must be completed by associates, associate brokers, and brokers.

DOES NOT hold another licence with RECA in any industry

Condominium
Manager Associates



2-4
months to
complete.

- Fundamentals of Condominium Management
- Practice of Condominium Management

Must be enrolled in all courses by November 30, 2022, and must complete all courses and exams by March 31, 2023.

Condominium Manager
Associate Brokers, and Brokers



3-4
months to
complete.

- Fundamentals of Condominium Management
- Practice of Condominium Management
- Condominium Manager Broker Program

Must complete all courses and exams by November 30, 2022.

Deadlines to complete courses and exams



November 30, 2022

Deadline for **associate brokers**, and **brokers** to complete courses and exams.

March 31, 2023

Deadline for **associates** to complete courses and exams, as long as they are enrolled by **November 30, 2022**

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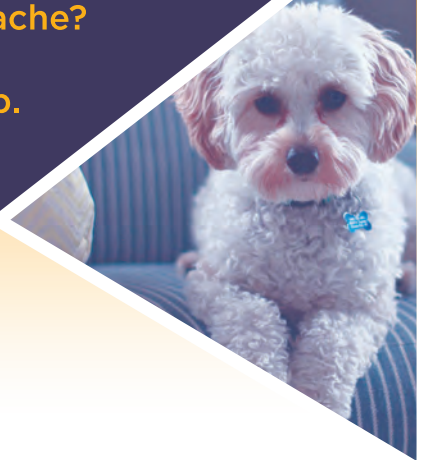
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LEGAL CORNER



Harassment and Workplace Violence – Do you need a plan?

BY HEIDI BESUIJEN, RMRP

With so much focus on the *Condominium Property Act*, it can be easy to overlook other statutes which can impact Alberta condominiums. Many condominium boards, managers and owners are aware of the applicability of privacy legislation but another area you may need to consider is employment law.

Some condominium corporations are large enough to employ staff members – if only on a part time basis. If these staff are administered through a property manager then your property manager may have made the requisite arrangements not just for payroll and benefits but also for workplace policies.

A key obligation of employers is to protect the health and safety of their employees. The contents of that obligation vary from workplace to workplace but can include such things as providing for appropriate personal protective equipment and training, informing workers of threats to health and safety, and meeting all Occupational Health and Safety (OHS) and Employment Standards Code requirements.

Another aspect of this is addressing workplace harassment and violence. Employers in Alberta are required to implement a harassment prevention plan and a violence prevention plan for the workplace. Each plan must include a policy as well as prevention procedures. A policy sets out the expectations with regard to harassment and workplace violence. A procedure is the manner in which the employer and employees will act in order to implement the policy of no harassment or workplace violence.

Continued on next page >

There are obligations to have such plans in writing and making them readily available and the plans must also be reviewed at regular intervals (3 years or more often as necessary) as well as after an incident. There are also minimum obligations in terms of what the plans must include. As an example, harassment procedures must set out how harassment is reported.

A workplace violence procedure must include what an employee can do in a situation where they need immediate assistance.

Our firm recently worked with a condominium client to develop such plans after an OHS Officer concluded board members fit the definition of workers under the legislation and required that one be developed and provided to the OHS Officer for review. While the interpretation in this case might have been open to challenge, the most cost effective approach was to comply with the order.

While this application might be unique, it is certainly the case that some condominiums in Alberta have persons providing services to them that would clearly fit the relatively broad definition of worker and would also need to have such plans in place. The plans need, to some extent, to be unique to the realities (and “risks”) of each condominium corporation as well as the condominium context but there is no need for them to be overly complex or burdensome in size. Corporations are encouraged to at least give consideration to this matter and ask whether or not it requires further action from them.



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			\$19.64		\$39.27
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			\$39.33		\$78.65
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			\$58.96		\$117.92
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Complete Care Restoration	Jayson Wood	(780) 370-8997	jayson@completecarerestoration.ca
Damage Inc.	Colin Jones	(780) 589-0023	colin@damage-inc.ca
Delnor Restoration Services	Leanne Smith	(780) 929-4004	info@delnorrestoration.ca
First General Edmonton	Moe Barzagar	(780) 903-0402	moe.barzagar@firstgeneral.ca
First Onsite Property Restoration	Robin Chuchmuch	(780) 296-0035	robin.chuchmuch@firstonsite.ca
Kalloway Property Services	Ken Allman	(780) 436-8090	kenallman@kalloway.com
Lydale Construction	Leeanne Booth	(780) 443-8851	lbooth@lydale.com
On Point Restore	John Wegner	(780) 701-3891	contact@on-point.ca
Paul Davis Restoration	Ryan Bubenko	(780) 454-4047	ryan.bubenko@pauldavis.com
Premier Fird & Flood Restoration	Kimber-Lee Kuyvenhoven	(780) 455-5881	kimber-lee@pffr.ca
Pure Restoration	Tyler Scarlett	(780) 475-7044	tyler@purerestoration.ca

Company	Full Name	Phone	E-mail
DISASTER RESTORATION (CONTINUED)			
Restruction Alberta Ltd.	Janu Subramaniam	(780) 454-7762	janus@restruction.ca
ServiceMaster Restore	Jason Miller	(780) 443-4338	jason.miller@svmrestore.ca
Titan Construction	Brandon Van Unen	(780) 483-3426	bvanunen@titan89.com
TRU North Restoration	Michael Anderson	(780) 994-0504	michael@trunorthrestoration.ca

Company	Full Name	Phone	E-mail
ENGINEERING			
Aegis West Engineering Inc.	Garett Cochrane	(780) 238-3418	garett@aegiswest.ca
C3 Engineering Technology Inc.	Cliff Swain	(780) 940-5578	C3Engineering@Shaw.ca
Elements Roof Management Consulting Ltd.	Allan King	(780) 486-2828	aking@ermc.ca
Entuitive Corporation	Adrian Breitwieser	(403) 879-1270	adrian.breitwieser@entuitive.com
EXP	Steven DeLuca	(780) 203-8605	steven.deluca@exp.com
	Adam Crawford	(780) 554-5835	adam.crawford@exp.com
HGC Engineering	Ian Bonsma	(587) 441-1583	ibonsma@hgcengineering.com
IRC Building Sciences Group	Marcia Araujo	(778) 580-5956	maraujo@rimkus.com
Keller Engineering	Andree Ball	(403) 471-3492	aball@kellerengineering.com
Morrison Hershfield Ltd.	Bereket Alazar	(780) 483-5200	balazar@morrisonhershfield.com
Read Jones Christoffersen Ltd.	Nick Trovato	(780) 452-2325	ntrovato@rjc.ca
TCL Engineering	Ted Hagemann	(780) 907-5554	thageman@telus.net
Tree of Knowledge (TOK) Engineering	Martin Bankey	(780) 434-2376	mbankey.tok@shaw.ca
Wade Consulting Inc.	Billy Huet	(780) 977-5437	bhuet@wadeconsulting.ca
	Derek Zilke	(780) 486-2828 x238	dzilke@wadeconsulting.ca
Williams Engineering	Marla Snoddon	(780) 910-9968	msnoddon@williamsengineering.com

Company	Full Name	Phone	E-mail
EXTERIOR MAINTENANCE			
AAA Striping	Dorian Andrews	(780) 435-2214	info@aaastriping.ca
Alberta Commercial Painting	Jason Love	(780) 913-9136	aaapainting@shaw.ca
Ardent Roof Systems Inc.	Derrick Lukin	(780) 488-4900	derrick@ardentroof.ca
Capitall Exterior Solutions	Craig Hatt	(780) 757-3930	craighatt@capitall.ca
Christensen & McLean Roofing Co. Ltd.	Phil Roy	(780) 447-1672	phil@cmroofing.ca
Donewell Property Services	Cam Massie	(780) 906-9495	cam@donewell.ca
Eenie, Meenie, Miny Mow	Jose Martinez	(587) 432-1780	jose@emmmow.com
Elements Roof Management Consulting Ltd.	Allan King	(780) 486-2828	aking@ermc.ca
Evertex Concrete Restoration Inc.	Rick Carbone	(403) 714-1799	rcarbone@shaw.ca
G & J Construction Group LP	Grant Wall	(780) 454-0700	services@gjconstruction.ca
Integrity Window Cleaning Inc.	Tanner Bayn	(780) 667-5432	contact@integrityclean.ca
Mutts Rope Access Division (R.A.D.) Ltd.	Freddy Mena	(780) 263-1656	fmena@muttsrad.com
NB Benny's Contracting Ltd.	Rebekah Barron	(780) 660-2888	rebekah@nbbennys.com
No Water Roofing	Ella Chesterman	(587) 990-7663	info@nowatercontracting.ca
Off The Ledge	Cody Hodson	(587) 873-2020	cody@offtheledge.ca
Osco Mudjacking & Shotcreting Ltd.	Don Moroz	(780) 469-1234	don@oscomudjacking.com
Paneless Window Washing Inc.	Matthew Stewart	(780) 707-8385	contact@panelesswindow.com
PolyLEVEL Alberta Corp.	Vincent Augert	(780) 660-8558	vincent@polylevelalberta.com
Pyramid Concrete & Consulting Ltd.	Cole Goshulak	(780) 481-0808	cole@pyramidconcrete.net

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EXTERIOR MAINTENANCE (CONTINUED)			
Safesidewalks Canada Inc.	Jeff Adolf	(780) 278-4434	jeff@safesidewalks.ca
Shack Shine	Dustin Grainger	(780) 660-2586	dustin.grainger@shackshine.com
Ship Shape Property Solutions Ltd.	Marc Fehr	(780) 619-2000	info@shipshapeyeg.com
Trusty Tree	Kolton Canning	(780) 860-5500	info@trustytree.ca
United Supreme Group	Dwayne Wallace	(403) 708-1800	wallace@unitedsupreme.ca
Westeco Coatings	Michael Howell	(403) 598-3591	michael@westecocoatings.ca
West Edmonton Window Cleaning	Tyler Bayn	(780) 481-4988	contact@wewc.ca

Company	Full Name	Phone	E-mail
FINANCIAL SERVICES			
BMO Bank of Montreal	Dejan Dimic	(780) 408-0416	dejan.dimic@bmo.com
Canadian Western Bank	Marie Hilton	(780) 458-4001	marie.hilton@cwbank.com
Condominium Financial	Jim Wallace	(780) 952-7763	jim@condominiumfinancial.com
CWB Maxium (Project Financing)	Kelly McFadyen	(604) 562-5403	kelly.mcfadyen@cwbsmaxium.com
Manulife Securities Inc.	Ryan Ardron	(403) 230-3909	ryan.ardron@manulifesecurities.ca
National Bank Financial - MacDougall Wealth Management	Christopher (Kit) Richmond	(403) 348-2606	christopher.richmond@nbc.ca
Qube Investment Management Inc.	Michael Baker	(780) 463-2688	michael@qubeinvest.ca
Rhind & Associates	Will Pozzo	(403) 283-1378	will@wjrhind.com
Servus Credit Union	Chad Clarke	(780) 496-2000	chad.clarke@servus.ca
VersaBank	Karl Neufeld	(604) 984-7564	karln@versabank.com

Company	Full Name	Phone	E-mail
INSURANCE BROKERS AND ADJUSTERS			
Allstate Insurance	Jamie Cairns	(780) 456-6138	jcairns@allstate.ca
Arthur J. Gallagher Canada Limited	Michael Arnold	(403) 299-1692	michael_arnold@ajg.com
BFL CANADA Insurance Services Inc.	Hamish Farmer	(780) 229-3780	hfarmer@bflcanada.ca
Coast Claims Insurance Services	Amber Bamford	(587) 990-5232	abamford@coastclaims.com
Diverse Claims Adjusters Ltd.	Paul Whitman	(780) 756-4222	paul@diverseclaims.ca
HUB International Insurance Brokers	Dawn Mitchell	(780) 453-8407	dawn.mitchell@hubinternational.com
Katherine Hanna Insurance Agency Inc.	Katherine Hanna	(780) 464-6858	katherine@katherinehanna.ca
PRIMELINK Insurance Brokers Ltd.	Murray Dadswell	(780) 435-3632	Mdadswell.prim-01@insuremail.net
RiskTech Insurance Services	Jason Ploof	(780) 453-9840	jploof@excelrisk.ca
	Carly Gartner	(780) 732-6880	cgartner@excelrisk.ca
T&L Adjusters Ltd.	Cory Gilliam	(780) 395-2222	cgilliam@tladjusters.com
Zensurance	Zak Barbary	(888) 654-6030	info@zensurance.com

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INSURANCE APPRAISERS			
Balance Valuations	Cassidy MacDonald, AACI, P.App, CRP	(780) 296-2323	cassidy@balancevaluations.com
Gardiner Appraisals Inc.	Cheryl Gardiner, AACI, P.App	(780) 413-9070	info@gardinerappraisals.ca
Go West Valuations Corp	Pete West	(587) 356-1555	pete@gowestcorp.com
Normac	Omar Khan	(780) 935-8258	omar@normac.ca
Northern Lights Appraisals	Gerhardt Klann	(780) 757-2060	info@northernlightsappraisals.ca
Reliance Asset Consulting Inc.	Harold Weidman	(780) 702-7068	info@relianceconsulting.ca
Suncorp Valuations Ltd.	Devin Baker	(306) 652-8373	devin.baker@suncorpvaluations.com

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JANITORIAL SERVICES			
Cleaning Extraordinaire	Rhonda Koenig	(780) 982-2223	rhonda@cleaningex.com
Sunshine Cleaning Services Ltd.	Robert Hennigan	(780) 477-7067	sunshinecleaningsltd@gmail.com
TKO Services Ltd.	Tasha Crowley	(780) 777-3055	info@tkoclean.com

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LAWYERS			
Birdsell Grant LLP	Mark Dudar	(780) 968-1213	mdudar@birdsell.ca
Field Law	Erin Berney	(780) 429-7856	eberney@fieldlaw.com
Gledhill Larocque	Victoria A. Archer	(780) 465-4852	archer@gledhill-larocque.com
Miller Thomson LLP	Roberto Noce	(780) 429-9728	rnoce@millerthomson.com
	Michael Gibson	(780) 429-1751	mgibson@millerthomson.com
Ogilvie LLP	Robert P. Assaly	(780) 429-6243	rassaly@ogilvielaw.com
PDS Law	Shane Parker	(780) 444-8404	sparker@pdslaw.ca
Reynolds Mirth Richards & Farmer LLP	Todd Shipley	(780) 497-3339	tshipley@rmrf.com
	Emmanuel Mirth	(780) 425-9510	emirth@rmrf.com
	Heidi Besuijen	(780) 497-3327	hbesuijen@rmrf.com
Sharek Logan & van Leenen LLP	David van Leenen	(780) 413-3100	dvanLeenen@sharekco.com
Shourie Bhatia LLP	Arun Shourie	(780) 438-5281	ashourie@sb-llp.com
Willis Law	Hugh Willis	(780) 809-1888	hwillis@willislaw.ca
	Melissa Stapppler	(780) 809-1888	mstapppler@willislaw.ca
	Rachael Hovan	(780) 809-1888	rhovan@willislaw.ca
	Amber Nickel	(780) 809-1888	anickel@willislaw.ca
	Brian Anslow	(780) 809-1888	banslow@willislaw.ca
Witten LLP	John M Frame	(780) 428-0501	jframe@wittenlaw.com

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MECHANICAL & ELECTRICAL			
4-Way Inspection Services Ltd.	Travis Olinek	(780) 473-8464	travis@4wayinspections.com
Enercare Home and Commercial Services	Warren Kuchta	(780) 884-2742	warren.kuchta@enercare.ca
Environmental Dynamics Ltd.	Kelvin Eaton	(780) 421-0686	k.eaton@edl.ca
Gateway Mechanical Services Inc.	Paul Flynn	(800) 414-4929	pflynn@gatewaymechanical.ca
Multigas Detection & Instrumentation Services Group Inc.	Shiku Patel	(780) 980-0799	shiku@multigasinc.com
Nordic Mechanical Services Ltd.	Rene Cloutier	(780) 469-7799	rene@nordicsystems.ca
Polar Electric Contractng Ltd.	Cory Peters	(587) 985-6403	info@gopolar.ca
Renew Services Inc.	Richard Nelson	(780) 544-8060	info@renewservicesinc.ca
The VETS Group	Erin Rayner	(780) 434-7476	erayner@vetsgroup.com
Viking Mechanical	Adam Hansen	(780) 455-0181	office@vikingmechanical.ca
Weiss-Johnson Heating, Air Conditioning & Plumbing Services	Dennis Johnson	(780) 463-3096	Dennis.Johnson@weiss-johnson.com

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PROPERTY & TECHNOLOGY SERVICES			
Axe Fire Protection and Contracting Inc.	Karim Champsi	(780) 757-4862	sales@axefpc.ca
BuildingLink Canada	Max Pharaon	(604) 561-0231	max@buildinglink.com
CondoGenie	Rafal Dyrda	(800) 274-9704	rafal@condogenie.com
CondoVoter	Sean McKim	(647) 689-7507	sean@condovoter.com
CQ Network	Ronnie Tallman	(780) 449-5545	ronnie.tallman@cqnetwork.com
Edmonton Eviction Services Inc.	Donald Gray	(780) 974-8427	don@edmontonevictionservices.com
GetQuorum	Mark DiPinto	(877) 353-9450	contact@getquorum.com
MaxTV Media	Erik Kehat	(780) 652-0200	info@maxtvmedia.com
Pop-A-Lock of Edmonton	Ron Murray	(587) 672-5625	ron.murray@popalock.ca
SafewithUlli o/a Safe With Ulli Inc.	Ulli Robson	(780) 288-2986	ulli@safewithulli.com
TELSCO Security Systems	Kristin Krysa	(780) 424-6971	kristin@telsco.com
Unico Power Corp.	Cooper Holmes	(778) 886-6290	cholmes@unicopower.com

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REAL ESTATE			
McLeod Realty & Management Ltd	Robert F McLeod	(780) 453-1108	info@mcleodrealty.com
Pinnacle Realty & Management Inc.	Rick Murti	(780) 758-4434	rmurti@pinnaclemgmt.ca
Realtegit Management Solutions	Beverley Matthias	(780) 987-2900	bev@realtegitmgmt.net
Realty72	Salman Rajani	(780) 716-0777	srajani@realty72.ca
Royal LePage Andre Kopp & Associates	Doug Kopp	(780) 865-0071	dougekopp@telusplanet.net
Royal LePage Summitview Realty	Nancy Caul	(780) 852-5500	jasper@royallepage.ca
Royal LePage, The Realty Group Grande Prairie - Property Management	Angie Peters	(780) 532-3400	angiepeters@royallepage.ca

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RESERVE FUND STUDY PROVIDERS			
Aegis West Engineering Inc.	Garett Cochrane	(780) 238-3418	garett@aegiswest.ca
Balance Valuations	Cassidy MacDonald, AACI, P.App, CRP	(780) 296-2323	cassidy@balancevaluations.com
Bigelow Reserve Fund Studies	Sharon Bigelow, CRP	(780) 965-0965	sharonbigelow@shaw.ca
C3 Engineering Technology Inc.	Cliff Swain	(780) 940-5578	C3Engineering@Shaw.ca
Entuitive Corporation	Adrian Breitwieser	(403) 879-1270	adrian.breitwieser@entuitive.com
Excel Bldg. Inspection & Consulting	Stuart Schechtel	(780) 464-5634	excelins@telus.net
EXP	Steven DeLuca	(780) 203-8605	steven.deluca@exp.com
	Adam Crawford	(780) 554-5835	adam.crawford@exp.com
Keller Engineering	Andree Ball	(403) 471-3492	aball@kellerengineering.com
Morrison Hershfield Ltd.	Hafsa Salman	(780) 483-5200	hsalman@morrisonhershfield.com
Read Jones Christoffersen Ltd.	Nick Trovato	(780) 452-2325	ntrovato@rjc.ca
Reliance Asset Consulting Inc.	Harold Weidman	(780) 702-7068	info@relianceconsulting.ca
Reserve Fund Planners Ltd.	Brian Barlund	(403) 348-5444	bbarlund@reservefundplanners.ca
Strategy Reserve Fund Planning Inc.	Kent Strang CRP, RFPP	(780) 244-4036	kent@strategyrfp.com
Tree of Knowledge (TOK) Engineering	Martin Bankey	(780) 434-2376	mbankey.tok@shaw.ca
Wade KH Reserve Fund Planners Ltd.	Shantel Kalakalo	(780) 486-2828 x232	shantel@wadekhrfp.ca
Williams Engineering	Marla Snoddon	(780) 910-9968	msnoddon@williamsengineering.com

Company	Full Name	Phone	E-mail
UTILITY MANAGEMENT			
Enercare Home and Commercial Services	Warren Kuchta	(780) 884-2742	warren.kuchta@enercare.ca
Solution 105 Consulting Ltd.	Chris Vilcsak	(780) 429-4774	timinski@solution105.com

Company	Full Name	Phone	E-mail
WINDOWS & DOORS			
All Reach Glass Services Inc.	Blaine Adams	(780) 483-9561	office@allreachglass.com
Capitall Exterior Solutions	Craig Hatt	(780) 757-3930	craighatt@capitall.ca
Lock & Door Works Inc.	Joe Maksymiuk	(780) 818-0513	ldworks@shaw.ca
Summit Lock & Safe	Josh Kenny	(780) 722-5101	info@summitlockandsafe.ca

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Contacts:

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

