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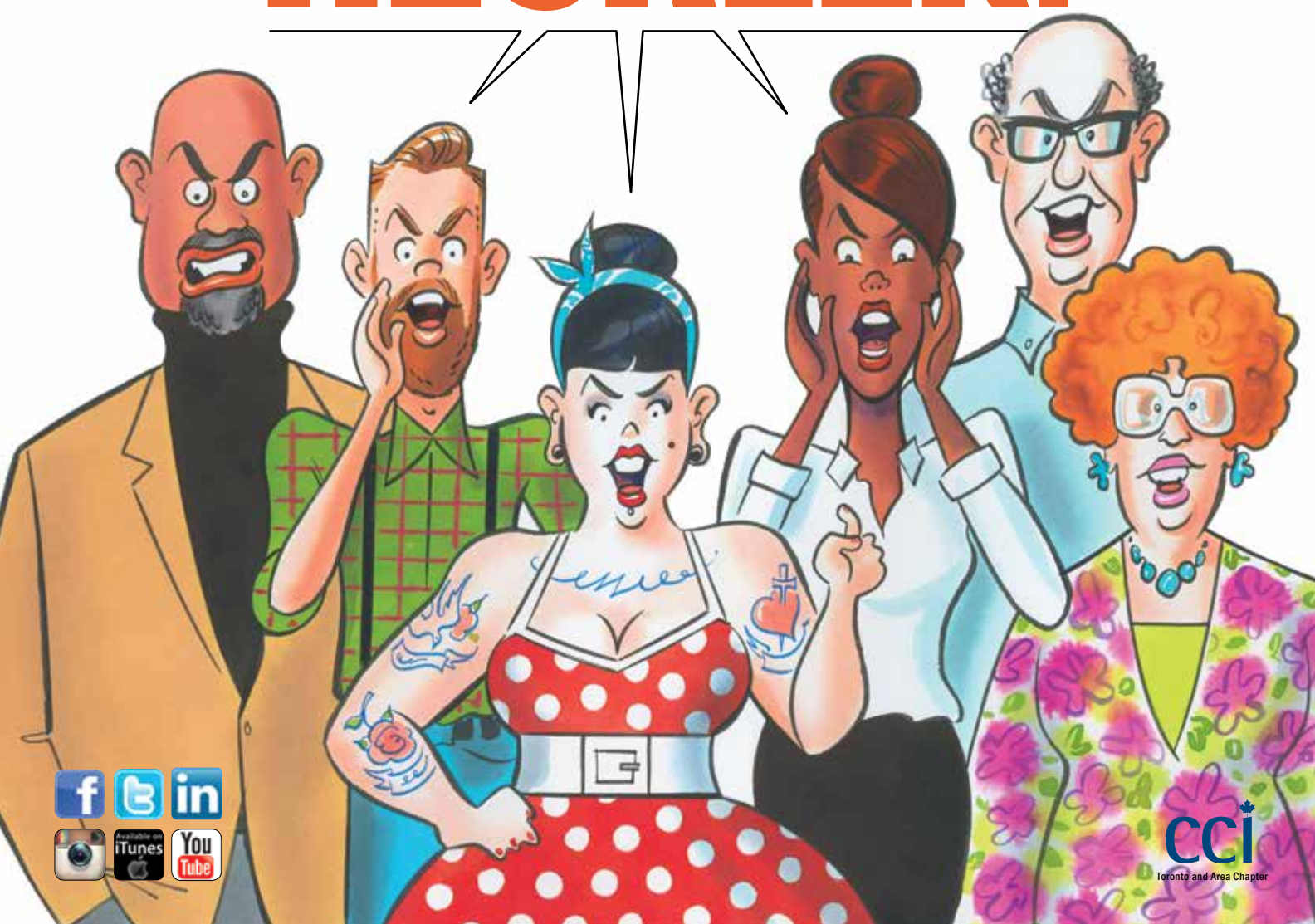

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In Every Issue

For Condo Owners

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CCI Members News & Events

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President's Message

Our World-Leading Condominium Act

I am writing this while enjoying the view of the Green River on a sunny summer day. What comes to mind as Canada celebrates 150 years of age, is that life in Canada, and particularly in Ontario, is pretty darn good.

Many of us were surprised to learn that high-rise buildings in the United Kingdom don't meet the same fire safety standards we have come to expect in Canada. We can feel safe knowing that our buildings have fire alarms which are routinely tested, and that we always have two means of egress from a building. We also have stringent limitations on the use of combustible cladding on non-combustible buildings. The lesson we should, however, learn from the Grenfell fire disaster is that these systems are critically important, but easy to ignore until you need them. Condominium Directors should ensure that appropriate inspection and testing of fire safety systems is being completed. They should also take care to ensure that fire doors leading to exit stairwells are maintained and in good working order. These doors should be reviewed periodically to ensure that they are self-closing and self-latching. Stairwells must always be kept clear of any stored materials.

As well as an excellent Fire Code, we also have world-leading condominium legislation. I know that some may feel that it is too detailed and sets too high a bar, but, similar to how stringent our fire codes are, a strong Condominium Act helps ensure that condominiums remain a good home-ownership option. As we transition to the amended legislation, we should, as an industry, do our best to see the good in the amendments rather than focussing on the bad. For example, I have heard many indignant complaints about the short time limits to provide owners with access to core documents. But let's give our heads a collective shake; other than the meeting minutes, these are documents that hardly change from day one to the end of time. They can easily be emailed out to any owner requesting to see them. Similarly, the information certificates will be some work to assemble, but will only need minor edits once created. Instead of focussing on the negatives, we should see the positive that comes from having unit-owners who are more aware of the goings-on at their condominium. Hopefully, it will encourage them to become better neighbours by helping them understand the work that their volunteer Board of Directors is doing on their behalf.

Let's all be glad we have the privilege of living in Ontario. I don't think there's a better place to be in the world. And let's approach the amended Condominium Act with a positive outlook.

Sally Thompson, M.Sc., P.Eng.

Condovoice

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If you are interested in writing articles for Condovoice magazine, please contact Jackie Willmore at (416) 491-6216 ext 114 or at jackie@associationconcepts.ca. Article topics must be on issues of interest to Condominium Directors and must be informative rather than commercial in nature.

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From the Editor

Ill Communication

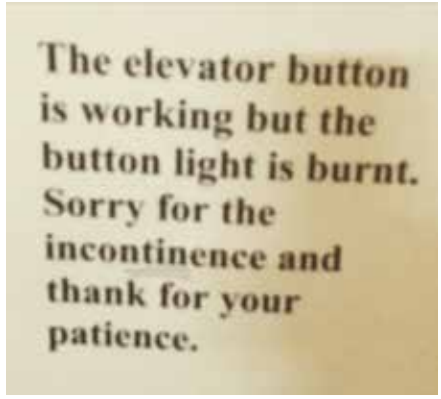
Condominium Boards of Directors are often encouraged to go further with their communications. That is, to communicate beyond the threshold required by law – even beyond what the new legislative requirements call for – to keep owners and residents informed. And many communities do just that… with mixed success.

Some feel that no matter how much effort they make to communicate, they are always criticized for not doing enough. Others feel like no one bothers to take the time to take in communication attempts anyway.

Efforts to communicate can land differently than intended; sometimes with serious consequences, sometimes with humorous results and sometimes both. There have been no shortage of incidents surrounding the issuance of Status Certificates. Ranging from misstating details pertaining to ancillary units or the budget to backfired attempts to go above and beyond simply completing the form and offering more information than is called for, only to have that information come back to haunt. The cost ramification of miscommunications is not only real but can be significant.

While less formal communications do not have as obvious consequences, they are also not without risk. Consider a director innocently including content in a newsletter that is perceived to be discriminatory, potentially helping to paper the file of a resident considering a human rights action.

Over the years, I have come across some enjoyable communication blunders, including a notice directing young children to carry their tricycles on the common elements and a situation where running spell check before printing off and posting a notice unfortunately did not serve to help prevent embarrassment…



Considering the fallout of communications gone wrong may lead some to wonder if it is even worth trying. However, a lack of effort, in and of itself, also serves as a communication to a condominium community - consider the message that an empty notice board sends to residents.

While the style, quantity and medium of communications varies by condominium community, there is little doubt that the most successful condominium communities are those that attempt to communicate with and engage the community.

Marc Bhalla, BA, C.Med

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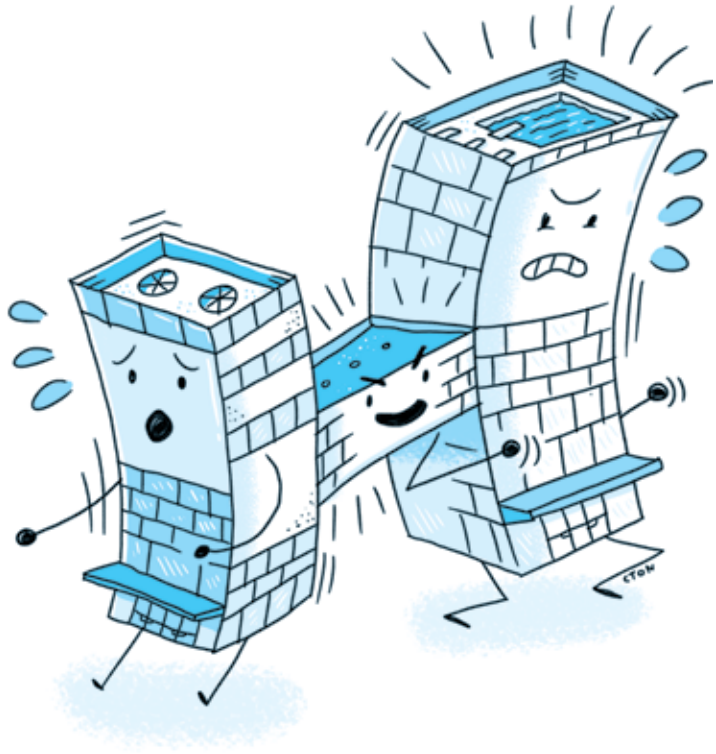
PART 3 OF A 3 PART SERIES

Shared Facilities

Problems and the Solutions

Amending or Terminating the SFA, the Roles of Legal Counsel, Changes that are Coming to the Condominium Act and the Creation Of the Condominium Authority of Ontario



Shared facilities and shared facilities agreements (they go by several names, but I will refer to them as "SFAs") have become an integral part of the condo community, but also a source of problems and conflicts.

This is the third article of a three part series on SFAs. In the Spring issue, Tania Haluk discussed what are SFAs, why do they exist, what are the boundaries, who drafts them and what is normal (if in fact there is a normal). In the Summer issue, Marc Bhalla wrote about the ongoing relations between the participant corporations (often integral to a shared facilities structure), disputes that arise and various manners in which to deal with them, particularly using mediation.

I will briefly discuss some of options that may be available to amend or terminate the SFA, the roles that legal counsel can play in finding solutions and lastly some of the changes that are coming in the reforms to the Condominium Act, 1998 (the "Act") introduced by the Protecting Condominium Owners Act, 2015 (Bill 106), and the creation of the Condominium Authority of Ontario (CAO) and its tribunal, the Condominium Authority Tribunal (CAT).

As Tania and Marc have mentioned, SFAs come in all shapes and sizes. Condominium developments have become far more complex, involving residential condo corporations, commercial and retail condos, hotels, and non-condo commercial businesses – all under one roof sharing a wide variety of facilities.

Some of the reasons problems have arisen include:

(a) the SFA was drafted many years ago and thus did not contemplate the issues being faced today;
(b) they were drafted poorly or without sufficient detail;
(c) use of overly and unnecessarily complicated language;
(d) the sheer number of shared facilities and equipment makes it complicated (some SFAs include over 400 facilities and shared equipment);
(e) multiple SFAs may exist;
(f) no SFA exists (not required by the Act) so the parties have to fend for themselves; and
(g) some were drafted heavily in favour of the developer or the commercial owner.

What do you do if you find yourself with no SFA or one that appears to be unfair? Many Boards have good skills to be able to appreciate the problem and see potential solutions, however, a Board should consider obtaining the advice from its professionals (engineers, lawyers, auditors, etc.).

With respect to lawyers, there are several services they could provide, including:

1. Understanding the agreement(s) and

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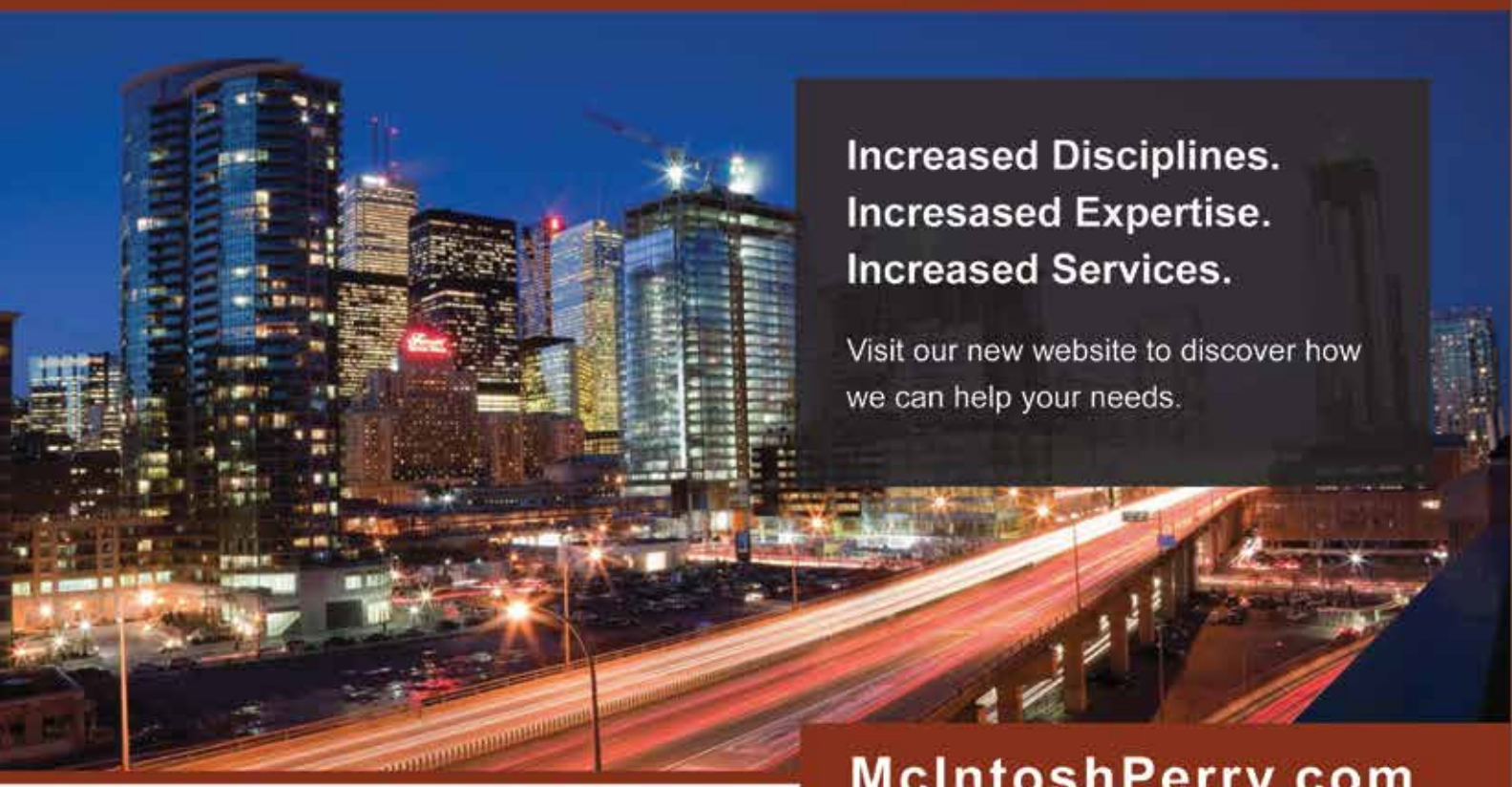

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explaining it to the Board. - SFAs can be 40 pages in length and are usually not written in a reader-friendly manner, which often leads to alternate interpretations of some provisions. There can also be multiple, interrelated agreements.

The lawyer (usually with the aid of the engineer) should review the shared facilities and equipment. This can be important in interpreting the agreement. For example, what does the equipment serve? How were the percentage contributions determined (square footage, number of units, etc.)?

Then the lawyer can explain their interpretation of the agreement and discuss possible solutions (friendly versus adversarial), along with the estimated costs. For example, does the SFA mandate a certain process for dispute resolution? Does it apply to all types of disputes? In this manner the Board can then make an informed decision, in the best interests of the corporation and all unit owners.

2. What if no agreement exists? Since the Act does not yet mandate SFAs, then the lawyer can advise of any rights or obligations that may exist (e.g. is there an easement or right-of-way?).

3. Amending the SFA - The majority of SFAs were approved by their corporation via a by-law registered on title (usually done when the developer controlled the Board). So how do you amend these? There are several legal views:
   a. The SFAs can only be amended by way of an amending by-law;
   b. The original by-law was only for the purposes of authorizing the Board to execute, or assume, the SFA and thus a by-law is not required to amend it; and
   c. For changes that are not true amendments but rather clarifying the SFA, then a written agreement amongst the parties is sufficient and a by-law is not required. The agreement should still be registered on title but might not have the same force as a registered by-law amending the SFA, however, this may still be adequate.

If the amounts in dispute (short or long term) are far less than the anticipated professional costs, then the Board should consider whether it is worthwhile having counsel present

4. Terminating or Amending Under Sec. 113 of the Act - If you are a new corporation still in its first year after the turnover meeting then you may be able to terminate the SFA under Sec. 113; however, the criteria is onerous. You must prove that the disclosure statement did not clearly and adequately disclose the provisions of the SFA, and that the agreement produces a result that is oppressive or unconscionably prejudicial to the corporation or any of the unit owners. The analysis of whether it applies and the criteria to be met are quite complicated.

In a recent case, the court amended, rather than terminating, a complicated SFA in a large mixed-use complex beside the Air Canada Centre. Amongst other things, the agreement placed all the power and decision-making authority in the hands of the commercial owner and its manager. There was no shared facilities

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committee and no right of the residential corporation to have any input on such matters as the annual budget or selecting management. The court decided that there should be a shared facilities committee including representatives of the residential corporation, and the parties could decide on management.

5. Chairing meetings for the purposes of negotiating an amended agreement - This can be done with each party's lawyers, but it may be preferable to have an outside, independent lawyer chair the meeting and guide the parties through negotiations. This could be a preliminary step before mediation.

Given the associated costs of legal counsel, it is prudent for every board to undertake a cost-benefit analysis. If the amounts in dispute (short or long term) are far less than the anticipated professional costs, then the Board should consider whether it is worthwhile having counsel present throughout the process, keeping in mind the situation discussed by Marc.

An example was two corporations fighting over the shared portion of a laneway. The parties dug in their heels with each represented by counsel. The amount in dispute (determined by the engineer) was about $1,900 per annum and by the time the matter was finished the total legal costs were significant. This is not to say that there are not situations where counsel should be used even though the amount in dispute is small. Quite the opposite. However, a fully informed Board can make the decision.

The Future – Condo Act Reform

The reforms to the Act will obligate developers to have SFAs. There is no indication at this time if the government will regulate or prescribe the form of the SFA (as has been done for status certificates), but at least an SFA will have to be in place. This is a major first step, however, it is doubtful that it will resolve such problems as the balancing of rights and obligations, having a fair method of determining the percentage contributions to the shared costs, etc. So disputes will still arise.

Early on in the reform process there were discussions at committee level about the CAO and its tribunal (the CAT) having the jurisdiction to deal with SFA disputes, thus avoiding the courts. This has not yet been decided. However, it would not necessarily change the role of legal counsel, particularly considering the complexity and financial ramifications these disputes can have.

We believe that in the future better agreements will be drafted both as to clarity of the language and completeness, along with providing for a more equitable sharing of power, rights and responsibilities. This coupled with a possible faster dispute resolution mechanism will only improve the management of shared facilities and the relationship of the parties that share them.

Lawyers will always have an important role to play, but every board should consider when advice from professionals is needed, remembering not to be penny wise and pound foolish.

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Expanding Reserve Fund Investment Options

An Investment Expert's Perspective

As the skylines of most major cities in Ontario will attest, this well-documented period of low-interest rates has contributed to the proliferation of new housing developments across Ontario. At last check, there were more than 9,000 condominium corporations in Ontario, representing some 600,000 units[1]. But it's these same low interest rates, coupled with very limited investment options, which make obtaining a good return on the investment of reserve funds for condominium corporations in Ontario very challenging.

Eligible Securities

At the time of writing, Section 115(5) of the Condominium Act, 1998 defines eligible securities as bonds, debentures, GICs, deposit receipts or notes, or similar instruments that are: 1) issued or guaranteed by the Government of Canada or one of the Provinces; or 2) issued by an institution located in Ontario insured by the Canada Deposit Insurance Corporation (CDIC) or the Deposit Insurance Corporation of Ontario[2].

CDIC eligible GICs, or guaranteed investment certificates, are sold at par (face value) and promise the return of principal if held to maturity, along with an annual interest payment (commonly known as a coupon). Conventional GICs are available from a variety of providers, with varying terms to maturity that cannot exceed 5 years (a CDIC requirement). Longer terms pay the highest rates of interest (currently averaging 2.00%).

Several financial institutions have also created CDIC-eligible market-linked GICs, which can pay an annual payment (usually lower than prevailing rates) and a variable-return that is linked to a market index (basket of equities). However, there is typically no secondary market for these products and no guarantee that the variable-return will be greater than zero. The merits of these investments should be reviewed with the assistance of a licensed investment professional, in the overall context of the corporation's investment portfolio.

Government-backed bonds can be sold above or below par and with or without a coupon. While more liquid than GICs, these investments are not without risk and condominium corporations can actually end up losing money if, in their quest for yield, they purchase long-term bonds above par[3]. An important measure for boards to take into account when purchasing bonds is the yield-to-maturity, which takes into account both the current price of the bond and the coupon payments.

The overarching challenge with these types of low-risk investments is that their average rate of return is currently at or below inflation[4], essentially meaning that a condominium corporation can, at best, maintain its purchasing power by investing in longer-term securities (utilizing an investment ladder), or as is often the case lose the purchasing power of these funds while waiting for interest rates to rise.

What could be done to offer condos the chance at better returns on investments?

Expanding the definition of "eligible securities" is a step that has been taken in other provinces. Looking to the West, the province of British Columbia (which currently boasts over 30,000 "stratas", representing more than 1,000,000 units) con-

ILLUSTRATION BY JASON SCHNEIDER

"The respondent argued that these matters need to come to court rather than mediation... This approach fanned the flames of conflict, and is a proper basis to reduce the respondent's costs recovery."

- D.L. Corbett J. | Diamantopoulos v. Metropolitan Toronto Condominium Corp. No. 594, 2013 ONSC 5988 (CanLII)

CONDOMEDIATORS.ca

Marc Bhalla, Hons. B.A., C.Med
mbhalla@elia.org

Marc Bhalla holds the Chartered Mediator (C.Med) designation of the ADR Institute of Canada, the most senior designation available to practicing mediators in Canada.

siders eligible securities to include some Canadian corporate bonds, and fixed income ETFs (that hold a minimum of 98% investment grade products) in addition to GICs and government-backed bonds that are permitted in Ontario[5]. And Alberta, which has approximately 8,000 condominium corporations and 440,000 units, allows investments in US, Canadian and UK government bonds; municipal bonds; some Canadian corporate bonds; preferred shares of Canadian corporations and even some dividend-paying common shares – limited to a maximum of 15% of the market value of the Corporation's overall investment portfolio[6].

While the risks of these types of securities should not be ignored, the underlying rationale is that the expansion of "eligible securities" should enable condominiums in these provinces to diversify risk while optimizing investment return, and ultimately enhancing the purchasing power of owners' collective contingency/reserve fund contributions.

The Bottom Line, Liquidity is KEY:

As the former President of a condominium corporation, and an investment professional specializing in condominiums, I am hopeful that revisions to the *Ontario Condominium Act, 1998* will expand the types of eligible securities that corporations can consider for investment. That said, any Board investment decisions should still be grounded in a formal investment plan, which ensures that the condominium corporation has sufficient liquidity to accommodate both planned and unplanned expenditures.

Section 115(8) of the Condominium Act, 1998 requires that: "Before investing any part of the money in the corporation's reserve fund accounts, the board shall develop an investment plan based on the anticipated cash requirements of the reserve fund as set out in the most recent reserve fund study."

The investment plan is separate and distinct from the reserve fund study or funding plan. And while the Act specifies that, "a reserve fund study shall be conducted by a reserve fund study provider", the investment plan should be crafted with the help of a licensed investment professional. An investment plan outlines a strategy for the Board to consider, ensuring that funds are available when needed for major projects, while at the same time enhancing investment returns to the corporation. As a best practice, I encourage the review of investment plans annually, and a refresh, at minimum, every time a reserve fund study is updated.

As buildings age and their components begin to require replacement, the liquidity requirements of a corporation's reserve fund investment plans increase. Some fixed term investments, such as GICs, can be sold prior to maturity, but this is often at the discretion of the GIC provider and can involve the surrender of all interest earned to date, plus processing fees.

To avoid liquidity shortfalls, a reserve fund investment portfolio should consist of both fixed and non-fixed term securities, with fixed-term securities having laddered maturities and interest paid annually. A good rule of thumb to use, when determining the overall percentage of assets that should be held in non-fixed term securities, is to double the age of the condominium corporation. As an example, a 15 year old Corporation would ensure that 30% of its overall investment balance is available within a given fiscal year.

1/ CCI Canadian Condominium Statistics, June 2016
2/ www.ontario.ca/laws/statute/98c19
3/ Bond prices and interest rates are inversely related, meaning that as interest rates rise, the price of bonds falls. The magnitude of this relationship is termed duration. As an example: a 1% increase in interest rates will result in a 10% decline in the value of a bond with a ten-year average duration.
4/ At the time of writing, Total CPI inflation is 2.0%; www.bankofcanada.ca/rates/indicators/key-variables/key-inflation-indicators-and-the-target-range/
5/ Permitted investments for money held in contingency reserve fund: www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/12_43_2000#section6.11
6/ Authorized Corporation investments (P48): www.qp.alberta.ca/documents/Regs/2000_168.pdf

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Customized Management

Using RBG's proprietary software, the system is fully customizable, each site is configurable on the direction from condo management. For instance, we would set the protocol on how to deal with any unregistered vehicles. Visitor start and end times and frequencies are all programmable depending on management instructions.

On-Location Ticketing

In conjunction with this system, RBG has numerous ticketing vehicles on the road throughout the GTA – RBG is MLEO Certified. These vehicles will make regularly patrol visits to each site and/or an emergency if requested to tend to unauthorized vehicles. Condo parking problems can be resolved within less than a month of implementation.

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By the Condo Brothers From Different Mothers
Jason Rivait, BA (Hons), MA, LL.B.
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Cover Story

You've gotta know when to hold'em, know when to shut 'em down. Most of you know who we are talking about. You have encountered this person at least once in your career. Perhaps you encounter them on a yearly basis or know them by name. The AGM (Annual General Meeting) heckler is real and he/she does not discriminate based on the age or location of the building.

The Annual General Meeting HECKLER!

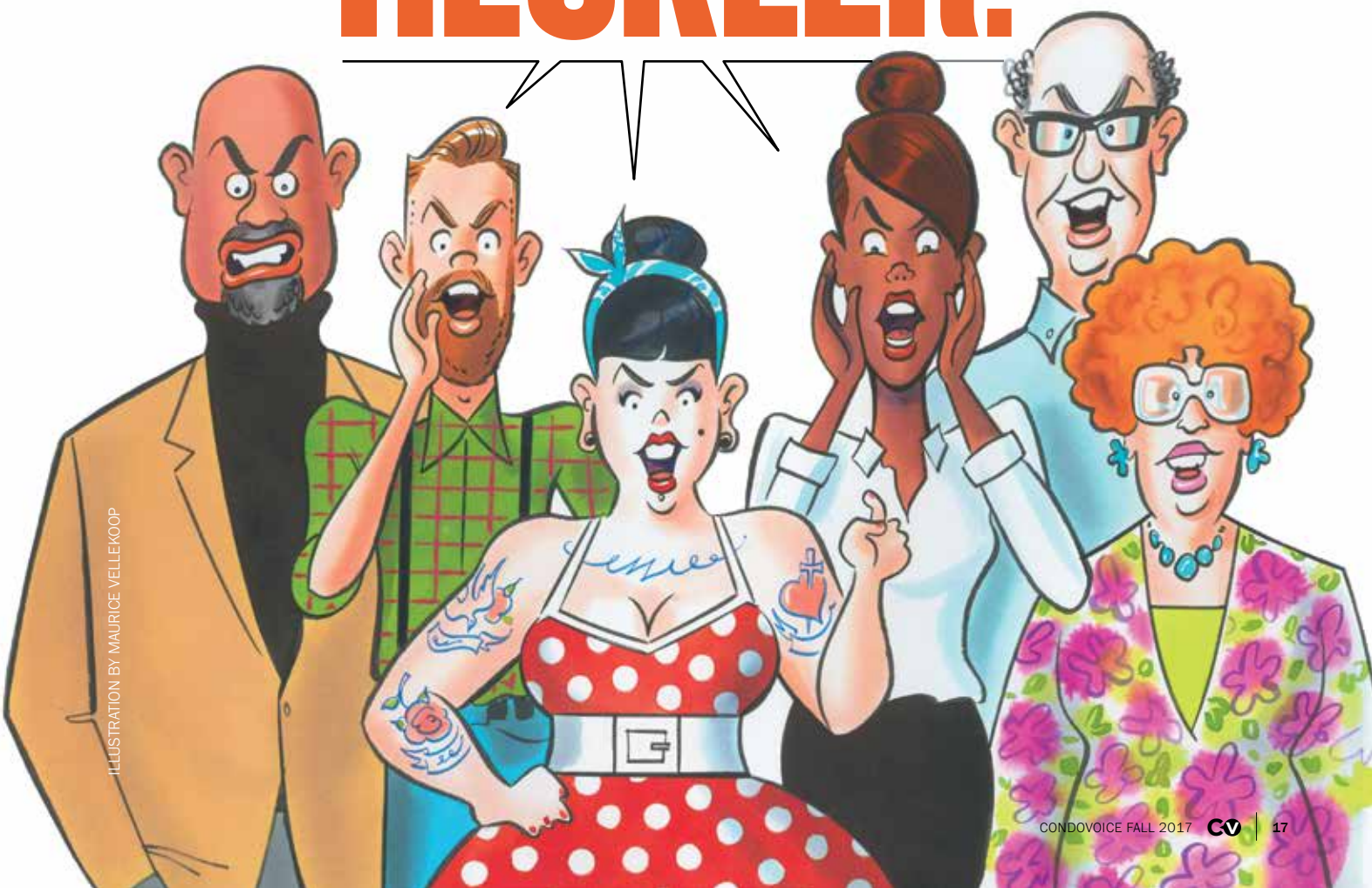

ILLUSTRATION BY MAURICE VELLEKOOP

The AGM heckler wields a litany of questions at the AGM on any topic. "Why did the board spend so much here, when we needed money there?" When approving last year's minutes, this person comes prepared with a list of amendments which have no material impact on the minutes. When asking for a motion to close nominations, the AGM heckler intervenes and wishes to talk procedural fairness and the recent MPP elections. We could go on (much like the AGM Heckler).

If the manager or legal counsel are chairing the meeting, make sure to provide them with any questions or concerns that have been raised by the AGM heckler prior to the AGM.

Preliminary Ground Rules for All

While this article is light in tone, the issue highlighted herein is prevalent in the condo industry. Prior to outlining tips and tricks to control the AGM heckler and run a smooth and productive meeting of owners, we should note one very important point. The AGM is a meeting of owners. The purpose of the meeting, amongst others, is to discuss the business of the condominium corporation. In this regard, the chairperson should not quell negative commentary for the mere fact that the board views such commentary unfavourably.

If an owner has an issue with the building or how the board is governing, these comments should be presented so long as the discussion is respectful. Unfortunately, many chairpersons believe their primary purpose is to control conversation, quell negative commentary and exert power over the meeting. It is the authors' view that this conduct merely denigrates the spirit of a community and has a lasting and lingering effect. While exercising the power of the chairperson, please be mindful that the chairperson's purpose is to ensure that the owners adhere to the agenda and respect each other and the rules of the meeting.

Pro-active Practical Tips

The manager and the board will likely have some idea as to who will be the AGM heckler shortly after the Notice of Meeting package is delivered (since that person will make it their mission to advise the board of any errors or omissions with the mailout). If the chairperson is advised of the AGM heckler's main concerns, then he/she will be able to prepare responses to address these concerns at the AGM. Being prepared as a chairperson will neutralize the AGM heckler's disruptive power during the meeting and control order.

At the AGM, if the AGM heckler states that he/she has submitted a list of questions or concerns to the board and the chairperson is unfamiliar with such a list, then it appears as though the chairperson, board and management are unprepared. If the manager or legal counsel are chairing the meeting, make sure to provide them with any questions or concerns that have been raised by the AGM heckler prior to the AGM.

Sense of Meeting

The conduct of an AGM is ultimately in the hands of the chairperson. That said, if the chairperson wields their authority too soon or in a manner that appears to suppress conversation, the owners will likely turn. If heckling arises, it will be for the chairperson to decide to what extent to allow it to continue and whether to intervene.

While the AGM heckler undoubtedly gives us all a story to tell later and forms an integral part of free speech, the chairperson must know when the line is crossed. In this regard, the chairperson should attempt to ascertain the sense of the meeting. Are owners starting to shake their heads in disapproval? Are you noticing many eye rolls? If so, it would appear that the majority of the meeting is turning against the AGM heckler. There is power in numbers, so these subtle cues matter. If you give them enough rope (but not too much), the AGM heckler will likely lose the support of the majority of owners and will support the chairperson's intervention.

Demeanour of Chairperson

The chairperson has the difficult challenge of combining fairness with tact. An element of humour will often go a long way in dealing with disruptive owners, particularly if the AGM heckler is intending to incite. While it may be challenging as the temperature of the meeting rises, keeping a deliberate and calm tone is also of utmost importance. All eyes are on the chairperson, so it is important to remember that demeanour matters.

Disciplinary Steps

If the aforementioned tips are not resulting in the desired calming effect, then the chairperson will be required to take disciplinary steps to maintain control and order of the meeting. A chairperson can call an owner who persists in speaking on irrelevant matters or speaks improperly to order and ask the person to be seated. If the AGM heckler's conduct is seriously interfering with the business of the meeting, the chairperson should issue a warning of possible consequences. For example, the AGM heckler may be asked to leave the meeting and if he/she refuses, then the chairperson should secure the support of the majority of the meeting, if practical in the circumstances. The removal should be done in a peaceful and non-forceful manner. If the AGM heckler refuses to leave and the meeting has reached a point of no return, perhaps a five minute recess is in order to attempt to regain control and order.

If all else fails and as an absolute last resort, the chairperson has the ultimate discretion to terminate or adjourn the meeting without entertaining a motion for that purpose. CV

By Tom Wright
Chair, Condominium Authority of Ontario

By Armand Conant
Treasurer & Secretary, Condominium Authority of Ontario

Industry Profile

The Condominium Authority of Ontario

The CAO is not a Government Agency or an Arm of the Provincial Government. Administrative Authorities Help to Protect Consumer Rights and Public Safety

Today, about 1.6 million Ontarians call a condominium home. As the popularity of condo living continues to grow, condominium owners, residents and directors face unique challenges– namely, making sense of condominium rules, and living in close quarters with others in a shared community.

To support Ontario's growing condominium community – which now numbers approximately 800,000 residential units and approximately 10,000 residential condominium corporations – the provincial government created the Condominium Authority of Ontario (CAO) to inform owners, residents and directors about their rights and responsibilities, and offer support to solve issues that may arise as efficiently and fairly as possible. The CAO is set to launch its first phase of operations on September 1, 2017.

What Sort of Organization is the CAO?

The province created the CAO after an 18-month public engagement process and extensive review of Ontario's Condominium Act, 1998.

The CAO is an administrative authority, not a government agency or an arm of the provincial government. Administrative authorities help to protect consumer rights and public safety. As an administrative authority, the CAO is not funded by the province or by developers, nor do any of the funds collected go to the provincial government. Rather, it is a non-profit corporation funded via an assessed annual fee payable by each condo corporation.

Listen to CAO Treasurer and Secretary Armand Conant speak about the new Condominium Authority of Ontario (CAO) at www.condopodcasts.com

The CAO is governed by an independent board of directors made up of senior experts from the fields of condominium law, the condominium industry, dispute resolution, technology and administrative authorities. At the time of writing, the CAO's board of directors is composed of Tom Wright (chair), Frank D'Onofrio (vice-chair), Armand Conant (treasurer and secretary), and Genevieve Chornenki (board director). The CAO is overseen by the Ministry of Government and Consumer Services.

How Will the CAO Support Condo Communities?

While condo living is often perceived as more carefree than home ownership, owning or living in a condominium comes with responsibilities and restrictions.

Many condo disputes in Ontario today arise from the fact that the residents are not aware of the law and regulations that apply to condominium living. Part of the CAO's mandate is to help educate owners and directors with resources designed spe-

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cifically for condominium communities. Informed condominium communities will lead to increased protection for condominium owners, and better, more professional governance of condominium corporations.

What services Will the CAO Offer?

The CAO will provide information and self-help tools for the public. These tools will eventually include condominium guides for prospective buyers, owners and residents.

The CAO will also launch a self-help issues-resolution mechanism in the form of an online guided pathway that individuals can follow to resolve disagreements independently and quickly.

For more complex issues, the CAO will also administer the Condominium Authority Tribunal (CAT), slated to launch on November 1, 2017. The CAT will provide online mediation and adjudication for a faster, accessible and more cost-effective way to resolve certain types of disputes – particularly between owners and condominium corporations – rather than going to court.

It's important to note that the CAT will handle only specific types of disputes at the outset, starting with records-related disputes. In fact, the largest number of disputes in Ontario condominiums today arise from corporations' records and access to them.

In the future, the CAT intends to handle additional types of disputes, as specified by government regulations. However, the tribunal will not be responsible for issues such as liens, amalgamation, termination, or title to real property.

Once it has legal authority, the CAO expects to launch mandatory training for directors, which will be free and available through an online course. The training will take approximately three hours to complete, will be delivered via short modules of 5–7 minutes, and will be mandatory for condominium directors who are elected, re-elected or appointed after the legislation has been proclaimed. In this way, boards will be better equipped to run their condominium corporations transparently and fairly with accurate and updated information on legislation and condo owner rights.

If delegated, the CAO will also eventually set up and administer a comprehensive and searchable online database of all the province's condominium corporations, thereby promoting accountability in condominium governance.

And From Here?

This is just the beginning. The CAO is continuing to develop and refine these important tools and services which will continue to grow and evolve gradually over time with input from condominium owners, directors and others in the industry.

These initial online services are what's known in the technology world as the "beta," or pilot, versions. The CAO's strategy is to "crowdsource" feedback from the condo community directly on how best to design their services to meet the needs of condominium communities across the province.

For the CAO to be as helpful and effective as possible, input from condominium communities themselves and from the public is vital. Please share your thoughts via the Contact link at condoauthorityontario.ca.

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FirstService RESIDENTIAL

By Marc Bhalla
Hons. B.A., C. Med
CONDOMEDIATORS.ca

Manipulating Mediation

Forced Versus Voluntary Mediation

Like Eating Your Veggies, Mediation Can Be Good For You

As a mediator, I am sometimes asked if, in my experience, the "success rate" of mediation differs when parties participate in the process voluntarily as compared to when they are forced to. My answer tends to surprise, as I do not see much of a difference. In fact, I increasingly see the line between mandatory and voluntary mediation being blurred as parties embrace the mediation opportunity regardless of whether or not they have to.

Mediation is about bringing together those directly involved in a conflict and empowering them to help craft their own solution. Taking a step back, the concept of forcing someone to participate in a conciliatory process does not seem to be all that conciliatory – or, at least on the surface, forcing participants to get together would not appear to set them up well to reach consensus.

I think that the reason I find the "success rate" of mandatory and voluntary mediation to be similar is because those who are not interested in participating in mediation – whether they are required to do so or not – tend to avoid the mediation table in any event. The reason for this being that the mandatory mediation provisions that apply to Ontario's condominium disputes have loopholes. Such loopholes can easily be utilized to by-pass mediation and miss out on the opportunities that it offers.

While Section 132 of the Condominium Act speaks to the types of disputes that are directed to mediation, the fact that the legislation (and Regulations in place pursuant to it as yet) stops short of setting out a process as to how mediation comes together makes it easy for those who wish to do so to avoid taking part in the process. This results in equipping anyone wishing to avoid mediating to easily frustrate the process to the point of deeming it a failure, without ever actually attempting to mediate the conflict.

Manipulating Mediator Selection

Without any guidance as to what constitutes someone being qualified to mediate a condominium dispute and with mediation itself being an unlicensed profession, someone wishing to avoid participating in mediation can easily manipulate the process by insisting only on mediators who are unaffordable or unqualified in the eyes of others involved in the dispute.

For example, a party that is well resourced could suggest that only mediators who charge $1000/hour or more are capable of mediating their dispute and refuse to even consider mediators who are affordable for another party. Conversely, a party who is unwilling to invest in the resolution of the dispute could suggest that only mediators who charge $100/hour or less are acceptable, preventing a capable mediator from being agreed upon.

Additionally, without any guidance as to what constitutes one being qualified to mediate a condominium dispute, someone who wishes to by-pass mediation can

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get creative with notions of conflict and use such to disqualify any mediator that another party puts forward.

For example, one could claim that a mediator proposed by another party may be biased because their lawyer had a past social media exchange with the mediator or has worked with the mediator before. In contrast, a judge is not considered to be in a conflict position if the judge heard arguments from another party's lawyer previously, and, unlike a mediator, a judge actually has the authority to bind the parties to an outcome.

Any mediator holding a designation from the ADR Institute of Canada is required to abide by a Code of Ethics and risks losing their designation if they were to get involved in a matter where the mediator could not participate impartially. Typically, a discussion with a prospective mediator about any concerns of perceived conflict will determine if there is any legitimate concern as to the mediator's ability to neutrally facilitate a mediation; however, it is often the case that accusations surrounding perceptions of conflict are not delved into and are used superficially to frustrate the mediation selection process.

The mediator's role is that of a neutral facilitator. Claims of perceived bias warrant exploration rather than automatic discarding, if participants truly want to attempt to seize the mediation opportunity. This is particularly the case when the list of potential mediators is narrow.

Many solutions are available to prevent this type of manipulation – from the creation of a roster that identifies those capable of mediating condominium disputes within a certain price range to what I refer to as a "rock, paper, scissors mechanism", a process for mediator selection applicable when parties cannot agree on a mediator (which can include each party identifying an independent representative who work together to find an appropriate mediator rather than actually leaving the determining factor to chance) – however, at the time of writing, such are not currently offered by our legislation as we lack a consistent process province-wide.

A look at the path that brought parties to the courtroom is considered in the course of awarding costs. Accordingly, one would appear to be better positioned to recover their costs if they could claim having attempted a conciliatory approach, even if they did not truly embrace one.

Scheduling Tactics

Particularly when many people participate in a mediation – as is often the case when a condominium corporation is directly involved in a conflict – one of the more challenging aspects of the process can be finding a date, time and location that works for everyone. Even in circumstances where there are few people participating, it is very easy for someone who does not wish to mediate to create scheduling difficulties, simply to discourage the process.

This type of manipulation can arise in many ways, ranging from preventing the scheduling of a mediation in the first place to last minute attempts to re-schedule the meeting. A degree of cooperation is necessary to schedule mediation and it is easy to prevent a mediation from proceeding by being uncooperative in that respect. In my practice, I find that when parties truly wish to participate in mediation, they are able to find a mutually agreeable time, date and location to do so.

"All I Do is Win Win Win…"

The explanations and examples set out may give rise to questions as to why, exactly, anyone would want to manipulate mediation. After all, mediation exists to provide a safe opportunity for those involved in a dispute to explore options and try to save the cost, time and stress that come with more adversarial dispute resolution approaches. On top of that, mediation offers the opportunity to consider ongoing relations that become uncomfortable very quickly when conflict appears in the condominium setting. Why would someone want to squander the process?

For some, the thought of by-passing mediation is appealing because they do not appreciate the opportunities it presents – particularly if their legal representation is more comfortable arguing in front of a judge rather than working with others to craft an outcome that is agreeable to everyone involved.

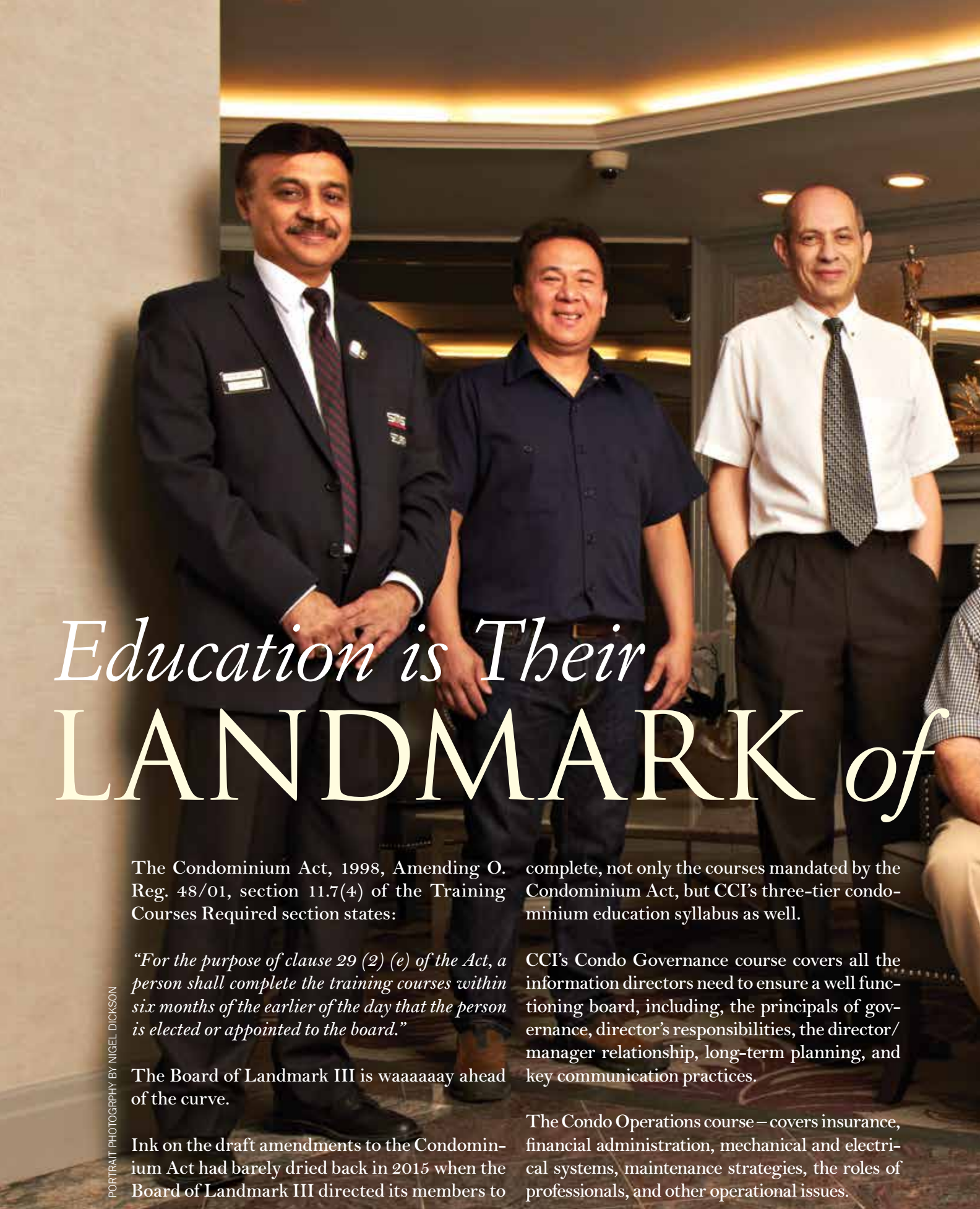
For others, the appeal of manipulation is a little more devious. When we speak of mediation and the opportunities it presents, we speak of the potential for a win-win outcome – an outcome that leaves both parties in an improved situation. However, what is becoming increasingly clear is that when you proceed to arbitration or court, you also need to aim for a win-win outcome, albeit a different type of one. You need to win twice - once with respect to your legal arguments and once again when it comes to cost recovery. Failing this, being right at law may still be a very costly endeavor.

Increasingly, a look at the path that brought parties to the courtroom is considered in the course of awarding costs. Accordingly, one would appear to be better positioned to recover their costs if they could claim having attempted a conciliatory approach, even if they did not truly embrace one.

Ultimately, if mediation "fails", being able to evidence that it was attempted can be helpful in the course of proceeding to arbitration or court. However, actually participating, in good faith, in the mediation process can do such things as narrow issues, allow for an interaction/communication plan to be negotiated, prevent the unnecessary expense that comes with game playing/posturing, allow for a better understanding of where other parties are coming from and otherwise relieve some of the stress that comes with the uncertainty of a third party imposing a solution for you.

Eat Your Veggies

Ultimately, mandatory mediation is like eating your veggies. While you might not always want to, you are encouraged to do so because it is good for you. This explains why many mediate – and eat their veggies – not because they have to, but because they want to. CV



Education is Their LANDMARK *of*

The Condominium Act, 1998, Amending O. Reg. 48/01, section 11.7(4) of the Training Courses Required section states:

"For the purpose of clause 29 (2) (e) of the Act, a person shall complete the training courses within six months of the earlier of the day that the person is elected or appointed to the board."

The Board of Landmark III is waaaaaay ahead of the curve.

Ink on the draft amendments to the Condominium Act had barely dried back in 2015 when the Board of Landmark III directed its members to complete, not only the courses mandated by the Condominium Act, but CCI's three-tier condominium education syllabus as well.

CCI's Condo Governance course covers all the information directors need to ensure a well functioning board, including, the principals of governance, director's responsibilities, the director/manager relationship, long-term planning, and key communication practices.

The Condo Operations course – covers insurance, financial administration, mechanical and electrical systems, maintenance strategies, the roles of professionals, and other operational issues.

PORTRAIT PHOTOGRAPHY BY NIGEL DICKSON

EXCELLENCE

At Landmark III they are waaaaaay ahead of the curve

By James Russell
Newsletters et Cetera

FROM LEFT TO RIGHT:
Arif Ahmed, Security Supervisor
Terry Mamaradlo, Superintendent
Alexander Vainshtein, Property Manager
Bernard Betel, President
Ahuva Simone, Vice President
Sami Hamam, Treasurer

The Advanced Condo Practices course covers reserve funds, financial management, people issues and a mediation/arbitration case study discussion session.

"We knew the new Act was coming so we decided to get a head start," says the Board's Director at Large, Stephen Pollishuke of CCI's three courses, each a crucial primer for the Mandatory courses decreed by the Condominium Act. The Board's former Vice-President, resident, and former Board member Carolyn Rosenblatt points out, "The more knowledge, the better."

Built in 1990, the twelve storey, 268 suite Landmark III sits on twenty-four acres located at 7905 Bayview Avenue in Thornhill. The suites range in size from 1300 to 4200 sq. ft. "All the suites are very spacious," mentions original resident Hannes Broschek as just one of the reasons he and his wife chose Landmark III. Back then Broschek's three bedroom, 2,100 square ft. suite cost the Broscheks in the neighbourhood of $500K. Today, sales of comparable suites in Landmark III are edging toward the million dollar mark.

However, it is not just the generous suite sizes that attract buyers to Landmark III and keeps current owners from jumping ship, "It's really like home. We love every moment of living here,' says Ahuva Simone, the Board's Vice-President.

Carolyn Rosenblatt

The Landmark III lobby sitting area

In addition to a full slate of amenities, Landmark III has a fully equipped movie theatre, state-of-the-art security system, and five acres of grounds maintained to such perfection that their landscaping company received the Landscape Ontario Horticultural Trades Association's Award of Excellence.

Landmark III's very active Social Committee organizes:

- BBQs
- Movie nights
- Card games
- Book reviews
- Exercise classes
- Lectures on subjects such as safety, insurance, and financial advisors
- A Breakfast club
- Aquatic exercise classes, and
- Recreational bus trips

In addition to their annual summer BBQ and December holiday gathering, they also hold special religious displays for celebrating and educating residents.

As a testament to the value the Board places on good governance, transparency and effective fiscal management, the board has proudly mounted their fourteen CCI certificates of completion on the south wall of the management office. All five of Landmark III's Board members have completed their Condo Operations and Advanced Condo Practices courses and four have completed their Condo Governance courses. The Board members found the classes invaluable although, "I learned the most from the Advanced Condo Practices course," says Bernie Betel, one of Landmark III's original owners, a member of the board for the past twenty-six years, and their current President.

In addition to Bernie, Ahuva and Stephen, Landmark III's Board includes Sami Hamam, Treasurer; and Farzad Lahouti, Secretary.

Although the Board's commitment to continuing education and good governance is largely responsible for Landmark III's

First row left to right: Sami Hamam – Treasurer, Ahuva Simone - Vice President, Bernard Betel – President, Stephen Pollishuke - Director
Second row left to right: Alexander Vainshtein - Property Manager, Malvern Condominium Property Management, Farzad Lahouti - Secretary

success, it is the building's awesome residents – active and engaged in the social affairs of the building – who are the key to that success. The building's many committees and social activities are well attended. Even their yearly AGM must be held in the nearby community centre because Landmark III's spacious party room cannot accommodate the crowd.

Key Communication Practices was one of the topics covered in their Condo Governance course, but Landmark III's Board had long ago put in place a myriad of communication channels. In addition to the regular Board Updates, the Board also prepares frequent Information Briefs, which focus on condominium topics. Monthly Board Meeting Minutes are posted on Landmark III's website and notice boards located in the mailroom. Management and committees also make good use of the notice boards and website.

"Alex is a blessing," says Ahuva. "He treats the building as if it is his own," adds Stephen. Ahuva and Stephen are referring to Alexander Vainshtein, R.C.M., Landmark III's property manager since 2015.

Resident and former Board member Carolyn Rosenblatt points out, "The more knowledge, the better."

"The people, the community is very good. They get along well with each other. The residents are very respectful to the building staff including management." Alex, who has a civil engineering and computer background, has made a career of property management for the past sixteen years and worked with quite a few boards. What he likes about Landmark III's Board is, "The members have different background. They bring their expertise and contribute a lot of hours and effort into this volunteer job. They go above and beyond their duties."

Because the Board not only recognises its responsibility to the residents but to Mother Earth, Landmark III's Board has embarked on several 'Green Projects' – including:

- Installation of LED lighting in all their common areas
- Installation of Variable Frequency Drive (VFD) motors in the air handling units and cooling tower
- Installation of a new Adaptive Frequency Drive upgrade for the building's chiller

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Hannes and Emma Broschek

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The LED retrofit, which will result in an estimated $60,000 hydro bill reduction per year and the VFD replacement work, expected to result in a yearly savings of $30,557 and a 2.8 year payback period, earned Landmark III three Certificates of Achievement from Power Stream (now Alectra Utilities), with a fourth Certificate expected to follow soon on the chiller AVD.

Other projects undertaken by the Board include: a garage ramp repair; the complete refurbishment of the hallways including removing the wall paper and stucco and painting unit doors; installation of a new security desk, and, "We are looking into video displays when we modernize our elevators this year," says Stephen.

"Of course, all capital projects impact the budget significantly, so the Board reviews the reserve fund and finances on a regular basis to ensure they have sufficient funds on hand to address their operational and major reserve fund projects," says Treasurer Sami Hamam. During the year decisions are carefully considered, and the financial statements are analysed monthly to ensure that they stay within the approved budget. The Board is proud that, as a result of their due diligence, the increase in this year's budget was a mere 1.6% over the previous year's, an achievement whose success had its roots with the Board's and Management's careful and thorough budget preparation.

All the suites are very spacious," mentions original resident Hannes Broschek as just one of the reasons he and his wife chose Landmark III

It would be easy to attribute Landmark III's success to their active and caring residents, the building's pastoral location and grounds, or the generous square footage of their suites but that would undervalue the importance of the Board's commitment to fiscal responsibility, transparency, communication, and of course, continuing education.

"A lot of what we learned (from the CCI classes) we already did," says Ahuva, to which Sami adds, "But the CCI courses affirmed our knowledge and gave us added confidence." Benjamin Franklin would agree, after all, it was that oddly dressed, kite flyer who once said, "An investment in knowledge pays the best interest." CV

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BA, LL.B. (Hons.)
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Case Law Update

Decisions From the Courts

Harassment of Managers or Staff is a Serious Problem for Condo Corporations That Must Be Addressed

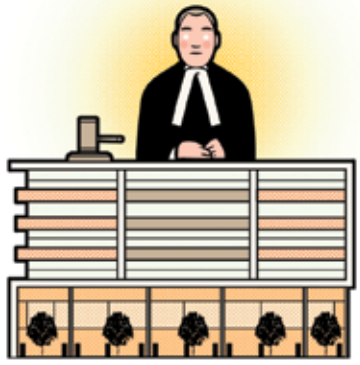

ILLUSTRATION BY JASON SCHNEIDER

Lahrkamp v. MTCC 932

12-Day trial. Three actions. J. Prattas DJ described this case as a "long, tortuous, labyrinthine and costly litigation saga."

This case is about a unit owner seeking production of records from MTCC 932. In each of the three actions, the plaintiff was also seeking damages of $500 against the defendant pursuant to section 55(8) of the Condominium Act, 1998 (the "Act"), for failure to produce the records requested.

The records requested by the plaintiff included the following:

1. Accounts receivable ledgers;
2. General ledgers;
3. Bank statements;
4. Proxies;
5. Owner lists;
6. Board of director meeting minutes;
7. Portfolio valuation summaries and details; and,
8. Transaction summaries.

J. Prattas DJ found that the Act is "worded in favour of transparency, openness and disclosure for the unit owner – except for enumerated exceptions and matters of privacy and confidentiality"; however, he also found that it does not give the unit owner carte blanche to make unreasonable requests/demands for records "or to go on a crusade or to go on a fishing expedition."

J. Prattas DJ found that when a condominium corporation is considering a records request, the criteria should be applied objectively: "what does a reasonable owner require to inform him/herself about the proper functioning of his/her condominium corporation?"

The plaintiff's position on the other hand, was that the criteria should be applied subjectively because, as an owner, he was entitled to examine every record of the condominium corporation and to satisfy himself for his own personal reasons.

J. Prattas DJ found that the plaintiff's conduct and dealings regarding records requests was not because he was genuinely interested in looking into the specific dealings of the condominium corporation. Rather, it was determined that the plaintiff was either "oblivious to the fact that he was wasting other people's time and money, or, more likely, that he took a genuine interest in pestering the Board and others with his demands."

The plaintiff was found to be a litigious person, as he had commenced or been involved in more than a dozen proceedings, including motions, against the condominium corporation.

In the end, the plaintiff was entitled to redacted copies of proxies for the years 2012 to 2015, and redacted copies of the board minutes for 2012 to 2015, subject to copying charges and labor charges.

The plaintiff was not entitled to receive copies of the owner lists because his reasons (which were to allow communication with owners regarding the operation of the condominium corporation) were vague and infringed on the privacy rights of the communal owners.

The plaintiff was not entitled to receive copies of the general ledgers because he "provided no credible evidence as to what information may be contained in these ledgers that would be of interest to him, nor any credible evidence that access to these ledgers would permit him to ascertain whether the Board or property manager had properly discharged their obligations." It was found that the plaintiff was on a "pure fishing expedition" regard-

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ing the general ledgers. Furthermore, as a result of the confidential and sensitive information contained therein, which would require redaction, J. Prattas DJ found that the plaintiff's request would cause a significant burden on the condominium corporation in time and expense, and based on the evidence in this case, such production was not warranted.

The plaintiff was not entitled to receive copies of the accounts receivable ledgers because he "did not produce any cogent reason as to why he wanted to inspect" them. It was found that it would be too onerous to produce all of these records and that the plaintiff was on a pure fishing expedition regarding the accounts receivable ledgers.

The plaintiff was not entitled to receive copies of bank statements and the portfolio evaluation details because the court was not persuaded that his reasons were reasonably related to the purpose of the Act.

Other than the conditional production of the proxies and board minutes ordered by J. Prattas DJ, the balance of the plaintiff's claims were dismissed.

Conclusions and points to remember:

1. It is necessary to look at facts surrounding each records request to determine whether the condominium corporation has a reasonable excuse in not providing the records for examination.

2. The plaintiff's reasons for wishing to inspect the Owner's List (which were to allow communication with owners regarding the operation of the condominium corporation) were found to be vague and infringing on the privacy rights of the communal owners.

3. All personal information shall be redacted from a proxy so that the requesting party is not able to determine who voted and how they voted, or any personal information about such proxy donors.

4. To be certain that redacted information is not to be ascertained in a condominium corporation's records, the court found it reasonable for a condominium corporation to provide third generation photocopies.

5. The court found it reasonable for a condominium corporation to charge photocopying charges of $1.00 per page because in order to make third generation redactions, four photocopies at $.25 per page must be made.

6. The court found it reasonable for a condominium corporation to charge $1.00 in labour charges per set of minutes and per proxy.

7. The court found it reasonable for the above-noted charges to be paid in advance prior to any inspection.

8. The court found it reasonable that the time and place of such inspection shall be mutually agreed between the parties within 20 days, failing which the condominium corporation shall determine the time and place of such inspection on its own action reasonably.

9. Although the plaintiff was entitled to examine records of the defendant, he

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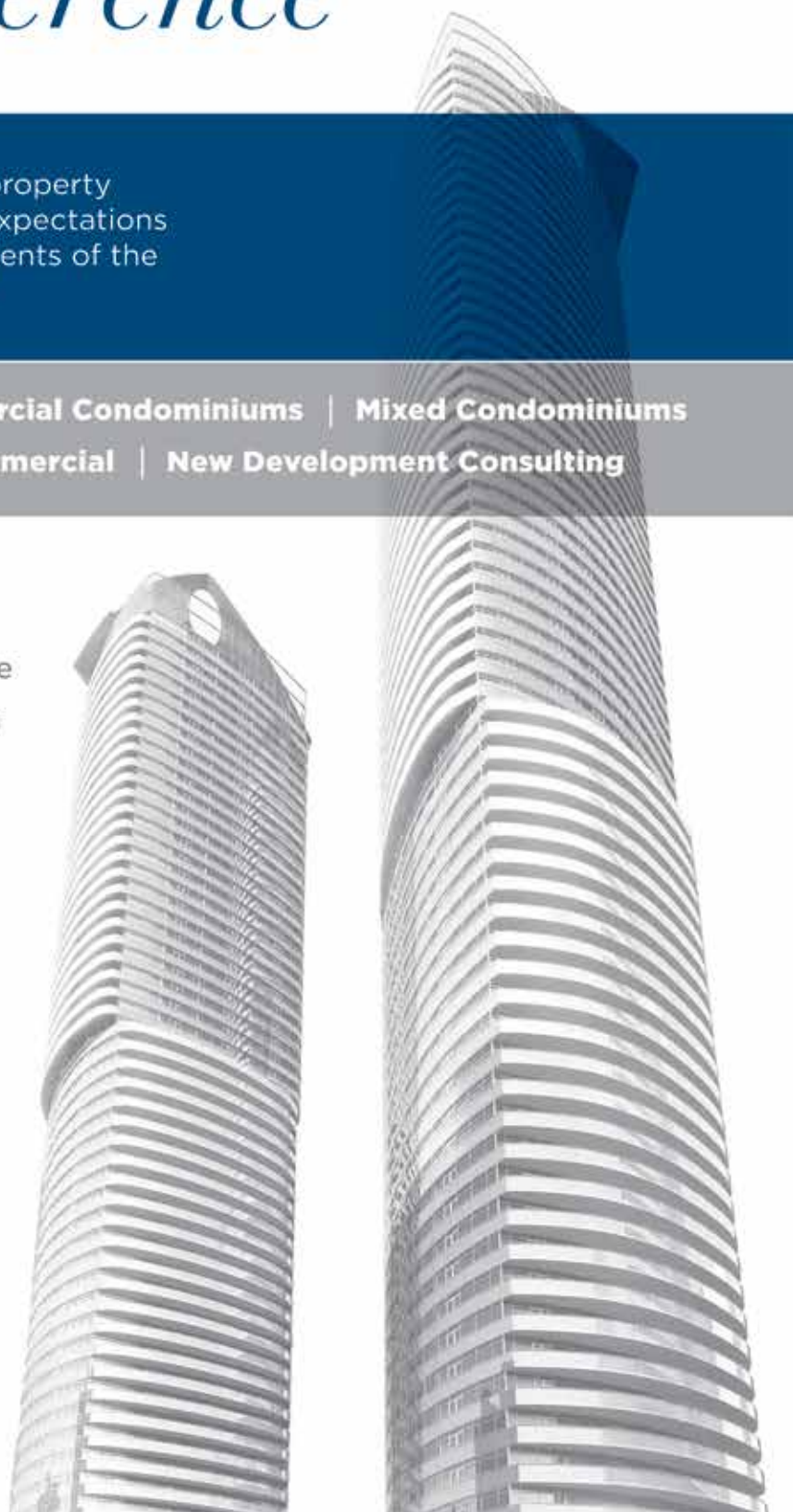

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was not entitled to abuse such right by pestering the board of directors or staff and any copies of documents had to be paid in advance.

10. It is up to the condominium corporation to decide what notice is reasonable and what is a reasonable time and place for the appellant to examine the records.

11. A condominium corporation may refuse a record if the burden and expense to the corporation is in issue.

Toronto Standard Condominium Corp. No. 1633 v. Toronto Standard Condominium Corp. No. 1809, [2017] O.J. No. 1024 (Ontario Superior Court of Justice, March 1, 2017)

The applicant, Toronto Standard Condominium Corporation No. 1633 ("TSCC 1633") and the respondent, Toronto Standard Condominium Corporation No. 1809 ("TSCC 1809"), are adjacent high-rise mixed use condominium developments, which were registered by the same declarant. The declarations provided TSCC 1809 an easement over a Shared Laneway, wherein any vehicle entering or existing TSCC 1809's underground parking garage would have to drive over the said Shared Laneway. As the condominium corporations do not have a cost-sharing agreement, TSCC 1633 took issue with the wear and tear of the Shared Laneway caused by the unlimited vehicles accessing TSCC 1809's parking garage. TSCC 1633 made an application for a declaration and order that TSCC 1809 be responsible to "share permanently the costs of operation, maintenance, repair and replacement of the shared laneway."

TSCC 1633 based its application on the following grounds; a) TSCC 1809 enjoys the benefit of easements without a cost sharing agreement, which was intended by the common declarant b) it has not continued towards the shared facilities, specifically the costs of operation, maintenance, repair and replacement of the Shared Laneway c) it refused to accept responsibility towards costs related to the Shared Laneway d) it refused to execute a proposed easement and cost-sharing agreement with TSCC 1633 e) TSCC1633 obtained an engineering opinion which stated that TSCC 1809 is responsible for 23.3 percent of the cost to maintain and repair the Shared Laneway, f) Baghai, the developer, did not take responsibility for the operation of the shared facilities, but left this responsibility to TSCC 1633, and g) TSCC 1633 relies on sections 119, 133, 134 and 135 of the Condominium Act, 1998 (the "Act").

P.J. Cavanagh J. found that TSCC 1633 failed to establish "a breach of its reasonable expectations through the conduct of TSCC 1809" as there is no provision in the declaration of either of the condominium corporation that references a cost-sharing agreement with respect to the Shared Laneway or an easement, to be entered into between both parties. TSCC 1633's Disclosure Statement stated that "if the property is developed in more than a single phase, the Costs of the Services and Easements shall be shared on specific terms, including that Baghai on its behalf and on behalf of the condominium corporation(s) to be created, shall enter into an "Easement and Cost Sharing Agreement, which will be binding…" However, the development of

TSCC 1633 resulted in construction of a single phase development, which P.J. Cavanagh J. held, is not in contravention of TSCC 1633's disclosure statement, and would not reasonably have "caused a unit purchaser to expect that TSCC 1809 would be required to contribute to the costs of the maintain and repairing of the Shared Laneway."

P.J. Cavanagh J. also found that TSCC 1809 is not bound by any contractual obligation to pay for the repair and maintenance costs for the Shared Laneway. TSCC 1809 did not have any common law or statutory obligation to share in the laneway costs and that TSCC 1633 is not entitled to a remedy founded in unjust enrichment due to an absence of a contract between the two corporations.

TSCC 1633 relied upon the recent amendments to the Act, regarding condominium corporations who share facilities. Specifically, Section 21.1(1) of the amended Act states that:

Subject to the regulations, if any [two or more condominium corporation] share or are proposed to share in the provision, use, maintenance, repair, insurance or administration of any land, any part of a property or proposed property, any assets of a corporation or any facilities or services, they shall enter into an agreement that meets the prescribed requirements and shall ensure that it is registered in accordance with the regulations.

However, P.J. Cavanagh J found that although s. 21.1 (1) may affect the rights and obligations of TSCC 1663 and TSCC 1809 when it comes into force, it is not applicable to the application at this time. Accordingly, the application was dismissed.

YCC 163 v. Robinson – Ontario Superior Court of Justice (April 19, 2017)

The condominium corporation brought an application against a unit owner who habitually engaged in insult, body shaming, and name calling against staff. There were numerous e-mails from the relevant unit owner submitted as exhibits. The conduct was characterized as direct and ongoing harassment, and made work life particularly intolerable for the condominium corporation's manager.

The court held that the conduct amounted to an infringement of the s. 117 of the Condominium Act, 1998 ("the Act"), which provides that, "No person shall … carry on an activity in a unit or in the common elements if the condition or the activity is likely to damage the property or cause injury to an individual." In so holding, the court cited the Korolekh case,[1] which also dealt with s.117 of the Act. In Korolekh, it was noted that "bodily harm" has been held to mean "any hurt or injury" and "to include psychological harm", provided it is more than "transient or trifling".[2]

A cease and desist order was made against the unit owner, and the condominium corporation was awarded $15,000 of its legal costs.

[1] Metropolitan Toronto Condominium Corp. No. 747 v. Korolekh, 2010 ONSC 4448 (August 17, 2010, Code J.).
[2] Ibid. at para. 71

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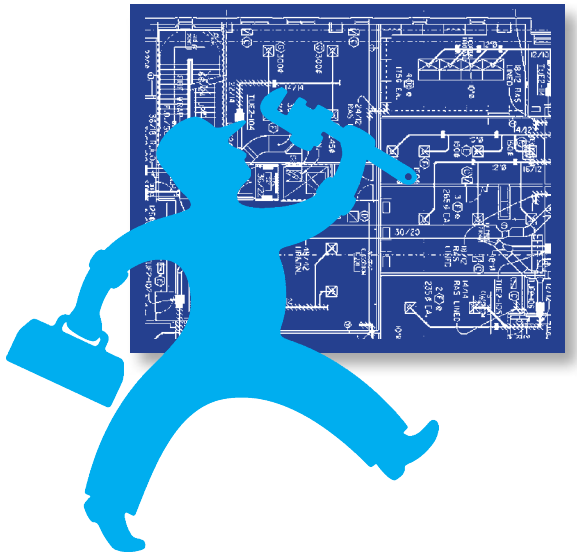
Procurement, Proposals and other Possibilities



Condo Corporations Have Many Alternatives at Their Disposal for Procuring Contractor Services, Each With its Own Latent Legal Implications

Tendering

In the Fall 2016 Condovoice article entitled "Remembering Tendering!", author Warren Ragoonanan provides an excellent summary of the law of tendering and how it applies to corporations who want to procure contractor services. The following are some of the salient points:

- Tendering, or procurement as it is also called, is a competitive bidding process which creates two contracts – Contract A and Contract B.
- Contract A is an agreement between the condo corporation and the contractor submitting a bid. The terms of Contract A are in the Instruction to Bidder found in the Invitation to Bid prepared by the condo corporation. The condo corporation promises to set up the bidding process and consider bids. In exchange, each contractor agrees to accept the tendering process terms and to submit a bid that conforms to the requirements in the Instructions to Bidders.
- Contract B is the actual contract between the condo corporation and the contractor selected at the end of the bidding process. Contract B contains the work specifications – the price, the payment terms, the work timeline and all other items normally found in a service contract.
- The law of tendering uses contractual liability to hold both condo corporations and contractors accountable to one another. The condo corporation has the onus of setting up a fair and equal tendering process, and the contractor has the onus of reviewing the tendering instructions and submitting compliant bids.

Request for Proposals

Although formal tendering is commonly used by condo corporations, it is not the only weapon in a condo corporation's arsenal. If a condo corporation wants submissions from contractors but does not wish to create Contract A, it can issue a Request for Proposals (an "RFP") (there are also hybrid procurement processes, but that is beyond the scope of this article). Unlike a call for tenders, an RFP does not create a contractual obligation between the condo corporation and contractors – it is simply an offer to negotiate. In an RFP, the condo corporation asks contractors for expressions of interest and sets out its intention to consider those expressions of interest and negotiate with one or more contractors.

Tendering vs. Request for Proposals

In deciding between a call for tenders and an RFP, a condo corporation must carefully consider its goals and constraints. For example, if a condo is strapped for time on a project, a binding tender with a fixed deadline for submissions may be a more favourable option. The tables on the following page list the pros and cons that will help a condo corporation make its decision.

Distinguishing Factors

If a condo corporation chooses to engage in an RFP, it must be careful that it does not inadvertently create a call for tenders. Calling a process an "RFP" does not necessarily make it so; the terms and conditions

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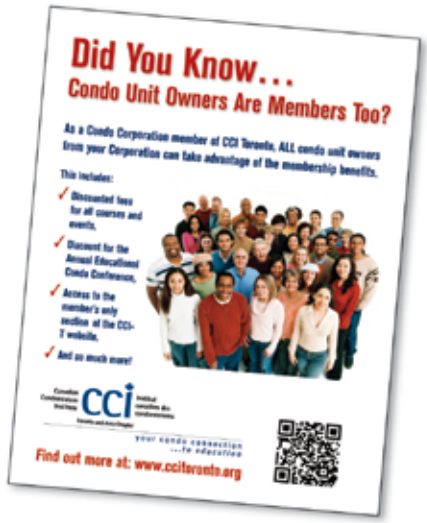

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Tendering	
Pros	**Cons**
Defined scope of work	Contract A legal paradigm is not flexible
Certainty of contractual terms	Cannot accept non-compliant preferred/low bid
Binding process and bid prices	Significant consequences if Contract A is breached
No negotiation permitted	Can't consider factors beyond stated selection criteria
Clearly defined criteria for selecting successful bidder	
Competition among bidders may reduce price	
Usually simpler, faster and less expensive	

Request for Proposals	
Pros	**Cons**
Non-binding process does not expose owner to breach of Contract A claims by angry bidders	Scope of work may not be well-defined
Flexible selection criteria	Contract terms not certain
No Contract A	Negotiation required
Fewer legal consequences	Non-binding process and bid prices
Promotes creativity and ingenuity	Usually more complex, slower and more expensive
	More subjectivity in evaluation process

of the procurement documents provided to the contractors will be determinative. There are six factors that a court will use to determine whether an RFP will give rise to the contractual obligations of the tendering process:

1) The formality of the RFP process;
2) Whether there is a deadline for submissions;
3) Whether bids/proposals are required to be irrevocable;
4) Whether there is a duty on the owner to award the project contract;
5) Whether the project contract has specific conditions not open to negotiation; and
6) Whether there is a statement within the RFP indicating that the RFP was not a call for tenders.

Director as a Contractor

As a further alternative to a call for tenders or RFP (or as part thereof), the condo corporation can look to the services of a director who happens to be a professional contractor. While there is nothing inherently wrong with a condo corporation having a director render services to it, and, in fact, there may be a cost-saving incentive to do so, there is a unique set of legal requirements that must be followed beyond the typical legal obligations for procurement. Section 40 of the Condominium Act, 1998 ("Act") deals specifically with director conflicts of interest and disclosure requirements (an officer of the condo corporation is subject to the same criteria under s. 41). In short, a director who has, directly or indirectly, a material interest in a contract or transaction involving the condo corporation or being contemplated by the condo corporation must: 1) disclose to the corporation, in writing and promptly, the nature and extent of his or her interest and 2) not be present during the discussions at a meeting, and not vote or be counted towards the quorum on a vote, regarding the contract or transaction. Disclosure must then be made at the board meeting at which the proposed contract or transaction is first considered. The board should enter the director's written disclosure into the minutes of the meeting of the board at which the disclosure is made. A director who violates s. 40 of the Act may be held liable to the corporation or its owners for any profit or gain obtained from the contract or transaction.

Duty of Good Faith and Fairness

In a tender, the condo corporation owes a duty of good faith and fairness which requires the condo corporation to treat all bidders fairly and equally, without the application of hidden preferences, undisclosed non-customary bid evaluation criteria or conduct which gives a bidder an unfair competitive advantage (There is conflicting case law which debates whether this duty also applies to RFPs, but that is beyond the scope of this article). A condo corporation may be tempted to leverage an existing relationship, such as that with a director who is a professional contractor, to obtain a lower bid price from other contractors. However, the condo corporation should avoid any impropriety or perception thereof. For example, in the interest of transparency, the condo corporation may find it prudent to advise bidders that a director is submitting a bid. The director should not be privy to any of the submitted bids, so that the he or she is not unfairly advantaged in submitting his or her bid price or other bid criteria.

Consult your Lawyer

Condo corporations have many alternatives at their disposal for procuring contractor services. However, different options have different latent legal implications. As such, condo corporation boards should engage legal counsel early and often for assistance in drafting procurement documents and to ensure that the condo corporation and directors are abiding by their existing legal requirements and not creating new legal obligations unintentionally.

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Beaverton, Ontario

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Date Built: 1987 &1991
Condo Style: Townhome Condominium
Number of Units: 60 (in two phases)
Management Company: Owner Boards of Directors
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LOOK FOR ANOTHER CCI-T CONDO MEMBER PROFILE IN THE NEXT ISSUE OF THE CONDOVOICE

By Rob Detta Colli
BENG, MBA, CEM, CMVP
Crossbridge Condominium Services Ltd.

Listen to Rob Detta Colli discuss energy and water benchmarking with Murray Johnson in a CV+ podcast based on this article at www.condopodcasts.com

The Environment

Your Condo and Greenhouse Gas Emissions

Condo Corporations Have Been Mandated to Report Energy and Water Usage by 2019

Grade school sick days had two positives, in my books. Not only did you get to miss a day of school, you also got to watch daytime TV game shows. Family Feud was "must see TV" on those sick days for me. The host of the show at the time was a real character - Richard Dawson. I can hear his voice in my head as I give you this bit of trivia – 100 people were surveyed. Top 6 Answers on the board - "What industry sector in Ontario creates the most Green House Gases (GHGs)?" If you answered "Transportation", then the "survey says" you got the #1 source of GHGs in Ontario – well done. If you answered "Industry", then I would congratulate you on capturing the 2nd largest source of GHSs in Ontario. Are you curious on what ranks 3rd? The "survey says" that "Buildings" rank a very close 3rd to industry for GHG emissions, which surprises a lot of people.

The fact is that office towers and residential buildings are a large contributor of GHGs in Ontario – accounting for 19% of the total in 2013 . It should come as no surprise then, that the Ontario government is looking at buildings to play a more prominent role to help Ontario meet its conservation and GHG reduction targets. To this end, the province is implementing a province-wide benchmarking initiative based on the principle that information can transform building performance.

What is the EWRB?

Ontario's Energy and Water Reporting and Benchmarking (EWRB) initiative is intended to encourage existing building owners to improve their building's efficiency, and reduce their emissions. Enabled by Ontario Regulation 20/17, the EWRB will require all buildings (including condominiums) in Ontario over 50,000 ft2 (about 50 suites) to report their annual consumption of electricity, gas, and water. Buildings will also have to report their GHG emissions as part of this initiative. Benchmarking initiatives are meant to be low-cost, so it was a smart move for the government to select EnergyStar's Portfolio Manager software tool to underpin the program. Portfolio Manager is a free, web-based software tool that combines consumption information with other building parameters to calculate a performance benchmark or score for your condominium complex.

Why Did the Province introduce EWRB?

The idea of implementing a formal benchmarking policy is growing rapidly - 21 major cities in the US now require benchmarking, including New York, Boston, and Chicago. Ontario is the first province in Canada to implement a formal policy for privately owned buildings. Public sector buildings in Ontario have been reporting and benchmarking for four years now. The popularity of benchmarking policies is based on the recognition that many building owners were neither measuring nor tracking energy performance.

ILLUSTRATION BY HAYDEN MAYNARD

Providing buildings a clear picture of where they rank with respect to building performance is seen as the largest barrier to improving the efficiency in existing buildings. There is evidence that supports the notion that benchmarking results that are made public are an effective way to improve efficiency – the US Environment Protection Agency credits low-cost benchmarking programs with a total reduction of 2.4% per year. Closer to home, CivicAction's voluntary "Race to Reduce" program achieved a 12% energy reduction from 2010-2014 across 119 buildings.

How Will the EWRB Help My Condominium?

Benchmarking using the internationally recognized Portfolio Manager tool allows you to compare your building's performance over time. It also allows you to compare your building's performance with similar buildings. We see this helping in two ways. Firstly, the benchmark provides owners with excellent quality information needed to prioritize energy efficiency decisions with other priorities at their corporation. A poor score delivers a clear message of the opportunity a building has to improve efficiency. Secondly, a credible benchmark makes for an excellent communication tool to justify energy projects and/or to communicate successes to owners. We think every board recognizes that energy reduction projects typically have excellent returns – comparable to or even higher returns than corporations receive on their Reserve Fund balances.

The Elephant in the Room – Public Reporting

Ontario's EWRB, like many other formal benchmarking policies, requires that some of the reported data is made public. Why is that? The first reason likely has to do with the government's intent to encourage rather than enforce compliance. The government has successfully used a "shaming" strategy to encourage compliance for public sector buildings - they publish an annual "Buildings that did not report" list. The second reason that supports the public release of benchmarks is quite simply because the public has asked for this kind of data on buildings. Similar to the fuel economy stickers that appear on new vehicles by law that allow for standardized comparisons, publicly available benchmarks will allow potential owners to compare building performance, which we think will allow more efficient buildings to demand higher property values. Not coincidentally, the government also sees the release of benchmark information as potentially unlocking market forces that will drive buildings to invest in energy efficiency.

So what data will be made public? The Ministry of Energy reports that they will publicly disclose the following:

- Property identification (likely condominium corporation number and address);
- Building age;
- ENERGY STAR score;
- Energy, water and GHG intensity ("intensity" means the amount per square foot)
- Confirmation of whether data was verified by an accredited or certified professional.

The Ministry reports they will not publicly disclose the first year of reported data – they want to give everyone a chance to get some experience with the data before it is made public.

When Do Condominiums Have to Report?

The government recognized the non-profit nature of condominiums, so the regulations were written to give condominiums a one year grace period versus their commercial and industrial counterparts. So, condominiums over 100,000 ft2 (about 100 suites) will have until July 1, 2019 to report their annual consumption of electricity, gas, and water from the 2018 calendar year. Smaller condominiums are given a further one year grace period – condominiums over 50,000 ft2 (about 50 suites) will have until July 1, 2020 to report their annual values from the 2019 calendar year. Some of the details still need to be worked out, but we do know quite a bit on how this will work. The answers to some of the most commonly asked questions are as follows:

- Utilities are required by the regulation to provide building owners with consumption data;

- Building owners will use Portfolio Manager to enter their monthly consumption information;
- Building owners are also required to enter other building information – things like address, how the property is used (multi-unit residential), gross floor area;
- If the building is individually metered for electricity, the total electricity consumption is entered that represents the common area plus all of the suites. Managers may not have suite consumption information, which is why utility participation in this initiative is critical.
- If there are utility meters already in place, then buildings will be entered as separate entities. If there is only one utility meter for an entire complex, then the information will be entered as a complex – individual buildings will be considered part of the complex.

What Should a Building Do to Prepare for the EWRB?

At the present time, we are recommending that condominiums do not spend too much time or effort preparing for EWRB implementation. We have three reasons for making this recommendation:

1. ***Let the commercial and industrial buildings work out the bugs:***

   It is not a coincidence that condominiums are given one year LONGER to report than their commercial and industrial counterparts – this is by design. As such, we think it would be wise for condominiums to allow their commercial and industrial counterparts to blaze the EWRB trail. This will allow condominiums to learn from their implementation experiences at no cost, which will lower the cost of compliance for condominiums.

2. ***The infrastructure required for compliance is not ready yet:***

   The infrastructure to help comply with the benchmarking regulations is still being developed. For example, utility companies are required by the regulation to provide building owners with consumption data for the whole building – despite the fact it might be individually metered. We do not believe the utilities have the infrastructure in place yet to provide this information. Additionally, while we are very encouraged to witness the government's efforts to support the implementation, their own website indicates that information on education and training materials will not be posted until later in 2017. Please do not interpret this as the government introducing regulations that are not ready for implementation. We believe it to be quite the contrary. We were involved in the provincial and City of Toronto consultations back in early 2015, and we see much evidence that the government is taking careful and thoughtful steps towards the implementation of the EWRB. Also, let's not forget that the first reporting deadline for condominiums is not until July 1, 2019 – that is two years away. There is still time to allow for the infrastructure and support materials to develop.

3. ***Take the time to understand your building's energy use:***

   Benchmarking is the appropriate tool to use for reporting and tracking performance. But, we see it more as energy "measurement" as opposed to energy "management". So in preparation of the EWRB, we encourage each condominium to make a nominal investment ($1,250 to $1,500) in developing an "energy model" of their building. Perhaps better known as a "weather corrected baseline", this tool (which is fairly simple regression analysis) can be used to determine if your building is behaving normally given the current weather conditions. The model can also be used to track the effectiveness of efficiency projects. Many energy engineering firms that conduct energy audits can provide this analysis – all they would need is one to two years worth of your existing monthly utility bills. Regardless of whom you select, energy modelling contributes to an understanding of how your building operates, which usually leads to excellent benchmarking results, lower costs for the building owners, and fewer GHG emissions that contribute to a better province. CV

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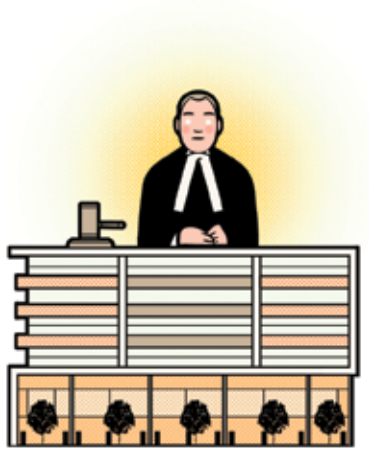
Horlick Levitt Di Lella LLP

Condominium Law

Protecting Condominium Owners Act, 2015: Moving Forward

PCOA is Scheduled to Come into Force on November 1, 2017



The Condominium Act, 1998 (the "Condo Act") has governed condos since May 5, 2001, and is designed, in part, to protect the over 1.3 million condominium owners and residents in Ontario. The Protecting Condominium Owners Act, 2015 ("PCOA") received Royal Assent on December 3, 2015, which amends the Condo Act and also enacts the Condominium Management Services Act, 2015 ("CMSA"). The CMSA is an independent piece of legislation which will govern the industry of condominium management (this will not be discussed in this article).

The majority of Condo Act changes from the PCOA are scheduled to come into force on November 1, 2017 after over 16 years since the last major update to the Condo Act. For some perspective on how the world has changed in that time, consider that when the Condo Act came into force the first iPhone was still 6 years away, Survivor by Destiny's Child was on the Billboard Top 100 songs, and the first of both the Harry Potter and Fast and the Furious movies were on the verge of being released. The world changed, dramatically, in this time and the number of people living in condominiums has drastically increased, yet, the legislation which governs condos is just now changing. Whoever said the law was slow to adapt?

In any event, the Ontario government has finally listened to the overwhelming pleas for change and, with CCI's invaluable input, has made strides in further protecting condominium owners. These protections include necessary improvements to how condos are governed, with an emphasis on greater transparency and accountability of condo boards. To address all of PCOA's major changes to condo legislation in this article would be impossible, and, to this end, we want to touch on the most significant changes that will impact condo owners as of November, 2017. Such major changes include the creation of an administrative authority and the creation of a tribunal to resolve disputes under the authority's jurisdiction.

Changes to the Condo Act Regulations

The government of Ontario has undertaken an open and collaborative public engagement process to inform the amendments it introduced in PCOA to improve upon the existing framework set out by the Condo Act by listening to the public's concerns. As is human nature, some will say the changes go too far, while others will say that they do not go far enough in regulating condos, the boards which run them, and the people who reside in them.

The Condo Act already possessed a robust set of regulations, including Ontario Regulation 48/01 ("Reg 48/01"), which is the primary regulation amended by PCOA. When looking at the changes to the Condo Act's regulations, the government has identified four areas of potential improvement: communications, director qualifications, meeting procedures, and records.

Communications

1) The PCOA's changes are focused on

ILLUSTRATION BY JASON SCHNEIDER

communications from condo corporations to owners, and touch upon subjects such as a corporation's board, finances, insurance, reserve fund, legal proceedings, and other matters. Under the amendments to Reg 48/01, condominium corporations will be required to send out three different types of information certificates to owners: A "periodic information certificate" ("PIC"), which is to be sent to owners twice in a corporation's fiscal year, namely within 30 days of the end of the first fiscal quarter and within 30 days of the end of the third fiscal quarter;

2) An "information certificate update" ("ICU"), which is to be sent to owners when certain events trigger the need for an update, including, when there is a change in the directors on the board; and
3) A "new owner information certificate" ("NOIC"), which must be sent to all new owners of a condominium unit, containing information from the most recent PIC and ICU that was sent to owners. This is in addition to status certificates that must be provided by a corporation upon request.

The intent is that condo corporations now have a positive obligation to keep owners informed as to how the condo corporation is being managed, as condominiums are peoples' homes and often represent their most significant investment. Therefore, the government has decided that owners deserve total transparency from the corporation and the PCOA was designed to achieve this objective.

Another interesting communications amendment is a condo corporation's ability to enter into agreements with its owners to communicate with them electronically. Corporations will now be able to send notices to owners using methods of electronic communication if the owner agrees to that method of delivery. The amendments define "electronic communication" to mean a "communication that is transmitted in digital form or in other intangible form … or by any other means that has capabilities for transmission similar to those means". In a prudent move by the government, and considering it may be the greater part of two decades before we see another change to this legislation, the government wisely left the definition of electronic communications broad to permit future technologies to be captured by this definition.

Director Qualifications and Disqualifications

There have been increasing public policy concerns regarding who can and cannot be on condominium boards and PCOA seeks to address these concerns by imposing greater accountability on directors.

The PCOA deals with director qualifications and disqualifications, by introducing requirements, that, among other things, impose disclosure obligations for candidates and elected directors. The PCOA also sets out mandatory training requirements for directors. Directors may be disqualified from running for or holding director positions for failing to disclose or failing to get trained.

The disclosure process for candidates and elected directors makes use of the new procedures for information certificate updates, preliminary notices of meeting (discussed below), and notices of meeting to transmit information about directors to owners. The regulations will require

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that candidates and elected directors disclose, among other things, the following information:

- If the individual or their spouse, child or parent is a party to any active legal proceedings in which the corporation is also a party;
- If the individual has been convicted of an offence under the Condominium Act or the regulations, within the past 10 years;
- If the individual has an interest in a contract or transaction that the corporation is also a party to;
- If the individual is a unit owner in the corporation and the candidate's common expense contributions are in arrears for 60 days or more; and
- Anything else which a condominium corporation's by-law may require.

The regulations also require that all directors complete mandatory training within six months of being elected or appointed to a board. The PCOA amends the Condo Act to allow for a new condominium authority (see below) to administer some of the provisions of the Condo Act, including director training and its content.

Meeting Procedures

The PCOA further amends procedures concerning meetings, including how owners will receive notice of the business to be transacted at meetings, how quorum is determined, and how voting will take place. Additionally, a new mandatory proxy form will be introduced.

A new section 45.1 is created in the Condo Act which requires boards to send out a preliminary notice to owners in advance of a notice of meeting and prescribes the content of the notices for specific types of owner meetings. Under the regulations, a preliminary notice will need to be sent using a standardized form and will be required to contain the following information:

- A statement about the purpose of the preliminary notice (i.e. that a subsequent notice of meeting will be sent);
- The purpose of the meeting;
- The date of the meeting;
- The deadline for submitting information to be potentially included in the notice of meeting (emphasis added);
- If the meeting is to elect a director, then:
- The size of the board
- The number of positions available (including how many are owner-occupied positions under 51(6) of the Condo Act)
- The term length of each position; and
- If the meeting is about the removal or appointment of an auditor, then information that owners who wish to propose auditor candidates may notify the board of this desire to do so.

In an attempt to deal with owner apathy in many condos, the PCOA lowers the quorum requirements for certain mandatory meetings when quorum cannot be achieved on the first or second attempt. Mandatory meetings will include meetings called to elect one or more directors, meetings called to appoint or remove an auditor, turnover meetings, and annual general meetings. There will now be a tiered system where necessary thresholds for quorum are set as follows:

- 25% of owners at the first and second attempts to hold the meeting; or
- 15% of owners at the third attempt and any subsequent attempts.

This is a monumental step for condominium governance because it permits a corporation to deal with significant matters despite the unfortunate situation of having a largely disinterested community.

Records

Record retention and access to records is a major concern of owners. The PCOA amends section 55 of the Condo Act to address these issues. Under the regulations, specific types of records must be kept by corporations and these records have minimum retention periods. The following retention periods will be applicable:

- A 7 year minimum retention period for financial records and other operating records of the corporation;
- An unlimited retention period for fundamental corporation documents, including current or unexpired versions of agreements and insurance policies; and

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- In-person ballots and proxy instruments from meetings of owners will need to be kept for a minimum of 90 days from the date of the meeting.

Additionally, the regulation changes include a new framework for the method by which a corporation should maintain its records. This new framework includes keeping electronic records which would need to be stored in a manner capable of reproducing the record in an intelligible form within a reasonable time. The government clearly looked to the future by embracing emerging technologies with the PCOA and leaving such definitions open-ended.

Condominium Authority of Ontario ("CAO")

Ontario Regulation 181/17 ("Reg 181/17") designates the Condominium Authority of Ontario as the administrative authority for the purposes of the Condo Act and it is expected that the CAO officially will start work on September 1, 2017. The CAO was incorporated as a not-for-profit corporation and it is governed by an independent board of directors. Similar to other administrative authorities, the CAO will be funded through user fees, which will be charged to condo corporations and users of its services. These fees are yet to be determined but are intended to be at a minimal cost to the unit owners.

The CAO's purpose is to administer services that protect and serve the condo community, including providing basic information about condo ownership and living, overseeing the Condominium Authority Tribunal, and providing education for condo directors to meet their training obligations under Reg 48/01.

Condominium Authority Tribunal ("CAT")

Ontario Regulation 179/17 ("Reg. 179/17") sets out the types of disputes that the Condominium Authority Tribunal will hear. Presently, the CAT will have exclusive jurisdiction to hear and to make legally binding and enforceable decisions, including disputes related to records under section 55 of the Act.

If you are familiar with Residential Tenancies law in Ontario, you may see a parallel between the CAT and the Landlord and Tenant Board ("LTB") which seeks to resolve disputes between landlords and tenants through mediation or adjudication. The CAT will operate in a similar, but distinct fashion, with a mandate to solve disputes between condominium owners and condominium corporations. Similar to the LTB, decisions made by the CAT will be subject to review by the Divisional Court of Ontario, which will hear appeals from CAT findings on questions of the applicable law, but not on questions of fact. Furthermore, should certain disputes not fall within the scope of the CAT, existing dispute resolution mechanisms will continue to apply (i.e. Small Claims Court, mediation and arbitration, and Superior Court applications and/or actions).

The CAT is also expected to come into effect as of November 1, 2017 and it will begin accepting applications for resolution of disputes in late 2017.

Legislative Committee Update

Minister's Announcement July 25, 2017. By Chair: Armand Conant

From left: Mario Deo, Armand Conant, Minister Tracey MacCharles, Bill Thompson and Michael Clifton

The last few months have been a whirlwind of activity for the Legislative Committee. The government's actions culminated in the very important public announcements by the Minister of Government and Consumer Services (Hon. Tracy MacCharles) on July 25, 2017. Draft regulations relating to a portion of the reforms to the Condominium Act, 1998 (parts of the Protecting Condominium Owners Act, 2015 - Bill 106) were circulated in the early spring for public comment. These regulations focused only on governance matters and were broken down into four themes or topics. Previous articles in CondoVoice have reviewed these in-depth.

The legislative committee was active in reviewing these draft regulations, attending meetings and submitting comments and suggestions to the government. Earlier this summer, these regulations were finalized and approved by Cabinet. We are now awaiting the formal proclamation of those portions of the legislation that correlate to these regulations. We are also waiting to see what the prescribed or regulated forms will be, and once published, our Committee, with other stakeholders, will review them and send any comments to the Ministry.

The key aspects of the Minister's announcement on July 25 were:

(a) Licensing of managers will formally commence on November 1, 2017. At the same time, the government will formally designate the Condominium Management Regulatory Authority of Ontario (CMRAO) as an administrative authority, and it will open its doors.

(b) The Condominium Authority of Ontario (CAO) will be formally designated as an administrative authority on September 1st and will open its doors – for limited services at the outset. The types and breadth of services to be provided by the CAO will evolve over time. A more complete description of the CAO is in an article in this issue of CondoVoice.

(c) The mandatory training of directors will commence on November 1, 2017 (for those elected, re-elected or appointed after November 1st).

(d) The Condominium Authority Tribunal (CAT), which will be the largest part of the CAO, will commence on November 1st – solely for disputes related to corporate records and access to them (Sec. 55 claims).

(e) The assessment or fee to fund the CAO will be in the range of $12 per year per voting or primary condominium unit (excludes parking and locker units). The fee will be invoiced to the condo corporation, to be treated as a common expense. The first invoice will be sent out later this year for payment for the period September 1, 2017 to March 31, 2018. Thereafter, the billing will be based on the CAO's fiscal year of April 1st to March 31st. CCI and its Legislative Committee strongly recommend every corporation to start budgeting for this fee/assessment, if you haven't done so already.

So, some of the legislative reforms along with the licensing of mangers are finally becoming a reality. Much more work lies ahead for the government and our Legislative Committee, so stay tuned! CV

2016-2017

Condo of the Year Gala Awards Presentation to Walden Pond

CCI-T President, Sally Thompson, was joined by CCI-T Membership Committee Chair, Vic Persaud, and fellow board member, Ernie Nyitrai, on the evening of May 17th at the Walden Pond I condominium to celebrate with residents as they unveiled their entry way plaque for being named last years' winner of the prestigious Condo of the Year Award. They join a select group of only seven other condos within the chapter to have ever received this honour.

When CCI Toronto judges applications to the Condo of the Year Contest, and when the final selection from the annual finalists is made, we try to look at "What turns a condominium corporation into a condominium community?" Walden Pond I, has certainly discovered the answer to that question, and it can be summed up in one word - 'initiative'.

Their initiative is extensive. The board is obviously very involved in ensuring proper governance and oversight of the condo, but buildings which are approaching 30 years in age require additional care and involvement. The board has not only successfully maintained an aging building, but has gone above and beyond to implement energy retrofits, including replacements/upgrades to boilers, the chiller, water booster pumps, and LED lighting, to name a few. Impressive by any standard! The board also tackled a massive initiative of turning Walden Pond I into one of only a very few completely non-smoking condominiums in Ontario. Undoubtedly not an easy task!

Waldon Pond I has worked hard to maintain a well-run condominium and to foster a community spirit and is a most deserving winner of the Condo of the Year Award.

The residents and committee members of Walden Pond I also exhibit initiative in the community, as shown by well attended social events such as fireside chats, tea at 3, lunch on the lanai, bridge nights, and movie nights, to name a few. It is really the people who turn a corporation into a community, and Walden Pond I has wonderfully captured the spirit, passion, and, most importantly, the involvement of their residents. This definitely is not the case in every condominium, and it is what sets Walden Pond I apart and has helped them to earn the honour that we are here to celebrate tonight.

CCI Toronto was also impressed while reviewing the entry from Waldon Pond I

BELOW FROM LEFT TO RIGHT:
Members of CCI and the Condo stand proudly by the new plaque. Back row on left Ken Sullivan, Ernie Nyitrai, in front from again left to right Colette Dagher, Sally Thompson and Diane Roulstan. On the right side back from left to right Michael Halladay, David Rannie, and Dennis Morin. Front row right from the left Lynda Leaf, Robert McCulloch and Vic Persaud

to see that their involvement in the community didn't stop at the condo gates. It was wonderful to see the ongoing involvement and communication with their local municipal councillor.

Waldon Pond I has worked hard to maintain a well-run condominium and to foster a community spirit and is a most deserving winner of the Condo of the Year Award. CCI-T congratulates Waldon Pond I and was pleased to be with residents at the gala party to celebrate this honour with them. CV

member NEWS

CCI-T Welcomes New Members

Individual Members:
R. Cleary
J. Kim
P. Mariliadieus
K. Rubin
W. Warner

Business Partner Members:
CIBC
Ryan Skeene

CIBC Wood Gundy
Will MacKay

Cohen & Master Tree Shrub Services Ltd.
Tomas Cohen

ComField Management Services Inc.
Suzanne Botnick

Condominium Insurance Solutions Powered by IFG
Barry Herberman

CPO (Canadian Properties Operator) Management Inc.
Vadym Koyen

Ensurco Insurance Group
Monica Agius

GetQuorum
Kamilla Kovaleva

Globe LED Lighting Inc.
Guang Kurt Xiao

KANDY Outdoor Flooring Inc.
Kelly & Doug Niessen

LPS International Investments Ltd.
Alicia Mei Ching Wong

minuteTakers
Scarlett Guy

Solid General Contractors Inc.
Carlos Munoz

Sutherland Kelly LLP
Michelle L. Kelly

The Ingerv Group Ltd.
Artan M. Ingerv

Unattended Markets Inc. - Grabngo Microshops
John Douangprachanh

Condominium Corporation Members
MTCC # 0537
MTCC # 0745
PCC # 0098
PCC # 0414
PCC # 0579
PCC # 0581
PSCC # 0690
PSCC # 1006
TSCC # 1810
TSCC # 2483
TSCC # 2542
TSCC # 2549
TSCC # 2552
TSCC # 2566
VCC # 0009
YCC # 0222
YRCC # 0741
YRSCC # 1314

Professional Members:
Lyndsey McNally
Malvern Condominium Property Management

CCI Was There

CCI Toronto Condo-STRENGTH co-chairs led a discussion where program representatives from across the country shared their experience with the implementation of the For Directors, By Directors program with delegates at CCI National's 2017 Spring Leaders' Forum in Fredericton, New Brunswick.

Pictured here from left to right are some of the meeting participants: Marc Bhalla, Stefan Nespoli, Constance Hudak, Alan Whyte, Ernie Nyitrai, Carole Booth and Ed Keenleyside.

CCI Word Search Puzzle

ACORN
APPLES
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EQUINOX FAIRS
FEAST
FOOTBALL
GOURDS
HALLOWEEN
HARVEST
HAY
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ORCHARD
PUMKINS
QUILTS
RAINCOAT
RAKE
REAP
RED
RIPE
SCARCROWS
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SEPTEMBER
SLEET
SQUASH
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Upcoming Events

Mark Your Calendars!

AGM & Wine and Cheese
Holiday Inn Toronto Yorkdale Hotel
3450 Dufferin Street, Toronto
Monday, October 2, 2017
Complimentary for CCI-T Members,
Registration required
Annual General Meeting
7:00 pm - 8:00 pm
Wine and Cheese Reception
8:00 pm - 9:00 pm

Condo Operations Courses
Courtyard by Marriott,
Toronto Downtown Hotel
475 Yonge Street, Toronto
(Yonge and College)
7:00 pm – 10:00 pm
(Registration at 6:30 pm)
Each One-Night Session
$95 for Members, $125
for Non-Members – plus HST

Register for all four Nights for $295 for Members, $395 for Non-Members – plus HST

Administration
Wednesday, November 15, 2017

Insurance
Wednesday, November 22, 2017

Maintenance and Repair
Wednesday, November 29, 2017

When and How to Use Professionals
Wednesday, December 6, 2017

By Pam Churchill
Director, MTCC 595

2017 CondoSTRENGTH

FOR DIRECTORS, BY DIRECTORS

Background

MTCC 595 is almost 35 years old and we are considering some new technologies such as upgrading our static website to an interactive website, electronic bulletin boards, as well as an enhanced security system. Our Property Manager currently sends out corporate communications and board newsletters to residents via email; those who do not use email receive their communication by hard copy.

WE HAVE THE TECHNOLOGY

Below, Left to Right:
Ernie Nyitrai, Connie Pappas Boccitto, Justin Dyer and Pam Churchill

SHARING YOUR SUCCESS

We have a policy about timely response to letters and emails directed to the property manager.

Emails are checked daily during office hours and responded to immediately. Voice messages are checked daily, logged and returned the same day. Written correspondence directed to the Board will be acknowledged in person or in writing within one business day. The resident will be informed that their correspondence will be discussed at the next Board meeting and a response provided within three business days of the meeting.

Board members do communicate via email between meetings but this complements rather than replaces face-to-face discussions at Board meetings. There apparently are corporations where matters are routinely decided by email and then ratified at a meeting; we are not one of those. Here, Board members do not usually communicate with residents by email unless for corporate business such as committee work.

Discussion

The CondoSTRENGTH group discussion opened by generating a list of things we could discuss under the rubric of technology. It was comprised of: security, including cameras; storage of data; motion detectors; intercoms; policies and practices for permitting people to enter; information systems; email, websites and Facebook; cable; Wi-Fi and electronic bulletin boards; and LED lighting. Discussion focused on information systems and participants generously shared their experiences and expertise.

We learned that it is imperative that the Property Manager support the choice of supplier and that staff be trained. Data must be up-to-date. If the system is linked to your building equipment and operating systems, connect it to the emergency generator. Otherwise, everything will fail when the power does. We were reminded that systems need "care and feeding"—that is, someone has to keep them current, and that consideration should be given to issues such as confidentiality.

Email is almost universally used but to varying degrees; electronic bulletin boards are quite common, and Facebook is popular in many corporations. Still, it appears that younger residents and board members may take greater advantage of new technological tools than some older folk do. That suggests that demographics may influence buy-in on the implementation of communication technologies. Above all, it is clear that change is the only constant in condos today and that learning from each other makes coping much easier. CV

New Committee Member Profiles

Patrick Greco CCI-T Education Committee, CCI Golden Horseshoe Professional Partners Committee and Conference Committee

Patrick Greco is a partner in the Condominium Law practice group at Shibley Righton LLP, where he enjoys the full perspective gained from providing both solicitor and litigation services to condominium clients.

As a solicitor, Patrick helps Boards and Property Managers navigate the day-to-day issues they face. He is a firm believer that good written and oral communication, empathy, and a pinch of humour and creativity can help condominium corporations handle even their most difficult problems. Patrick views chairing a challenging owners' meeting as an opportunity to resolve concerns and build community.

Originally a litigator by training, Patrick has represented clients on numerous matters before the Ontario Court of Justice, Superior Court of Justice and Court of Appeal of Ontario. With a significant background in commercial and construction litigation, he often appears before the Licence Appeal Tribunal on Ontario New Homes Warranty Plan Act (Tarion) matters. Patrick is frequently invited to speak at events such as the annual ACMO/CCI-T Condo Conference, CCI director events, ACMO manager luncheons and CCI – Your Condo Connection videos on topics including privacy and surveillance, the Tarion claims process, and aging in condominiums. He has made submissions to the provincial government on Bill 106 and to the independent review of the Tarion program.

Patrick also loves teaching and has been an instructor at the CCI Level 200 program, management company training and continuing education programs, and the Association of Architectural Technologists of Ontario training course. He has also written for various condominium publications on issues such as Kitec plumbing in condos.

Leslie (Les) Shernofsky

Condo Board Director

Les has had careers in both the for-profit and not-for-profit sectors over the past 47 years. He had a stellar career in Information Systems & Technology for the Bank of Montreal, CGI, IBM/ISM, and as an entrepreneur and consultant for 2 start-up consulting companies.

Les has been living in and has owned 2 condos for a total of 25 yrs.

At his current condo, he was elected to the Board in 2014 as a Director and has held positions as Director-at-Large in his 1st year and as Vice President for the last 2 years. As a life-long learner, Les has completed all the CCI courses (101, 102, 200, & 300) and attended the CCI/ACMO conferences and Springfest, as well as most of the seminars and networking events CCI hosts.

Les is also active as a volunteer for many other organizations. He has held executive and leadership positions for organizations such as Rotary International and the Executive Advancement Resource Network (EARN). He has led Social Media training sessions for "Newly Arrived Persons" that are seeking employment, has successfully written grants to provide portable defibrillators to organizations that had multiple locations, was part of a $300 million Capital Campaign for a local hospital foundation, and has led a team that successfully raised over $1 million in 5 months for a local religious organization for a "Renewal" project.

Les truly believes that all persons seeking to become a member of the Board for their condo corporation get educated, leave their personal agenda at home and do what is good for the corporation NOT what is good for them!

Alex Young Communications Committee and Social Media Subcommittee

Alex Young is an associate lawyer at Gardiner Miller Arnold LLP ("GMA") and practices condominium, corporate/commercial and real estate law.

In 2011, Alex graduated with distinction from the Richard Ivey School of Business at the University of Western Ontario, receiving a Bachelor of Arts in Honours Business Administration. In his summers during undergraduate, Alex honed his writing skills working for a publisher of medical journals. Following business school, Alex transferred his passion for business and writing to his legal studies at Osgoode Hall Law School, where he focused on business law and worked as a research assistant for his commercial law professor. Alex graduated from Osgoode in 2014 and was called to the Bar of Ontario in 2015.

Since 2015, Alex has gained a wealth of condo experience while providing legal services to GMA's condo corporation clients. Alex's expertise includes reviewing and revising condo documents, negotiating and drafting condo service contracts and helping managers and boards solve legal problems.

In his spare time, Alex blogs for GMA's Ontario Condo Law Blog (www.ontariocondolaw.com), Canada's first and foremost law blog devoted to condo issues. Alex also writes on condo law topics for various print publications, including CCI's Condovoice.

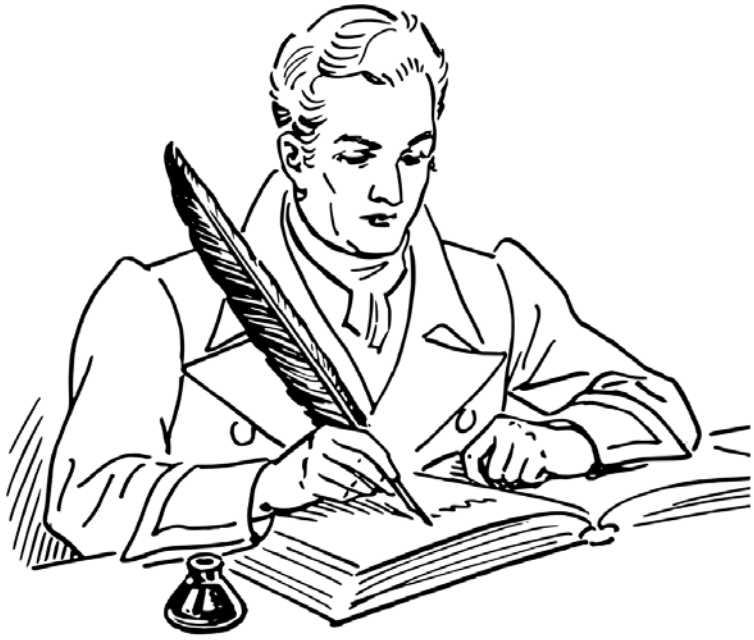
As the newest member of CCI's Communications Committee and Social Media Subcommittee, Alex looks forward to assisting CCI promote its educational resources and various initiatives and to helping CCI produce quality content for Condovoice.

CV "Selfies"

CCI Toronto Director Bob Girard enjoyed Condovoice in Santorini, Greece

Condo Etiquette

Condo Etiquette is a regular Condovoice feature whereby condo residents, owners and directors can share their thoughts on a variety of common (or not so common!) condo etiquette situations.



For this issue, we asked readers:

What is the worst thing someone has done at an Owners' Meeting? Tell us your views on inappropriate community meeting behaviors.

Someone came intoxicated and harassed the Chair by bringing up "issues" that were not "issues" at all but just their thoughts on life. I believe everyone has a right to express their points of view at an annual meeting. Everyone has the right to ask if a rule can be changed. Someone asked, very respectfully, if there was the ability to change the rule regarding pets. They were shouted down and then left the meeting visibly upset. Our President admonished the rest of the group. – *Ann L.*

Were rude to a contractor. Contractor says to board go ahead and vote so we can start the work. – *Beverly M.*

Interrupt the agenda by demanding the floor at inappropriate times. Wait for New Business to bring up your complaints… so I can leave! – *Anonymous*

Asked stupid questions. I have no problem if someone wants to understand why the Board made a certain decision or to express concerns or complaints. But wasting everyone's time with a question that shows no understanding of how condos operate is aggravating. – *Terry D.*

Fallen asleep! It wasn't so bad until he started snoring!! – *Maureen*

By Steve Ilkiw
Founder & Principal, CondoHive

An Interview with Condo Director George Bernashawi of the Mondeo Townhomes

Positive stories on shared facilities are few and far between in the world of condo boards, but some have found a way forward. Condo director George Bernashawi of the Mondeo Townhomes in Scarborough shares his insights in building harmony in a community that was developed over four phases almost 20 years ago.

Steve: What made you interested in serving as a director on your board?

George: I like to be part of the decision making process that is going to determine the future of the site. I feel that I can contribute by ensuring that spending aligns with value and ultimately has a positive impact on my condo community.

Steve: You've had a 15 year tenure on the board. What have you learned over that time?

George: A lot happens in 15 years. There were times when it was very tough being a member of the board; working toward difficult decisions when we didn't always have consensus on what was best.

The process of how you elect board members is very free, in the sense that, you get a bunch of people that are varied in their backgrounds, and some of them don't have much in terms of administrative and managerial experience. As a result, you have to work very hard to steer the decision making process in the right direction. That was pretty challenging at times because people were more emotional than they were logical. But, we survived that, and are doing well.

Also, it is very important to select a management company that is competent and keeps things on track. Currently we have a combination of skilled members of the board along with excellent management (Malvern), and that makes for smooth sailing.

Steve: Your corporation is a little different than most condo boards. Can you describe what makes yours unique?

George: We're a group of townhouses created from four building phases that came at different times over 4-5 years. Each of these phases was incorporated as its own condo corporation. So four different boards have been merged into one super board that oversees the operations of all four phases.

We're also a gated community with our own streets. Common space includes everything within our boundaries, but not what's within the townhouses themselves. We're responsible for all common space including roads and sidewalks.

Steve: Superboards aren't very common. Can you describe the way yours works?

George: There are three positions from each of the four phases, so a full board has twelve members. Sometimes we cannot get three volunteers from a phase to join the board, but the minimum we go with is two. Each phase must agree to each action. So if 2 of 3 members from one phase vote against a motion, it doesn't carry, even if every other member of the superboard votes in favour of a motion. This way, all four condo corps making

The superboard does have its own characteristics. You have four phases that all came on scene at different times, and therefore needs can differ. Fortunately we all understand that we're one site and one community

up the superboard must work together to reach agreement.

Steve: That must create some interesting challenges.

George: The superboard does have its own characteristics. You have four phases that all came on scene at different times, and therefore needs can differ. Fortunately we all understand that we're one site and one community, and it's best when we deal with issues in a united fashion.

Steve:: One community, four condo corporations, built in different years - how do you handle maintenance fees?

George: Maintenance fees may differ from one phase to the other and that's understandable because the condos were built at different times. It's not always easy, but it's the right way to handle it.

Steve: That is a challenging situation from an accounting perspective. Do you see alignment happening in the future when the age difference between the corporations is less significant?

George: I believe as time passes the difference in age is going to become less significant. At some point the complexity of accounting for different rates, and dealing with different corporations uniquely in what's practically speaking one community will lead to a common maintenance fee and approach to repair.

Steve: How do you ensure that repairs made to typically municipal features like roads and sidewalks are consistent with standards outside your walls?

George: We always want to make sure we align with what happens outside the site. Now we may be a little bit different in how we do things, but it's typically very minor in nature. And certainly we would never do anything different enough that we could be accused of being off-side in anyway.

Steve: Gated communities aren't as typical in Canada as they are in the United States. Can you describe living in a gated community?

George: I see living in a gated community as being primarily positive. I think it has a sense of being more secure. We have guards patrolling the space twice a day and if you have an issue you can phone the gate house and they'll help you out. Of course there's a cost associated with that, but in my view, I think it's worth it.

Steve: How tight is your security?

George: For cars security is very tight. Only an owner, resident or authorized guest is permitted past the gate. It's a little bit easier for a pedestrian to sneak in here because there are entry points outside the view of the gatehouse. But frankly, individuals passing through the community don't present much concern, and it hasn't been a problem because guards recognize the people who live here. If there's suspicion that a person doesn't belong, security keeps an eye on them, but typically it's neighbourhood kids exploring.

Steve: Any advice you'd like to share with you fellow condo directors?

George: In my experience the two most helpful aspects of running a condominium site are: One, having a cooperative and unified board. It's an additional blessing if the existing board members can invite people to fill vacant positions that they know are going to be a positive addition to the board. And two, find the right management company to partner with in running the site. We went through a long and challenging process to ensure we had the right management company that aligned with our sense of value and expectations. It was worth all the effort. CV

By Mo Killu
RCM
GPM Property Management Inc.

Condo Living

Be Mindful of the Basics of Condo Ownership

Here is a List of the Top 10 Unit Owner Responsibilities

Condo living is great because it allows for residential ownership without the hassle of home maintenance. However, as with any real estate investment, condo living can come with its own pitfalls and perils. Condo owners should be aware of the basics of condo ownership responsibility to ensure their investment and its value is preserved and enhanced.

The following is a list of top 10 things that condo owners should keep in mind to ensure their investment is protected and to facilitate worry-free ownership:

1 Insurance

While a condo corporation's general liability insurance covers the unit itself (up to the 'standard unit'), don't be caught without contents insurance, which will cover your personal effects and unit upgrades in the event of fire/flood/damage.

2 Rules & Regulations

Each condo corporation has its own set of rules and regulations. Each owner is responsible for knowing them and abiding by them. Cooperation by all makes for a more amicable community. When purchasing an existing condo, make sure to thoroughly review the condo's rules and regulations, as it is important to know what you're buying into. This includes familiarizing yourself with the rules concerning pets, smoking, renovations, party room usage, etc.

3 Be a Good Samaritan

If you see something dangerous, amiss or out of place, report it. This includes security breaches, vandalism, littering, etc.

4 Be a Good Neighbour

Condo living is community living. Be nice to neighbours, management and staff. Treat everyone with respect. Use proper manners. Say 'hello'. You never know who you will meet.

5 Pay Your Common Element Fees on Time:

Adhere to the payment schedule for any applicable common element fees to avoid interest and lien notices. Most corporations now let owners pay by pre-authorized debit.

6 Be Informed

Information circulars and notices may be sent or posted to give the community pertinent information regarding the operation of the complex, community activities, finances, etc. It is highly recommended that you read all circulars and notices, attend all information meetings and AGMs to keep abreast of community developments, and to ask questions. Your condo will likely

ILLUSTRATION BY TOMIO NITTO

be the biggest financial investment in your life, so invest the time to get to know what is happening in the condo and how it is being governed.

7 Be Considerate

Some condo corporations pay communal hydro, and most (if not all) pay communal water. Leaving lights/appliances on or unnecessary water running will result in higher costs to the corporation, which, in turn, will lead to higher common element fees for everyone. Also, using the appropriate waste disposal bins to separate your waste will save time, money and our environment.

8 Be Active

Know who you are electing to act on behalf of the community (your board of directors). Understand their goals and intentions for the corporation. Recognize that the board is comprised of volunteers, and support the board where you can so they feel encouraged to serve the community.

9 Know the Renovation Policy

Always know the requirements for renovations and upgrades to your unit. Before commencing work, get the right licenses and permissions. During construction, be cognizant of your neighbours and ensure that noise and mess is kept to an acceptable minimum.

10 Complaining

From time to time, you may have a complaint. Complaints or constructive feedback are welcome. Remember that the management is acting on behalf of the board and are there to help. Management has a job to do, so be considerate and respectful. Managing a condo community involves dealing with many personalities and stakeholders, which can be difficult. A 'thank you' or compliment goes a long way to brighten up and motivate the team that looks after the safety, security and management of the community.

Obviously every condo community is unique and has its own resources and challenges, but following the tips above will ensure you are on the right track. CV

Advertiser's List

By JJ Hiew
GetQuorum.com
Co-founder

The Last Word

The Future is Now

Why We Need to Face Our Fears and Embrace Progress

Today, the internet has changed the way we communicate, watch television, bank, or even call a taxi. Reforms under Bill 106, which are scheduled to roll out this fall, will allow for technological updates in condominium governance. So if the nearly twenty-year-old Condo Act has caught up with the times, why are so many condominium corporations still failing to embrace technological solutions?

Excuse #1: Why change when things already work?

The most common excuse that I hear when new technology is introduced is, "why change when things already work?" This is meant to justify the fear of the unknown, anxiety over learning something new, and complacency in maintaining the status quo. But, past success is no guarantee for the future, especially when the only constant is change. Often, there is no hesitation when it comes to installing a more energy efficient piece of equipment or use of a more sustainable material for building infrastructure. However, applying the "if it ain't broke, don't fix it" mentality can prevent condominiums from improving processes related to governance. Use of condominium governance software, like condominium management software systems and electronic proxy software, can save condominium managers significant time and effort from having to manually execute tasks.

Excuse #2: Our demographic is older and won't embrace technology

I've heard the refrain again and again from condominium managers and board directors that their communities are not ready to embrace electronic forms of communication because of the advanced age of their residents. The 2017 Pew Research Center report on technology adoption among seniors has shown that the generational divide in internet usage no longer holds true, as 70% of individuals aged 65 and older now use the internet. With this in mind, any attestation that communities are not ready to come online is just a defense to continue doing things the way they have always done them. Our own data also shows this excuse to be false. The response rates for our electronic proxy system in buildings with older demographics matches our average across all clients.

Excuse #3: It's too expensive to change

It's too expensive not to - the new provisions under Bill 106 will increase communication requirements between owners and condominiums. Maintaining the status quo of printing and mailing governance notices will substantially increase costs. Bill 106 recognizes this issue and will include changes to allow for governance communications to be sent electronically. A simple way to transition to electronic communication is by collecting and maintaining an email list of owners and residents. Another approach is to use condominium governance software. While the initial cost and time to set-up the system is not trivial, once implemented, condominium governance software translates into considerable time and cost savings. An additional benefit of electronic communication is addressing the common complaint from owners about the perceived lack of communications from the board. I have seen firsthand the uptick in owner engagement and the immediate cost savings from not having to provide hardcopies of notices to residents. More importantly, resident satisfaction often improves once corporations begin regularly communicating through electronic means.

Nothing can slow down the innovative and progressive leaps that we have seen with technology. By modifying one's mindset from resisting change to taking proactive steps to become educated and adopting some of the new emerging technologies, this will help prevent condominiums from being left behind by aging technology, and from stagnating a condominium manager's personal development and skills. CV

ILLUSTRATION BY JAMIE BENNET

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