



Ryan Coles

*My primary goal as the new president is to continue to grow our membership, with special emphasis on condo owners. They are the ones who we are all here to better serve.*

## Message from the President

Fall is upon us. I can tell by all the sniffing noses around the office. Students are back in school and stirring the annual mixing pot of classroom germs; ready to be brought home to unwilling parents and siblings. I get my flu shot every year, but I would love if someone invented an annual vaccine for the common cold. I bet you a box of tissues it would be more popular.

Professionally speaking, I've heard from many people it was another busy summer. The economy may be down in this province, but that doesn't seem true in the condominium market (unless you're selling). Some of us on the CCI Board were certainly busy over the summer. We participated in conference call and in-person stakeholder meetings hosted by Service Alberta as part of their 'red tape reduction' plans regarding the proposed condo regulation changes. As a follow-up to the group stakeholder sessions, CCI's southern and northern

chapters were given the opportunity to have a lengthy private conference call with the Service Alberta representatives in which we went through our list of concerns about the proposed regulation changes. We were given the impression that several of our concerns would be addressed, and in some cases, it was just a matter of wording that needed to be changed to clarify the intent. And finally, after all that, CCI SAB had a solo conference call with Minister Glubish to discuss remaining concerns that we felt were most contentious — specifically,

(continued on page 3) →

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CCI South Alberta Chapter

- To keep updated on chapter events;
- To receive updates on industry news and condominium related issues;
- To network with other CCI South Alberta members;
- To sign up for future CCI events.

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South Alberta Chapter

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## message from the president

(continuation from page 1)

those topics we felt Service Alberta may still be on the fence about. We felt that we had been heard and that our suggestions will mostly be implemented. Special thanks and recognition to our Board members Dionne, Tony, Andrew, and Rhiannon for their efforts on this front.

Our education committee was also busy as usual over summer; planning our monthly luncheons and some new evening sessions for the upcoming year. They have some great new ideas/topics in store for us this year. Keep an eye out for our emails with more details to come.

At the AGM in September, we once again held another highly contested election for new Board members. Twelve people were nominated to stand for election, and there were six (or were there seven?) board positions to be filled. After hearing a brief speech from each of the candidates, it was clearly a tough choice for all to make. I'll just say I'm glad I wasn't up for re-election. All board members who stood for re-election were voted back in, and we announced

two new Board members, Tara Ersser and Walter Wakula. We didn't realize at the time that we actually had seven board positions to fill. We followed up with the candidate, and I'm happy to announce that Una Fraser has also joined our Board.

Also, at the AGM, we thanked our longstanding, and unfortunately outgoing, Board member Michael Ball for his years of service with the CCI SAB Board and presented him with a plaque and bottle of scotch to represent our gratitude. I was hoping we would get a few tears shed, but Mike kept his composure during his thank you speech. Wish you well, and we will surely see you around Mike.

Dust off your winter coats, mittens, toques, skis, snowboards, toboggans, skates; get your winter tires put on; and then book yourself a sunny vacation somewhere because you won't regret it with the way this winter is looking so far. I look forward to seeing you all throughout the forthcoming CCI year.

Ryan Coles

CCI South Alberta Chapter, President

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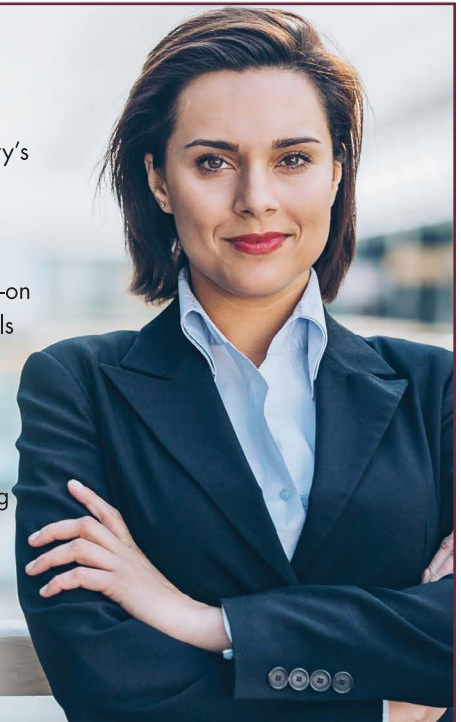
New Concept Management Inc. prides itself on managing all dealings with a hands-on approach, we listen, we communicate and we follow through. One of our main goals is educating condominium corporations, boards, owners, and residents in order to achieve the highest standard of living possible.



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## 2019-2020 LUNCHEONS

### October 31, 2019

Mental Health in Condominiums. Kimberley | Canadian Mental Health Association – Calgary Chapter

### November 28, 2019

Navigating the Standard Insurable Unit Description  
Harold Weidman | Reliance Asset Consulting

### January 30, 2020

Regulation Changes to  
the Condominium  
Property Act

### February 27, 2020

Workshop: Fixing Meetings  
Nancy Smith - Think  
Productive

### March 26, 2020

Regulations

### April 30, 2020

Landscaping

### May 21, 2020


Regulations

### June 25, 2020

What to look for when  
selecting a management  
company

## reminders

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## EVENTS

### November 1 & 2, 2019

ACR Conference at Calgary Trade and Convention Centre

## COURSES

### CM101, Successful Budgeting Basics and CM100

Dates are being confirmed... and will be found on our website: [ccisouthalberta.com](http://ccisouthalberta.com)

## WORKSHOPS: Evening Sessions

### March 2020

Mock AGM - How to run a successful Annual General Meeting (AGM)

### April 2020

Condominium Corporation Self-Management: Challenges & Rewards

### May 2020

Managers are from Mars, Boards are from Venus: Creating a good working  
relationship between condo boards and the manager

### June 2020

Write this Down: How to take proper minutes



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# Managers are from Mars, Boards are from Venus

Creating a good working relationship between  
condo boards and condo managers.

By Maria Bartolotti, ACCI, FCCI, Owner of New Concept Management Inc.

**Q:** Dear Maria, I am being asked to consider a position on my condo board, and I'm curious about how a condo board maintains a good relationship with the condo manager?

**A:** I heard this great saying that I believe holds true: "the critical relationship between the board and Manger can turn water into wine when it works, but can then turn it back to sour milk when it doesn't." How true is that? I believe every manager and board member has experienced this exact statement.

The best boards to work with are those who truly believe in making communication a priority. These boards know

that openness; forgiveness, ethics and transparency make for great governance and a strong relationship between the two.

However, no condo board or management company is perfect. You have different views and personalities to contend with. Conflicts will arise from time to time and how you handle the situation makes a world of difference.

It also holds true, that most if not all condo boards are volunteers and have minimal experience in this area and they are tasked with managing a substantial asset. So having that valuable input from the manager is essential. Here are two essential steps that a board and Manager can use to build on a healthy business relationship.

## Define the roles between the board and the Manager

This step is typically overlooked, but essential. If you're seasoned or new to the board it is critical to understand the distinction between the role of the board and the manager.

The role of the board is to make decisions about the control, management and administration of the condominium corporation and the enforcement of the Bylaws and generally provides leadership to its condo community.

It is important Directors be active and involved when they serve on the



board, and must be willing to devote the necessary time to oversee the corporation.

They must be willing to learn and acquire the knowledge needed to effectively carry out their duties.

The condominium management company is an independent organization hired through its board of directors to carry out the day-to-day operation of a condominium corporation.

#### **Communication**

Communication is a critical and important step to the success of the working relationship between the board of Directors, Manager and the Owners.

It is also very important to establish a liaison that can communicate the needs of the board to the manager. Taking direction from different members on the board can prove to be difficult. Keep it simple and have communications come from one source.

The liaison and the manager should check in with

each other often. Set regular times to meet as a board along with the manager to carry out the business of the condo corporation.

Part of communication is also feedback to your condo manager or board members. If a problem arises address it immediately in a professional and impartial manner. It is equally as important to provide to give positive feedback to your condo manager.

They say it takes a village to raise a child. Well, it takes a lot of hard work and effort to work together as a team to manage the condo corporation. So, you don't have to be from Mars or Venus to work together.

Until next time...

cci



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# Noise in Condos: Demystifying flooring acoustics

By Jeff Cowx

**M**ore than ever, choosing the right acoustical solution, especially when it comes to flooring, represents a substantial challenge. Achieving lower noise pollution is essential to reducing stress, anxiety and achieving desired/deserved comfort. This is not as allusive as one might think. When working with a condo owner or on a new multi-family project, asking the right

questions, at the right time, is crucial. To meet (and often exceed) impact and airborne sound requirements, we need more than just a fictitious number. The following may be helpful when navigating through this complex, and often misguided field.

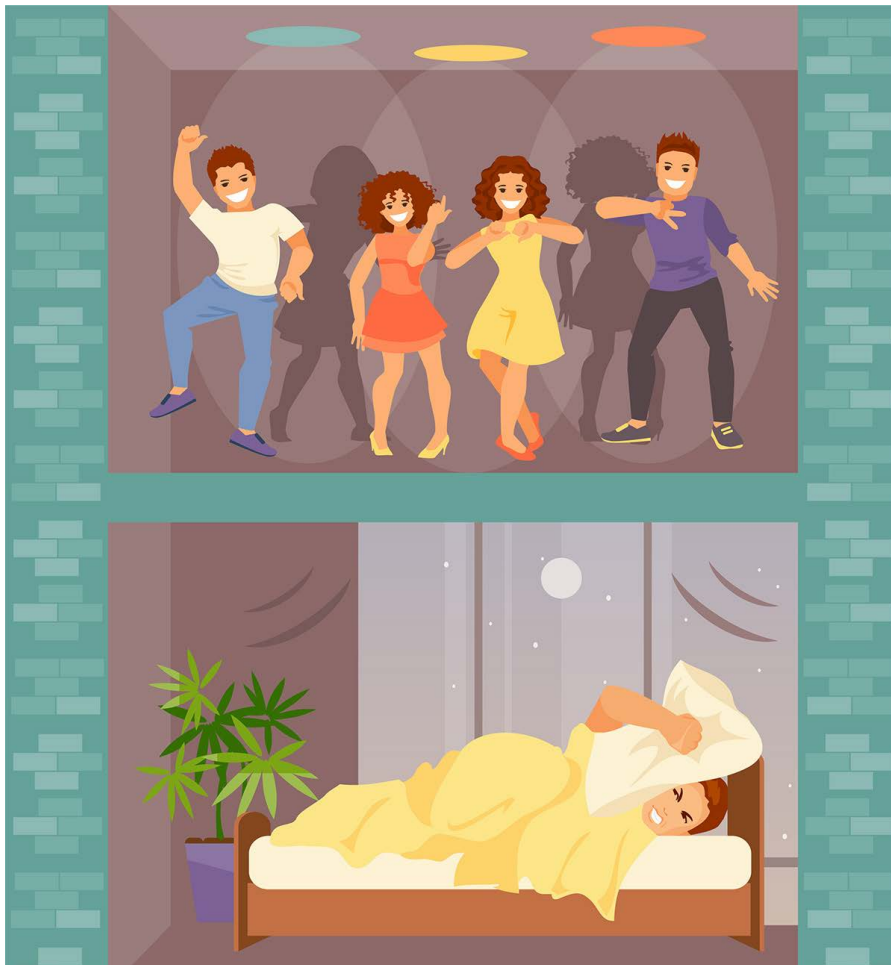
## Types of Noises, Measurement Units and Acoustic Standards

First it is important to differentiate the types of acoustic sounds in our homes. By definition a noise is a sound, especially one that is loud or unpleasant or that causes a disturbance. As you are no doubt aware it can also be the leading causes of conflict.

### Airborne or impact Noise

Sound Transmission is rated: either by Airborne or impact noise. Each of these requires a different solution to mitigate them, particular to the application.

**Airborne Noise:** Airborne noises come mainly from radio, television, voices, etc. (you may have some others you would like to add). An airborne noise is a sound wave carried by vibration through the air which penetrates surfaces such as floors, ceilings and walls structures. Airborne noises also transmit through all the small openings in the building (around doors, air vents, electrical outlets, etc.). →





Be cautious of acoustic ratings published by manufacturers. It is impossible to predict the performance of an acoustical underlay without considering the nature of the building in which it will be installed.

It is therefore important to seal where possible all small openings. Ultimately, the more mass, the greater it will absorb energy and will reduce airborne noise.

In acoustics, there are three units of measurement for airborne noise: STC (Sound Transmission Class) or STI (Sound Transmission Index) when tests are performed in a laboratory, under controlled conditions and FSTC (Field Sound Transmission Class) similar tests conducted on site. Both tests are designed to determine the decibel reduction in noise that a partition can provide. Results of laboratory test are 2 to 5 points higher than those having been performed on site. The National Building Code (NBC) requires a minimum of 52 STC for condominium, while the Canadian Mortgage and Housing Corporation (CMHC) require an FSTC 55.

**Impact Noise:** Impact sounds, are noises that are created by an impact or vibration, such as moving furniture, a person walking with high heels, falling objects on the ground or a child running. These are transmitted by vibration through the structure of the building, such as floors and walls. The measurement unit for impact noise is IIC (Impact Insulation Class), which results from laboratory tests. Like airborne noise, when you add an F before, FIIC (Field Impact Insulation Class), we refer to tests having been carried out in the field. As was true of acoustical ratings for airborne noises, these tests are designed to determine the decibel reduction in

impact sounds through a substrate.

While there are no requirements in the National Building Code (NBC) for impact sound mitigation, some degree of control is necessary for occupant comfort and satisfaction. Therefore, NBC does recommend a minimum of 55 FIIC in residential buildings to address the rights of its owners.

### How to Reduce Noise?

Although there is some commonality among the factors influencing the attenuation of airborne sound and impact sound the latter is by far the more complicated to measure, rate and control. Due to the fact that impact noises generate much more energy than airborne noises, they travel more easily and quickly through the building structure. To ideally dissipate this energy, we must “decouple” materials as close to the source of the impact as possible. A resilient acoustic membrane is designed to eliminate this direct contact between materials. In a perfect world, the floor covering should never come in contact with the structure (substrate).

### Challenges in Choosing an Acoustic Membrane

**Typical Scenario:** Mr. and Mrs. Smith want to change the flooring in their condo. The building they live in requires acoustic performance of FIIC 62. During their search they discover an acoustical membrane claiming an acoustic performance in excess of FIIC 62. They feel confident and proceed with the installation. The following week, their downstairs neighbour complains of hearing footsteps. An Acoustical Engineer is asked to perform acoustic tests on their flooring. The



test results reveal a rating of FIIC 54, well below the FIIC 62 required. What happened? How can the results be so poor?

Flooring acoustics are far more complex than they appear. Indeed, several criteria must be considered when choosing an acoustic membrane. We cannot rely solely on the acoustic results published by the product manufacturer without paying attention to the floor/ceiling assembly.

#### Don't be Fooled

Be cautious of acoustic ratings published by manufacturers. It is impossible to predict the performance of an acoustical underlay without considering the nature of the building in which it will be installed. However, acoustic performance, as published by several acoustic membrane manufacturers, suggest that you can achieve similar results regardless of the type of structure. Therefore, it is essential to verify the conditions under which the published acoustic tests were performed by the manufacturer.

Was the testing conducted in a laboratory (IIC = Impact Insulation Class) or in the field (FIIC = Field Impact Insulation Class)? Acoustic tests performed in a laboratory, under ideal conditions, will systematically provide more efficient results than field tests, where nothing is optimal, often by up to 5 points. Was the floor / ceiling assembly used during the acoustic testing the same as the intended installation? The thickness of the concrete slab, the quantity and thickness of plywood layers, the use of resilient channel, the existence of a suspended ceiling, acoustical mat, etc. are all factors that can

dramatically influence published acoustic results for a given membrane. As an example, a suspended ceiling can increase results up to 14 points. You must ensure that acoustic tests carried out with the membrane you are considering were conducted using identical or very similar testing methods and floor/ceiling assemblies.

#### Do Not Underestimate

An extremely important criteria in choosing an acoustic membrane is mechanical performance. Make sure that the product meets the mechanical criteria (thickness, density, internal cohesion) of the chosen floor covering. This aspect is often overlooked; however, it is just as important as the acoustic performance. Neglecting mechanical performance while choosing your acoustic membrane can lead to expensive failures such as deformation, delaminating, cracking or lifting of the floor covering; all potentially voiding the manufacturer's warranty!

It's also important to know the type of flooring that will be installed: glued or floating engineered wood, nailed hardwood, vinyl, ceramic, etc. This information will guide you to the appropriate acoustical membrane category for your building. If the flooring type is not considered, the result may be that the membrane is too thick, soft or dense. Also, the membrane's mechanical strength may not be sufficient enough to absorb the energy from the natural variations of the floor or subfloor.

#### In Conclusion

As specialists, we lead the way, guiding our customers toward making educated decisions. Today, it is impossible to do so without having a better understanding of acoustics and evaluating the consequences of our recommendations. The good news is that the proper information and support is available and within reach.



**Flooring acoustics are far more complex than they appear. Indeed, several criteria must be considered when choosing an acoustic membrane. We cannot rely solely on the acoustic results published by the product manufacturer without paying attention to the floor/ceiling assembly.**

*NOTE: Reprinted from CCI Toronto Chapter's publication: Volume 21, Issue Number 3*

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Villas of Wentworth

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Chris Cook  
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Yvonne Raaymakers  
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Pat Knoll  
Pat Knoll Parliamentarian Services

## Workshop Invitation Condo Meetings



Presented by: Pat Knoll QC, PRP  
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**Venue:** Winston Golf Club

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Condo Corp 9610460

Condominium Plan 9210296

Country Lane Estates CC 0311515

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Madison Heights (CP#: 8311933)

Meadow Wood Village CC 7821840

Monarch at McKenzie Towne CC #111 1368

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N3 (CC# 1710419)

Palm Village Condominium Association (#9012188)

Pine Pointe Place

Poplar Green (CC#: 0012525)

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Redberry Ridge Condominium

Riverview Condo (CP#: 9611050)

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Stella Nova (CP#: 0414396)

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The Estates at Terrace View

The Homesteads

The Marquis CC #0113151

The Sierras of Richmond Hill

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# Case Law Update: Court rules condo board can limit Airbnb rentals...for now

By John McDougall and Dionne Levesque, credit to Stuart Gray

Most condominiums don't like short term rentals of units in their complex for security and other "wear and tear" reasons.

For years the issue of short term rentals in Alberta condominiums has been a lively topic. Most condominiums don't like short term rentals of units in their complex for security and other "wear and tear" reasons. SVR has typically advised boards and PM's that despite other provinces banning entities like Airbnb and VRBO, that s 32 (5) of the Condominium Property Act is different, and does not differentiate between long term and short term "rentals". However, there had not been any case law in Alberta touching on the issue. That has now changed. In Condominium Corporation No. 0425177 v. Kuzio the court has addressed short term rentals, but unfortunately not in full and final way (yet).

In Kuzio the condominium board challenged the Owners ability to use their units as short term rental accommodations. Under the Condominium's bylaws, units were to be exclusively used as "one-family residence" and for residential, not commercial, purposes. The Owners claimed that using their properties as short term rentals did not violate the Bylaws, and if it did then the Bylaws were invalid under s.32(5) of the Condominium Property Act (the "Act"). →







Under the Condominium's bylaws, units were to be exclusively used as "one-family residence" and for residential, not commercial, purposes.

The application was put to a special hearing to be heard in February 2020. In the meantime, the Corporation wanted to stop the operating of short-term rentals in its building and applied for an interim injunction against the offending Owners. In deciding whether to grant the injunction, the court went into great detail to assess the strength of the Corporation's case.

After considering the arguments of the Owners and the Corporation, the court ultimately determined that the Corporation's case for the Owners being in violation of the bylaws was strong and the Corporation was likely to prevail in subsequent proceedings. In making his decision, Justice Renke found that:

- Renting units through Airbnb was undeniably a commercial purpose.
- Renting through Airbnb was not a "Single family use".
- Airbnb customers were not "Tenants" within the meaning of the Bylaws or the Act. They are licensees not lessees (tenants).
- The Bylaws cited above restricting Airbnbs did not violate the Act.
- While a Corporation cannot prohibit leases because of s. 35(2) of the Act, a bylaw prohibiting licenses is not caught by this section.

The court also went on to find the Corporation had suffered irreparable harm caused by the Respondents. While there was no evidence that the Airbnb guests had caused nuisance or property damage, there was a risk

that they could in the future. Further, the owners did not agree to live in a hotel, the Owners behavior in renting Airbnb units was contrary to the local democracy of the condominium, the Corporation had a duty to enforce its own bylaws and the harm was that the Bylaws were being violated.

The court determined that while the Owners will suffer some financial losses as a result of an injunction, it will not result in irreparable harm.

Therefore, the Corporation established that the short-term rental of units in the condo was a violation of the bylaws and the court was justified in imposing an interim injunction until the hearing set on February 21, 2020.

Given the courts treatment of the short term rental issue, and characterizing short term rentals as "licenses" and not "leases", and the occupants not as "tenants", it is hard to see how the final outcome of this case will be anything other than denying the unit owners from being allowed short term rentals for their units. We shall keep watch for the final decision on this case, but it is possible given the interim order of the court that the owners don't even proceed to the final hearing of the matter.

In any event, this case will give considerable ammunition to all Alberta condominiums who wish to restrict the use of Airbnb, VRBO and the like in their condominiums.

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# Disrupting A 6 Billion Dollar Industry:

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

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

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

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

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

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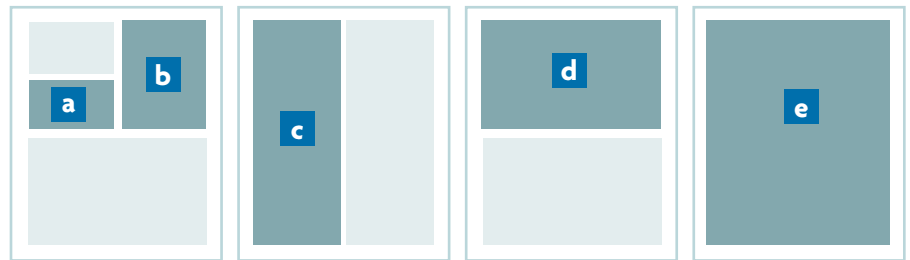
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