



Ryan Coles

*My primary goal as the 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

I struggled to find a topic to write about for my message in this newsletter. Mostly because over our past three newsletters I've made a point to avoid the common Covid19/pandemic phrases, as we all hear enough of that. I do hope your friends and family are all doing well, but I would hope that's inherent thought with any of us.

But I digress, as I made my vaccine appointment for two weeks out and it's rare for us to share private health matters; however, this is one that I think we should talk about if we feel up to it. Maintain your privacy if you see fit, and if you're comfortable, I encourage you to promote amongst your community to get vaccinated. As an engineer, I must follow the science on this one. Albeit my wife did make a joke about growing a third arm after she got her first dose, it's all in good jest. My family has always found laughter and jokes to be the

easiest way to get through difficult times. Wasn't life a lot simpler when the most pressing topic in the news was legalizing cannabis?

Onto condo topics. Has anyone mastered or successfully held a hybrid virtual and in-person meeting? It seems our AGMs are moving in that direction. As you've seen, CCI SAB has been hosting virtual lunch sessions education seminars/courses for about a year now. I think demand for a hybrid virtual and in-person option is soon to become a reality. We've all stood around a cell

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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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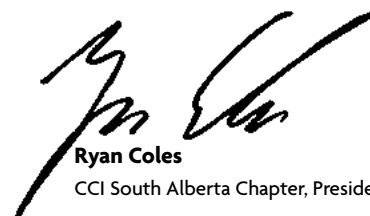
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## Message from the President

(continuation from page 1)

phone set to speaker mode so someone could call into a meeting. What does it look like to incorporate video into that situation, besides the obvious need for quality sound? A potential business opportunity for someone out there to simplify and harmonize how one handles these situations. Hardware such as microphones and potentially a mobile camera setup may be things people need. Perhaps we see one of the players such as Zoom or Microsoft Teams come up with a clever solution and platform. There are more hurdles to this topic than those for getting your Great Uncle Hubert onto a Zoom call with his newly purchased tablet. Shout out to all the Uncle Huberts out there.

I can't help but remind all of you to be checking your condos/homes for any building envelope irregularities now that spring has sprung. Get your annual roof inspection done. Clean your gutters/drains/parkades. Check your windows/doors/balconies/cladding for signs of irregular staining. Walk around your buildings and look for 'one of these things is not like the other'. When in doubt, call a professional to come take a look for you and document what has been reviewed. Perhaps even send out a survey to your residents asking for their feedback about building envelope issues. Happy summer folks!



Ryan Coles  
CCI South Alberta Chapter, President

Canadian Condominium Institute

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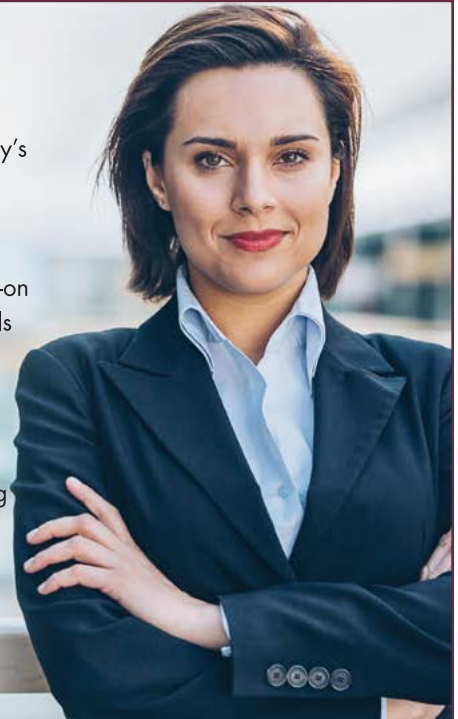
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## At a Glance

### EDUCATIONAL SESSIONS - VIRTUAL

#### Managers are from Mars, Boards are from Venus: Creating Good Working Relationships

October 28, 2021 (12:00pm - 1:00pm)

#### The Regulation of the Condominium Management Industry

June 24, 2021 (12:00pm - 1:00pm)

### CONDOMINIUM MANAGEMENT COURSES - VIRTUAL

#### CM101 September 2020

(see website for specifics)

#### CM100 October 2020

(See website for specifics)

### REMINDERS

**June 30, 2021** Memberships expire

**September 30, 2021** Annual General Meeting (Tentative)



## notice

CCI-SA has taken steps to support the temporary social distancing measures currently being implemented to arrest the spread of COVID-19.

Please check our website for updates on events as they become available.

**EVENT:** CCISA's Education Committee has started putting together its programming for 2021-2022 membership year! Please forward ideas for topics or speakers to the Administrator, through the link: [www.surveymonkey.com/r/ccisa-Topics21-22](http://www.surveymonkey.com/r/ccisa-Topics21-22)

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# CCI SAC Board Director Spotlight

*Abbie Thurgood, Three By Three Inc.*

Usually, you would be able to meet CCI South Alberta Chapter's Board of Directors' at around the networking portion of luncheons, at breaks throughout various courses they may instructor, or in our Alberta Condominium & Real Estate (ACR) Conference exhibitor booth. We are pleased to provide an opportunity for you to get to know us.

In this edition, we would like you to meet one of the new CCI South Alberta's Director, Abbie Thurgood! Abbie is the Business Development Manager with Three-by-Three Inc.

**Q: How long have you been a CCISAC Member?**

**A:** I have attended many CCI luncheons over the past few years and have been a member for 1 year.

**Q: What do you value most of your CCISAC membership?**

**A:** The sense of community. Being able to connect and meet other owners and known contractors in the industry is immeasurable. CCISAC is a valuable resource.

Abbie Thurgood



**Q: What three adjectives would you use to describe CCISAC?**

**A:** Educational, Informative, Resourceful

**Q: What is your current CCI South Alberta Board Position?**

**A:** Currently, a Director at Large  
Do you sit on any Committees?

**A:** Communication and Technology Committee.

**Q: Why did you decide to volunteer as a Board member with CCISA?**

**A:** Most importantly, I am here to learn and provide my input whenever I can. There have been significant changes in the recent year, with the addition of navigating covid-19, I am here to be directly involved with helping our members and our industry through.

**Q: What does "success" mean to you in terms of your work as a board member?**

**A:** Success is such a variable. At the end of the day, I view success as accomplishing something good. It might be as simple as providing appropriate feedback or as global as changing the entire industry. Both are equally a success in my books. →



**Q: What advice would you provide to someone who is thinking about joining CCISA?**

**A:** I know I'm completely biased, being on the Board, but hear me out! I would highly recommend it. Not only for the education and reference material provided to our members, but also for the marketing opportunities. The luncheons were (and will be, when safe to do so) an incredible source to meet industry reps and fellow board members/owners.

**Q: Is there something you would like to see CCISA provide to members?**

**A:** I think it would do some good to have open feedback questionnaires. A document the members can casually fill in and provide requests for information that they'd see valuable.

**Q: How did you get into the Condominium Industry?**

**A:** My dear friend had posted a position online for Three-by-Three Inc. I was hired for an Admin position, which quickly grew to office manager, business development and operations manager. I have a busy mind, so I enjoy being able to focus my energy on the chaos that condominium management is, suits me quite a bit. No day is ever the same and there are always so many ducks to get into a row.

**Q: What are you working on?**

**A:** What am I not working on, would be an easier question to answer. At Three By Three, we are constantly evolving and attempting to do better with everything we touch. Currently, I am reviewing our policies for emergency incidents and attempting to streamline our procedures even more than they already are.

**Q: Do you have a specific project that was particularly rewarding or challenging? Can you provide a quick overview? What was/is the most rewarding aspect of the project?**

**A:** Challenging. The same friend who posted about Three By Three needing an admin person, disappeared under mysterious circumstances. Our ownership and I took on the task of heading up searches across the nation for her, engaging the public and attempting to find her — all while continuing our day-to-day operations for all the properties in our portfolio. We triaged, we were open and transparent with our clients about the situation, and we continued on in

a professional way that I am extremely proud of. If we did not have the team that we do, this would have become more of a nightmare than it already was.

**Q: When you consider the future of the Condominium Industry, where do you see it evolving?**

**A:** I envision our industry evolving into a more transparent format. Humanizing the industry is very important to me. Your condominium manager isn't a call center. They're real people, living in the same city with human problems too. Respect and honesty should go hand in hand with the industry.

**Q: What is the biggest distraction when you're working?**

**A:** My newest addition to my family. I recently got a puppy named Charlie, who has become the unofficial mascot of the company. He's 6 months and a loveable terror.

**Q: What would we be surprised to know about you?**

**A:** Surprise! I love to skydive and I recently completed training for my scuba diving certification. More importantly, I am the frontwoman for a psychedelic heavy rock project in Calgary called Gone Cosmic. We've recently spent time in the studio recording our second album.

**Q: What else would you like members to know about you?**

**A:** I am always down for a chat. If you see me wandering around town, don't hesitate to say hello or send me an email!

cci



# The Deterioration Conundrum

## Delving Into Common Forms of Structural Deterioration Experience By Condo Corporations

By Gary Twomey, Senior Engineer, Entuitive

**W**ith seven years of experience assessing existing building structures in Calgary, from skyscrapers to residential homes, from steel and concrete to brick and wood materials, I have seen structural deterioration be a common trend in most projects I have worked on. While the form and severity of deterioration differs between assessments, the diagnosis of the issue generally tends to come down to one of a handful of the same factors again and again. These are: moisture, temperature, and design/workmanship issues. In this article I will review common forms of deterioration that a Condominium Corporation may experience on their property.

### Starting With Moisture.

The first most common form of structural deterioration due to moisture is Freeze-Thaw. As moisture freezes it experiences about a 9% – 10% volumetric expansion. Considering moisture can get into the smallest of holes and

cracks, this expansion can often result in high internal pressures and stresses.

Noticeable forms of Freeze-Thaw deterioration include:

- the widening of cracks
- spalling and scaling of concrete components, and
- the movement of grade or slightly below grade supported structures.

Scaling of exterior concrete surfaces (i.e. driveways and sidewalks) is an interesting one as it is generally thought that scaling is due to chemical reactions; however, freeze-thaw is the primary contributing factor. In fact, most de-icing salts do not chemically attack concrete surfaces. Rather, the salt ions penetrate the concrete, forcing the concrete to retain more moisture, while at the same time occupying void space in the concrete. The void space in concrete, better known as entrained air, is what combats the expansive forces of freezing moisture. With this void space reduced by deposited salt ions, the concrete surface is overcome by expansive forces and breaks apart.

The second most common form of structural deterioration due to moisture is Corrosion. The presence of moisture and oxygen encourages the corrosion (or oxidation) of metal components. This occurs as moisture →

Figure 1 - Concrete Scaling due to Freeze Thaw



and oxygen provide the necessary elements to allow for a reaction between portions of the metal. During the process of the reaction, some portions of the metal release electrons (deplete in volume) while the other portions obtain electrons (increase in volume). Depending on the type of metal, this can present several undesirable effects. For steel metals, where the primary alloy is Iron, the process is the conversion of Iron-to-Iron Oxide. This process produces a reddish-brown tinge, as the base Iron element is a reddish-brown color. Similar to what is seen with freezing moisture, there is also a volumetric increase of about 4-6% with steel corrosion. For embedded steel components, such as reinforcing bar in concrete, the increase in volume can cause internal pressure and stress within the concrete, causing it to break apart. The portions of steel which are depleting in volume also present a concern as this reduces the strength of the steel.

The third most common form of structural deterioration due to moisture is Rot. As moisture is a nutrient containing element, it promotes the growth of organic material. This is great for watering your plants and grass; however, it is not great if the moisture is found in the wood components of your structure. The presence of

stagnant moisture in wood may lead to unwanted fungus growth. Rot is the process in which fungus essentially eats the wood structure. There are two forms of Rot: Dry Rot and Wet Rot. While they relate to different forms of fungi, neither are good for your structure. The best way to prevent Rot is to ensure your wood structure does not get wet, or if it does get wet, that it is able to dry sufficiently. A moisture content of less than 18% is acceptable to not have to worry about Rot.

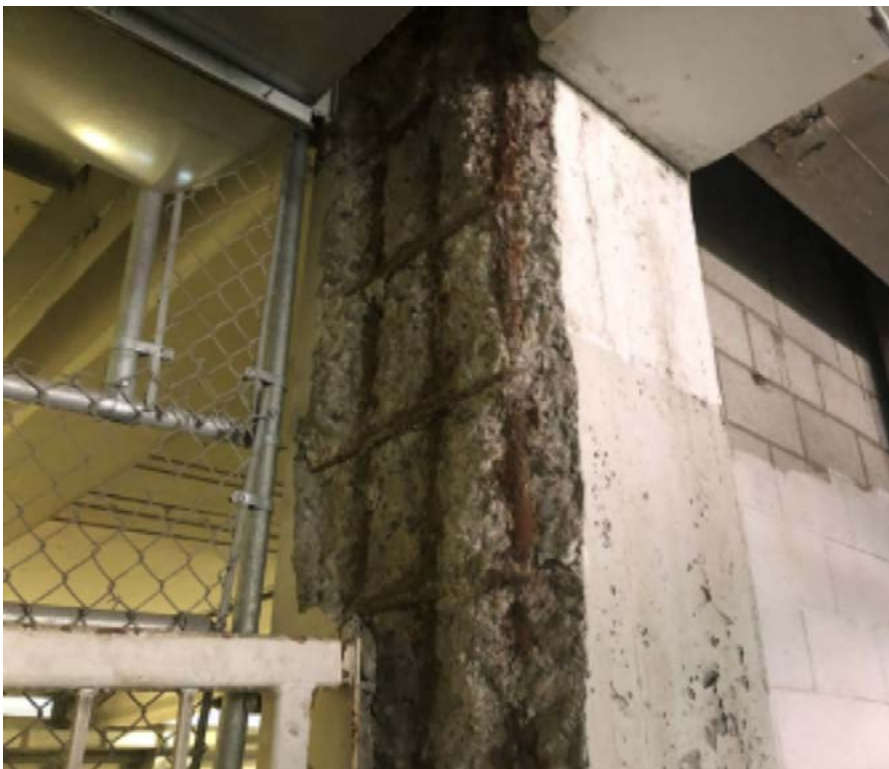
Moisture can and will wreak havoc on a property that is not properly protected. The most common pitfalls we see in our assessments, where moisture has deteriorated a component of the structure are typically due to one or more of the following:

- Locations where waterproofing or flashing transitions are not properly lapped to shed moisture away from the building.
- Locations where waterproofing is damaged or inadequately placed.
- Locations where the wood components of a structure are below or too close to grade.
- Locations where moisture is allowed to pond or flow back towards a property.
- Locations where a structural component supported by grade is above the frost line, thus susceptible to movement.
- Locations which are allowed to get wet but are not able to dry out.

### Temperature

All materials have what is called a Coefficient of Thermal expansion, which defines how that material changes in shape/volume as well as the rate in which it changes as it

**Figure 2 - Concrete Delamination due to Corrosion**



## How materials are aligned in construction is very important as they can experience differential expansion and/or contraction which will result in stress build ups between components, ultimately leading to cracks and/or failures.

undergoes temperature changes. This is generally referred to as expansion and contraction. Many regions of Canada can have drastic temperature swings from day to day, and even from morning to afternoon, so temperature is a major consideration. How materials are aligned in construction is very important as they can experience differential expansion and/or contraction which will result in stress build ups between components, ultimately leading to cracks and/or failures.

Not only do we need to consider the temperature swings throughout the day, but we must also be cognisant of the temperature on different elevations of a building. For instance, consider a building completely made of brick; you would assume the brick would expand and contract consistently at all heights as the day rolls on. However, as the sun rises in the east and sets in the west, the east, south and west elevations of a building will warm up (expand) while the north elevation remains in the shade (remains stable). In the absence of allowable movement in the corner of the buildings (i.e., movement joints), stress build up between the differential expansion of the elevation can result in cracking of the materials at the corners.

A combination effect of deterioration from freeze-thaw and temperature can be realized on south

facing elevations during winter months. Generally, south facing elevations will experience day-to-day freeze-thaw cycles as the elevation freezes at night and warms up from sunlight during the day. Conversely, the north elevation will stay below freezing at all times because it's in the shade. Thus, deterioration from freeze-thaw is predominantly more common on structural elements exposed to the sun (i.e., south elevations).

Another form of temperature deterioration comes during construction when materials which should not be frozen (i.e., concrete within 24 hours of placement, most membranes) experience below freezing temperature. This generally impacts the performance of these materials and renders them defective.

### Design/Workmanship Issues

There are a vast number of examples that could be dissected in this section, but the general theme is quite self-explanatory. Inadequate or lack of design consideration can result in unsatisfactory property performance no matter how well installed. Likewise, a well thought out design won't help the property if installed poorly.

In conclusion, it is nice to have a better understanding of the forms of deterioration that your building may be subjected to; however, it is always strongly recommended to bring in a consultant who specializes in assessments to provide an accurate review of the specific deterioration your building may be experiencing. Consultants come with a wealth of knowledge that they can contribute to remediating your building and reinstating the desired performance.

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# Mixed-Use / Multi-Owner Properties

*Prepared by Tara Ersser, Morrison Hershfield; Bonnie J. Anderson, Dentons and Cynthia DeDeugd, Mayfield Management Group Ltd.*

Once a strata is registered, any or all of the strata lots can be further condominiumized, and the resulting condominiums are subject to applicable condominium legislation as well as any underlying strata contracts such as the ECR Agreement.

**A**s densification continues in major urban Canadian centres, so will the development of properties based on a mixed-use and/or multi-owner model. Easements, covenants, restrictions, and co-ownership / cost-sharing of elements between the co-owners can be quite complex. It is important that property owners — including Condominiums — understand their respective responsibilities and apply this to day-to-day operations and maintenance, capital planning activities (including reserve fund studies), and major repair and replacement projects.

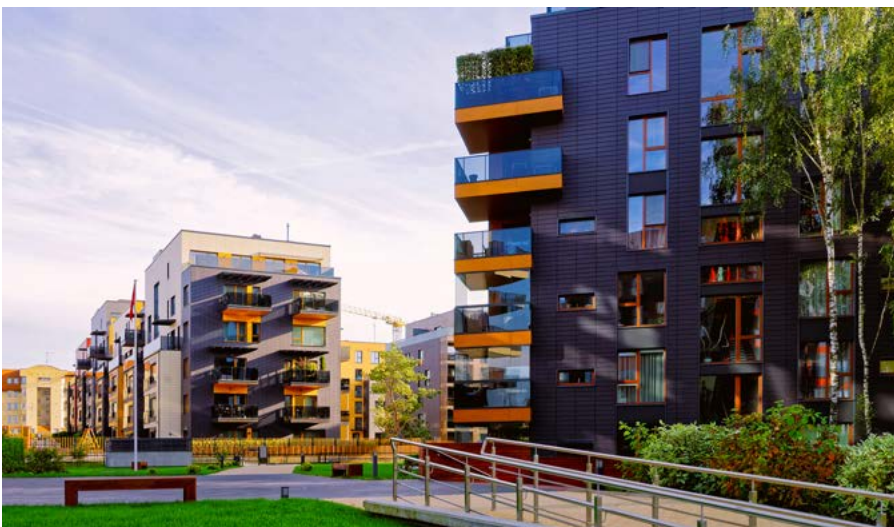
## Ownership Structures

Mixed-use developments can take on numerous ownership structures and have one or multiple owners, including:

- Traditional Subdivision
- Condominium Subdivision
- Strata Subdivision

The traditional subdivision is the simplest form of ownership where lots are determined by survey points on

land. The condominium subdivision — which many readers will be familiar with — is comprised of units determined by a building survey, where the condominium corporation owns the common property and may be involved in managing other unitized parcels. A condominium is subject to detailed condominium legislation. Condominiums have traditionally been the most common structure for mixed-use projects. However, strata subdivisions have become a more popular choice for developers given their flexibility, less legislative restrictions, and given that the lots are volumes in space (“strata lots”) that do not need an existing building to be surveyed. The relationship among strata lot owners is by private contract, the content of which is largely driven by a subdivision authority’s requirements. This contract will be registered on title for the life of the project and is often called the “ECR Agreement” (easements, covenants and restrictions). Once a strata is registered, any or all of the strata lots can be further condominiumized, and the resulting condominiums are subject to applicable condominium legislation as well as any underlying strata contracts such as the ECR Agreement. It is important to determine if a strata is going to be →



The consultant will need to review all documentation that defines the capital repair and replacement responsibilities of the corporation (and where relevant, the neighbouring owners). The condominium plans are reviewed to understand the extent of the condominium's boundary.

used as it has specific servicing requirements that are best evaluated in early discussions about the project.

### Areas of Focus for the Board / Property Manager

Three areas for the Board and/or Property Manager to focus on to ensure successful management of mixed-use/multi-owner property are: documentation, the operating budget, and communication.

It is important to understand the lay of the land and understand your property and your responsibilities. This includes properly reviewing, interpreting, and understanding the relevant property documents. For condominiums within mixed-use / multi-owner properties, these may include:

- Condominium plan(s)
- Bylaws
- Easement agreements / cost-sharing agreements or similar
- Applicable legislation (i.e. Condominium Property Act etc.)
- ECR agreement (if within a strata subdivision), including appended tables and plans.

A sound understanding of the property structure — as dictated by the documentation — is essential to managing the property. It is also essential that the Board and Property Manager establish an operating budget and a capital fund/ reserve fund contribution plan that accurately represents the responsibilities of the Condominium Corporation

(and of the other ownership parties, as relevant) and is inclusive of the complexities of the property.

In a mixed-use subdivision, there may be numerous property management personnel or companies involved. Communication is essential to ensure that the responsibilities of the various parties are understood and to ensure that there is a timely response to emergent issues. As a new condominium Board or manager, it is recommended that you complete your document review promptly so that any areas of uncertainty can be identified and discussed with the other owners. Early clarification of cost-sharing responsibilities between the owners is beneficial to all owners, as it allows for proper operational and capital planning, and prevents conflict (and potential litigation) in the future.

Understanding the Corporation's responsibilities and the motivations of not just the condominium owners and Board, but of the other ownership parties involved, can go a long way in maintaining fair and good relationships amongst shared property owners.

### Reserve Fund Studies and Capital Projects

Of all services provided by consultants to the condominium boards, the Reserve Fund Study (RFS) is one of the key documents. This document sets the stage for the corporation to be financially prepared for the future. It is key the RFS provider understands and accounts for all elements the corporation is responsible to maintain and repair in the study. For the condominiums that have shared elements, it is very important that these be included and reflected accurately.



The consultant will need to review all documentation that defines the capital repair and replacement responsibilities of the corporation (and where relevant, the neighbouring owners). The condominium plans are reviewed to understand the extent of the condominium's boundary. For strata subdivisions, the plans can be quite complex given that there can be numerous lots and given that the lots are 3D volumes in space. The bylaws are reviewed for any information indicating the extent of the corporations' responsibilities for the repair and replacement of facility elements. This includes any mention of cost-sharing. Cost-sharing agreements (or similar) are reviewed to determine what elements, rooms or systems are shared with other entities. These agreements can range from simple to complex. The description of the shared elements may be written only, or there may be tables or floorplans appended that help to illustrate the cost-sharing. For example, an ECR Agreement for a condominium within a strata subdivision often includes appended plans and tables that layout each cost-shared element in the complex.

So, it is understood that the ownership documents need to be reviewed and interpreted to understand the cost-sharing allocations, but how does this get translated into the RFS? What are the effects if the study does not properly represent the cost-sharing responsibilities? In some cases, the effect may be small, but in other cases, there can be a financial burden on an owner that was not properly planning for their share of the property. Improper allocation of cost-sharing responsibilities can result in:

- under-funding the reserve fund/capital fund and surprise expenditures in the future.
- over-funding the reserve fund/capital fund (i.e. funding another owner's portion of the cost).
- future conflict between owners, including possible litigation.

In this regard, it is key for the board / management company understand their responsibilities and to ensure the reserve fund provider has understood and reflected these responsibilities correctly in the reserve fund study. While additional effort (over and above the effort required to complete the base scope of work for the reserve fund study) will be required by the RFS consultant to do this properly, the board's investment will result in a study that accurately represents the position of the corporation. Further, the board may want to consider establishing a relationship with a trusted consultant, who can complete the initial reserve fund study and carry forward their knowledge of the property into future study updates. This knowledge can also be applied to other services, such as capital repair and replacement projects down the road.

### In Conclusion

In summary, if your corporation is part of mixed-use, multi-owner development, it is key to remember the following:

- understand your property ownership structure.
- review and understand your property documents.
- understand your responsibilities for maintenance, repairs and replacement, including cost-sharing.
- engage a manager and consultant(s) that take the time to understand your responsibilities.
- communication with other ownership parties is key to a good working relationship.
- ensure that your responsibilities are properly reflected in your operating plans/budgets, capital plan/reserve fund study, and in completing operational and capital projects.

Your professional partners are available to help navigate the complexities that can come with mixed-use / multi-owner developments. Assistance in navigating and interpreting your documentation is available – even as a stand-alone service! Understanding your property and your responsibilities early on will allow for success in managing your property and your relationships with your co-owners. [ccf](#)

## CONDOMINIUM CORPORATION MEMBERSHIP

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# When Condo residents complain about noise from neighboring suites

By Simon Edwards, HGC Engineering

(with permission to reprint)

**A**s acoustical consultants we get calls almost every day from condo managers and boards who are unsure how to best address residents who complain about noise from their neighbors. What is already the most common type of condo resident complaint has been further exacerbated by people now forced to work or stay isolated at home due to the COVID-19 pandemic. Among the most common type of noise complaints in residential buildings is noise from surrounding suites, either above, below, or adjacent on the same floor.

## Airborne vs Structure-borne Sound

To begin, let's quickly define two different terms: airborne sound and structure-borne sound. There are two ways that sound can transmit from a source (the neighbor) to a receiver

(the resident who's complaining): either through the air or through the structure. Sound traveling through air is how you hear the person talking to you from across the room; the most common sources of airborne sound transmission are human speech, music, and other mid-to-high frequency noises. Sound traveling through the structure is how you hear the person living above you moving their furniture at 3 am; the common sources of structure-borne sound transmission are footsteps, items dropped on the floor, and furniture being moved. →

### Sound Transmission Class (STC) Ratings Scale

STC	WHAT CAN BE HEARD
25	Normal Speech Can Be Understood
30	Loud Speech Can Be Understood
35	Loud Speech Audible But Not Intelligible
40	Loud Speech Audible As A Murmur
50	Loud Speech Heard But Not Audible
55	Loud Sounds Faintly Heard
60+	Good Soundproofing (most sounds do not disturb neighboring residents)

## Sound Transmission Class (STC) & Impact Insulation Class (IIC) Ratings

In North America, a demising assembly's ability to insulate airborne and structure-borne noise between adjacent spaces is defined as the Sound Transmission Class (STC) rating and Impact Insulation Class (IIC) rating, respectively. For example, a higher STC rating of the suite-to-suite demising



Some of the tools used to assess noise levels and Sound Transmission Class (STC) ratings of assemblies.

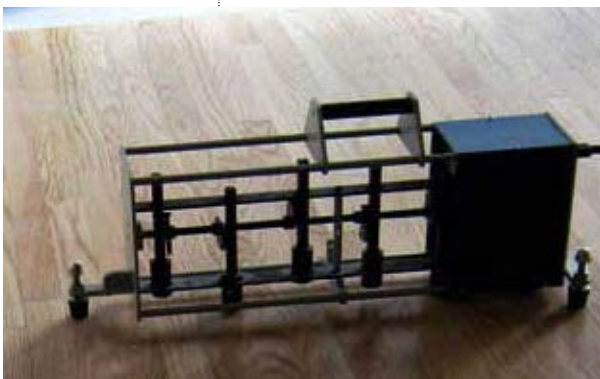
wall means that less airborne noise will travel through the wall to the neighbor versus a wall with a lower STC rating. Similarly, a lower IIC rating of the suite-to-suite floor/ceiling assembly means that more structure-borne noise will be audible in the suite below versus an assembly with a higher IIC rating. Note that

STC and IIC ratings are not correlated with one another; it's possible to have one high and the other low, but it's also possible to have both high or both low.

## National and International Building Code Minimum Criteria for Sound

The National Building Code (NBC) of Canada requires that a suite-to-suite demising assembly have a minimum rating of ASTC-47 (or STC-50, subject to some caveats). There are no requirements for IIC ratings in the NBC; however, an impact performance of IIC-55 rating is recommended. The International Building Code (IBC), which is used or has been adopted by all 50 US states, requires that dwelling units be separated by a minimum STC-50 and IIC-50

assembly (ASTC-45 and AIIC-45 when tested in the field). Sometimes, the condo documents will include a minimum IIC rating — this can also be referenced as criteria. For a luxury condo building, higher standards could be applied (e.g., merely



Impact Insulation Class (IIC) Tapping Machine Testing

meeting minimum building code requirements would not be sufficient).

## Apparent Sound Transmission Class (ASTC) & Apparent Impact Insulation Class (AIIC) Ratings

It's important to note that STC and IIC ratings apply to a specific suite-demising assembly, but not to the surrounding construction components. For example, a specific wall can have an STC rating of STC-60, as tested in a lab environment; however, when constructed in the field, the interface between the suite-to-suite demising wall and either the corridor wall or exterior wall may include a big hole, which all the sound is coming through. When testing the wall in the field, the result would be much lower than STC-60. To decipher between the theoretical acoustical performance of an assembly (STC and IIC) and the field acoustical performance of an assembly, an "A" (for Apparent) or "F" (for Field) is added before each acronym (ASTC/FSTC and AIIC/FIIC ratings).

## Searching for Clues: Noise investigation Detective Work

The first question we always ask property managers is what kind of noise the residents are complaining about — we're looking for clues to identify if the complaint is regarding airborne or structure-borne noise transmission. We're trying to decipher keywords such as "footsteps" or "furniture" (typically structure-borne noise issue) or "shouting" or "music" (typically airborne noise issue). The type of complaint will lead to the type of testing recommended (ASTC testing vs. AIIC testing) to verify the as-built performance of the building construction. As noted above, even when a suite-demising assembly is properly

designed, construction deficiencies can lead to paths for sound to transmit between suites around (or through) the demising wall, which would be reflected in an ASTC or AIIC test. Sometimes a resident is complaining about both types of noise, in which both types of testing would be recommended.

It is important to note that while both ASTC and AIIC are requirements under the International Building Code, only airborne noise insulation (ASTC) is a requirement under the National Building Code; minimum structure-borne noise insulation (AIIC) performance is a recommendation, which is not legally binding (unless included in the condo documents). Ensuring the suite-demising wall meets the ASTC requirements in the National Building Code is often the first priority of property management. As noted above, even in the case of very loud footstep noise (i.e., very low AIIC rating), the tested ASTC rating may be high and exceed building code requirements. Sometimes, this is a sufficient conclusion to the noise complaint. Where the complaint is based on structure-borne noise, an AIIC test can be conducted for comparison to requirements in the condo documentation (if applicable) or NBC recommendations. In the United States, both ASTC and AIIC testing would be required in response to a noise complaint in order to satisfy the requirements of the International Building Code.

### **Expectations of Absolute Silence vs Building Code Minimum Criteria for Sound Transmission**

Unfortunately for residents, the ability to hear neighboring sounds within your suite does not automatically equal



excessive noise from a building code perspective. This concept can be frustrating for many residents, especially those moving out of quiet detached homes into a residential multi-family building with adjoining neighbours on all sides. Building code requirements and recommendations are not sufficient to expect suite-to-suite inaudibility; even with an STC-50 separation, loud sounds will still be faintly audible. This can also be more noticeable when background sound levels in the vicinity of a suite are otherwise low. To more noise-sensitive residents, their expectations of absolute silence in condos may not match the reality, despite the fact that their suite-demising assemblies actually meet building code requirements.

### **When Canadian Condo Documents do not include any Minimum AIIC (or IIC) ratings**


Note that in the event that the condo documents do not include any minimum AIIC (or IIC) ratings in Canada, there are subjective minimum standards that would be considered acceptable in building construction, based on resources such as the NBC, international codes and guidelines, and experience. A resident could seek litigation to resolve a structure-borne complaint that has not been addressed by property management.

### **When Acoustical Testing Does Reveal a Noise Transmission Deficiency**


To summarize, when a resident is complaining about hearing their neighbor, they could be complaining about either airborne sound transmission or structure-borne sound transmission. Depending on which type

Insufficiently applied caulking can be one of the causes of a Sound Transmission Class (STC) rating deficiency

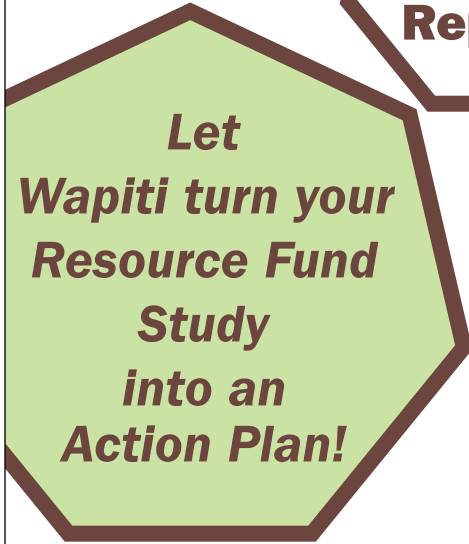




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Common construction deficiencies leading to failed ASTC tests include poor caulking, incorrectly installed resilient channels, or large gaps between the drywall panels and floor/ceiling.

of complaint, the suite-to-suite assembly (wall or floor/ceiling) can be tested in the field to quantify the acoustical performance, which can be compared to building code requirements or other standards.

In the event of a failed test result (or generally low result), in limited scenarios the mode of deficiency can be estimated based on the test results and wall type. In most scenarios, construction deficiencies can only be distinguished by opening up the wall to investigate what specifically was built, in comparison to the design drawings. Common construction deficiencies leading to failed ASTC tests include poor caulking, incorrectly installed resilient channels, or large gaps between the drywall panels and floor/ceiling. Depending on the construction deficiency, improvements can be made in different ways to increase the performance of the wall, although this can often be costly and intrusive to residents on both sides of the assembly. An experienced and knowledgeable acoustical consultant can further investigate the construction deficiency and propose possible mitigation options.

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# Water, Water Everywhere... Now What?

By Stephanie D. Whyte

**P**eople in Condominiums are often confused when a flood happens. Why does the Condominium Corporation have to get involved? Why isn't it up to that Owner alone to fix the problem and repair the damage?

Under section 47 of the Condominium Property Act (the "Act") a Condominium Corporation must place and maintain insurance against loss caused by any peril prescribed by the Regulation. Section 61 of the Condominium Property Regulation (the "Regulation") requires a Condominium Corporation insure for the "sudden and accidental escape of water or steam from within a plumbing, heating, sprinkler or air conditioning system or domestic appliance that is located within an insured building". A Condominium Corporation must insure not only the Common Property, but also the Units, and the fixtures and finishing contained therein.

**A Condominium Corporation must insure not only the Common Property, but also the Units, and the fixtures and finishing contained therein.**

Depending on your perspective, there is one good thing that came out of 2020 – the amendment to the Act and the Regulations. With this round of amendments came two welcome (or not so welcome depending on your perspective) additions that relate to floods in Condominium Units. First up, there is section 62.2 of Regulation which provides that,

A Corporation SHALL make repairs or arrange for and supervise repairs to a unit and fixtures and finishing in a unit after damage where the corporation is responsible for insuring the property affected by the damage. ➔





It isn't always fair but it is necessary. Should a water loss incident not be addressed properly, it could lead to rot, mold, and impact the structural integrity of the building.

In legislation “shall” equals must, which means this isn't optional and the Condominium Corporation must handle the repairs even if the damage is isolated within a single Unit. Remember, though, that while a Condominium Corporation is responsible for insuring the Unit, it is not responsible for contents, personal effects or for providing replacement accommodation or covering lost revenue.

The Owner of a Unit is also an insured under the Corporation's policy of insurance. This means that the only amount potentially recoverable from an Owner (or the Owner's Insurer) is the amount of the Corporation's deductible. This then brings us to the other welcome addition, section 62.4 of the Regulation. Before the latest round of amendments, a Condominium Corporation could only recover the deductible from an Owner if specifically provided for in the Bylaws. Section 62.4 of the Regulation now codifies the Corporation's right of recovery, and allows for the possibility that a Condominium Corporation can recover even if the Bylaws are silent.

Under section 62.4 an Owner is absolutely liable for the deductible (up to a \$50,000 maximum) if the damage “originates in or from the owner's unit or an exclusive possession area assigned to the owner”, so long as none of the exceptions found in (5) apply. The codification of the right of recovery does not make the Bylaws irrelevant. The Bylaws will determine how the Condominium Corporation can recover, and whether they are limited to a debt action or can recover the amount as a contribution levied against that Owner.

The Corporation's obligation to respond is not contingent on an Owner being in good standing, but is an absolute obligation. It isn't always fair but it is necessary. Should a water loss incident not be addressed properly, it could lead to rot, mold, and impact the structural integrity of the building. The Condominium Corporation needs to protect the other Owners and the building from the consequences that can result from a flood.

Truth be told, water loss remains a complicated and confusing area, and is not nearly as straight forward or simple as this article might make it seem. For further information about this or other issue relating to Condominium living, please contact the author or any member of the McLeod Law LLP Condominium Group and we'd be happy to help.

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- How has the condo community benefited from their involvement?

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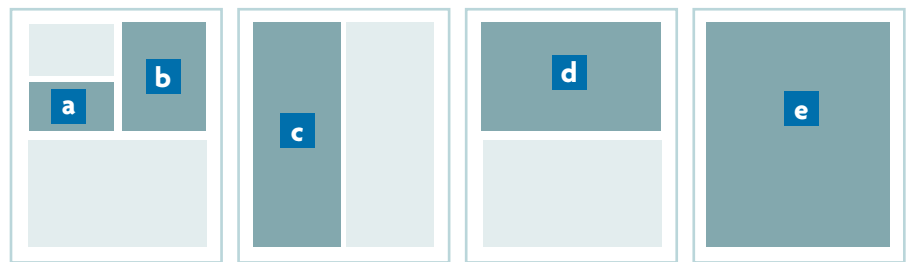
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EDITION	SUBMISSION DEADLINE	DISTRIBUTION
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