



President's Message

By Stephen Cassady • President, CCI South Alberta Chapter

Being an owner in a condominium can be a lot of fun – and sometimes you feel like you're the star in a well-managed three-ring circus. Where ever you look, depending on the size of your condominium, there are people cleaning, there's doormen, things that are broke magically get fixed one day, trees are pruned when you're out at work, painters come and go leaving behind a fresh coat of lovely colour – all for the monthly condominium contribution. And you just need to sit, relax, and watch it all happen. There's a whole industry out there staffed with experienced people who thrive on keeping your building humming.

But it's important to remember that the condominium industry is about the management, maintenance, repair, improvement and operation of corporations and their buildings. They are there to focus on the infrastructure, on the part of your condominium that will be there well after you sell and move on.

Sometimes though, this focus on infrastructure lets slide the whole reason condominiums exist – and that's to provide housing, a sense of home.

Recently our chapter – CCI South Alberta - spent a lot of time focusing on our mission statement. We've been very good and focused on the kaleidoscope of frenzied professional services of the condominium industry – with educational lunches highlighting different areas needed to ensure the life of the building, and condominium courses that ensure the operating a of corporation.

But in reviewing our mission statement we had lost sight of the primary person in the equation – you – the owner, the board member, and home owner. We spent our energy on physical infrastructure issues.

And while these are fiscally and operationally paramount, they seemed to miss the soul of corporations – the human part of the equation.

As such, we streamlined our mission statement, and moving forward, *the mission statement of CCI South Alberta is to educate, and advocate for, condominium corporations and their unit holders.*

And part of the key is now half (if not more) is a focus on the needs of *unit holders* – the people who live in condominiums. We certainly haven't left behind what we've been doing (educate and advocate for *condominium corporations*) with all the whirly activity required to maintain your home and investment, but now we equally stress the home owner, the unit holder. We are bringing balance to our focus.

To meet this new half of our mission statement, we will be trying out a variety of new things. Foremost, we are rolling out a new course specifically for board members (to be called are 101). As well, we are looking at hosting owner get-togethers and seminars in the evenings and weekends (so if you are unable to make the lunches, we can now be inclusive to you as well).

In all cases, your CCI South Alberta has realized that people are part of the condominium picture as well, and we are going to try out a bunch of new ideas this coming year.

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- November 23, 2010 – Conflict Management Seminar with Michelle Phaneuf of REA-Reaching Enduring Agreements.

CCI is always looking for volunteers to speak at our luncheons. If you are interested in speaking at a luncheon please contact Melanie at the CCI Office by phone at 403-253-9082 or e-mail southalberta@cci.ca.

Courses

- January 22 & 29, 2011
CM 200 Practical Management Issues
- April 2, 9 & 16, 2011
CM 300 Specialty Management Issues

South Alberta Chapter

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Filling the 'Maintenance Gap'

By Louis M.H. Belzil, LLB

What is the 'Maintenance Gap'?

All buildings are depreciating assets, and condominiums are no different: eventually all condominiums need major repairs.

In theory, to counteract the effects of depreciation, condominium boards are supposed to commission a reserve fund study to identify the lifetime and replacement cost of major building components, and then adopt a funding plan to set aside sufficient funds on an annual basis to cover the future cost of repairs and replacement. This practice has been required by the Condominium Property Act since September 2000.

If all works well, the reserve fund is fully funded; when building components require repair or replacement, the funds are readily available to complete the work without financial disruption to the owners.

Unfortunately, as many boards, property managers, consultants and lawyers will tell you, the system is not

working well in many projects. Annual maintenance budgets are often insufficient. The need for regular maintenance is often under-appreciated by owners, who pressure boards to keep to fees low, and minimize annual expense. Boards are usually staffed by volunteers. They generally do not have experience with managing large buildings, and may simply be frightened of the expenses. When major repairs are identified, the costs can yield heart-stopping numbers which can lead to anxiety and revolt among owners and often to a delay in implementation.

Yet all of the research points to a few simple facts about building maintenance: minimal annual repairs and deferred major repairs are guaranteed to make matters worse, requiring even more money to catch up. Where this happens, after a few years, annual maintenance funds and reserve funds are insufficient to finance catch-up repairs. I call this difference between the available funds and the needed work the "Maintenance Gap."

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Filling the 'Maintenance Gap' (cont'd)

By Louis M.H. Belzil, LLB

What causes the "Maintenance Gap"?

The problem has many facets, and it cannot be blamed on one or two simple factors like dishonesty or bad faith. Condominium governance is a human process, subject to all the usual human frailties. In my opinion, there are a number of relatively blameless explanations for this problem:

1. Unwillingness to save for others.

The planning horizon of a reserve fund study is well outside of most individuals' horizon for owning a condominium. Owners have a hard time understanding why they should set aside large amounts of money for the sake of

future owners, especially when the marketplace gives little or no value to the reserve fund balance. Simply put, they do not wish to put aside money for the benefit of strangers.

2. Reserve funds studies simply do not reflect the actual cost of repairs and maintenance. The studies use standard costing data that bear little relationship to actual costs of restoration and repair. The problem is worse in Alberta, where construction cost escalations have grossly exceeded the most pessimistic predictions of a few years ago.
3. Consciously or unconsciously, owners think that 'maintenance

For example, I know of one corporation of 50 units which balked at a re-roofing cost of \$25,000 (in 1996). The individual cost would have been \$500 per home, an outstanding value even in 1996.

free living' means maintenance paid by someone else. It does not.

4. Condominium boards are staffed by volunteers, who have very little motivation to alienate or impoverish their friends and neighbours.
5. Condominium boards are often frightened at the large numbers.
6. Many condominium owners are not condominium occupants.



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Filling the 'Maintenance Gap' (cont'd)

By Louis M.H. Belzil, LLB

How is the Maintenance Gap addressed, and how should it be addressed?

In my experience, condominium boards take one or more distinct courses of action to address a 'Gap':

1. **They receive a consultant's report, discuss the issue, and put it forward to the next agenda.** Some board members quietly resign for a host of personal reasons, and then sell. By the time of the annual general meeting, the issue falls off the agenda, or the owners stage a revolt, and fire the consultant.
2. **The board studies the issue, comes to terms with the problem and passes a 'special assessment' to pay for repairs.** These assessments can be thousands or tens of thousands of dollars. The assessments can be extremely unfair to owners who do not have long term plans, have limited personal finances, or who are living on savings. Unfortunately, this comprises a large portion of the condominium population.
3. **The board seeks advice to litigate.** For ordinary building repairs and depreciation there is rarely any recourse here. Even for actionable depreciation (poor design, construction or management), litigation is expensive, timeconsuming, stressful and uncertain.
4. **Financing.** This option is often sought after, but rarely used, because of the inability of chartered banks to enter this field. Yet condominium corporation financing is now readily available in Alberta and may be used responsibly to address this problem. It has a number of benefits which address the basic weaknesses of condominium governance: (a) it does not transfer corporation liabilities onto individual owners, (b) it allows the cost of a repair or restoration to be spread out over the lifetime of the asset; as owners come and

go, each will bear a proportion of the cost of the improvement. (c) it makes it easier for boards to make the tough decisions that have to be made, instead of avoiding them.

Conclusion

The 'Maintenance Gap' arises and will continue to arise despite the best of legislative intentions. Even well intentioned condominium boards have a hard time resisting the pressures to save money on maintenance, and minimize reserve fund contributions. A new approach to addressing this problem is needed.

Condominium financing is a solution that should be considered in appropriate cases to fill the 'Gap' and restore a condominium to its proper state or repair. Property Managers, boards, consultants and legal counsel should be familiar with the availability of financing for condominiums, and should recognize when it is an appropriate tool for sound financial management and good governance.

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Beware – All Owners Are Not Alike

By David M. Morrison, B.A., LL.B. President, Morrison Financial Services Limited

One of the big attractions of the condominium lifestyle is often said to be "carefree" home ownership. Move into a 15-storey high-rise and it is pretty well certain that you will not be the one shoveling snow or tending to the garden. But what purchasers often overlook is that, when you buy into a condominium, you are joining a collective. The future of your property, i.e., how it is maintained or improved over the years — *or not* — becomes subject to a process of democratic decision-making. For people who take pride in where they live, or who seek to preserve the value of their investment over the long term, this is an issue about which they can hardly afford to be "carefree."

As in the case of virtually all democratic constituencies, the unit-owners in a condominium property are rarely a homogeneous group, meaning that rarely are they all alike. Within the overall group will be subsets of people who approach the exercise of condominium home ownership from different, and often competing, perspectives, with potentially troubling results over the long term.

Perhaps the best way to illustrate the problem is through a hypothetical case. Consider a condominium building that is five years old and the lobby area is beginning to show some signs of wear and tear. It's not that there is any sort of health or safety issue. It's simply that, in its worn state, the lobby no longer reflects the quality or *brand* into which many of the unit-owners thought that they were purchasing.

Now, in this case, the condominium board of directors is comprised of five individuals. They are trying to decide whether the corporation should incur the expense of refurbishing the lobby at this time, so as to restore it to its former glory. The overall cost will be \$5,000 per unit, and may have to be assessed against each of the unit-owners since there is not enough money in the corporation's reserve fund. Each director approaches the issue from a different perspective, with the different points of view sometimes competing. Also, the perspective of each director is reflective of at least some other unit-owners within the constituency who share the same view.



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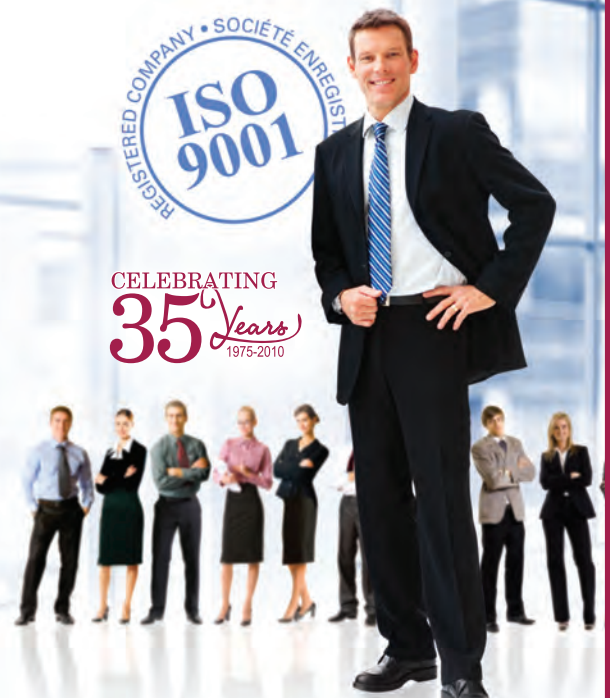
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Beware – All Owners Are Not Alike (cont'd)

By David M. Morrison, B.A., LL.B. President, Morrison Financial Services Limited

Let's look at these directors and find out if the work gets done.

Mary

Mary and her husband are middle-aged urban professionals who have done well in their careers. They bought into the condominium because it was touted as a "luxury" property, and they intend to live there for a long time. They have the funds to pay their share to maintain it well, and approach where they live with a great deal of "pride of ownership." In other words, when family and friends come to visit, Mary wants them to see a place that she is proud of and that accords with where she and her husband have arrived financially. Mary's view is that, as soon as any part of the building shows signs of wear, it should be maintained, so that the building continues to look at all times as good as it did when it was new. She also believes that the expense of good ongoing maintenance will, at least in part, be returned through increased unit values upon resale. The \$5,000 cost is no problem for Mary and her husband. She wants the work done.

John

John and his wife are similar to Mary and her husband in terms of careers and financial well-being, but they are different in one significant way. Pride of ownership is not nearly as important to them. He hardly ever brings anyone over to the building, and his attitude is *What's a little wear and tear? No one really notices or cares anyway.* To John, spending \$5,000 on aesthetics is simply a waste of money. He votes against doing the work.

David

Like Mary and unlike John, David harbours a high degree of pride of ownership and would normally like to see the building maintained very well. But he is anticipating a job relocation and does not see himself keeping his unit beyond another two years. In his eyes, although the lobby is not as good as he would like it, he can live with it another two years, and sees the proposed expense as being something that will mostly benefit people coming after him. Furthermore, he doesn't see the money coming back to him on the sale of his unit. He votes "no".

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Resolving Matters in a Neighbourly Way

Beware – All Owners Are Not Alike (cont'd)

By David M. Morrison, B.A., LL.B. President, Morrison Financial Services Limited

William

William and his wife are retired seniors who moved into the property after their last child had left home. They could afford to purchase their unit from the equity in their previous home, but they are now living off William's pension, which is fixed and does not allow for much discretionary spending over and above their monthly needs. When they bought into the building, they loved the luxury feel, and in particular the freshness of a building that was brand-spanking new. William really wants to keep it that way, and would vote in favour of the work, but simply cannot afford the \$5,000 cost. So he votes "no."

Sandra

Sandra is a successful businesswoman who plays in real estate investment with her excess funds. She actually does not live in the building, but rather rents out her unit to cover the costs. Her plan is to "flip" the unit within another year or two, hopefully at a good profit. In the meantime, the less that she is out-of-pocket, the higher her return on investment, particularly because she does not believe that the current state of the lobby will impact negatively on what she will ultimately get when she sells. She votes against doing the work.



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Beware – All Owners Are Not Alike (cont'd)

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With four votes against and only one for, we really did not have to consider the fifth director. The *tyranny of the majority* dictated that the lobby refurbishment would not get done the moment the third vote against was cast. Meanwhile, by whatever quality standard one may apply, the property has just gone down at least one notch, if not more. More importantly, extrapolate this decision-making process into the future, when it is no longer simply the aesthetics of the lobby, but the integrity of the roof, a dated HVAC system, brickwork, or whatever, and this building may have just received the first cut in a *death by a thousand cuts*.

The fact is that, all across Canada, there are condominium properties that have lost their former lustre and are descending into a state of decay, albeit sometimes at an imperceptibly slow pace. In many cases, the problem goes beyond merely appearance and impacts the vital components of the building. Why does this occur? Because, without an enlightened, highly-motivated and somewhat homogeneous constituency dedicated to good maintenance, and blessed with the means to pay for it, history demonstrates that the democratic decision-making process will always favour the lowest monthly payment and not a cent more.

In the writer's view, there is no easy answer to this problem. The industry is beginning to hear talk about specific maintenance standards being mandated in the Declaration at the time that a condominium is formed. This would, in effect, establish the building in a certain class, upon which classification existing and prospective owners would be able to rely. But it is unclear whether this concept will take root and how effective it will be if it does, and it will do nothing to assist existing buildings. It is also unclear what role, if any, legislation will ultimately play in addressing the issue as problems with more and more buildings become apparent.

Albeit perhaps an overreaction, for some people the uncertainty surrounding the issue of ongoing maintenance may be sufficient reason to avoid condominium home ownership altogether. Most, however, will regard that position as too extreme. For a prospective purchaser seeking to "hedge their bets", there are at least two things he or she can do. First, all other things being equal, he or

she might well be advised to buy into the wealthiest property he or she can reasonably afford. For, if money is not an issue, the number of reasons why unit-owners might oppose a particular maintenance project is reduced measurably.

Second, he or she should seek out a condominium property where the constituency of unit-owners is as uniform or homogeneous as possible. In these circumstances, the unit-owners are more likely -- although not certain -- to share a common view of how the property should be maintained. Here, however, we may be talking about something that is becoming increasingly difficult to find. One shudders to think how the resident owner of a 3,000 square foot penthouse will ever see eye-to-eye on matters of long-term maintenance with the owner of a 333 square foot hotel rental unit. But, in fact, in downtown Toronto, there are already several buildings with differentials that extreme or almost so. And many more are coming as both developers, for market reasons, and politicians, for social reasons, continue to favour projects specifically designed to accommodate a wide range of affordability and uses.



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| Bill Fuchs | Max 7 Cleaning Services Ltd. | 403-836-7377 |
| Jodi Scarlett | ProStar Cleaning & Restoration | 403-234-7827 |
| Gordon Black | Trebor Holdings Ltd. | 403-288-5172 |

Professional Membership (cont'd)

Canadian Condominium Institute – South Alberta Chapter as of October 31, 2010

Engineering & Technology

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|---------------|--|--------------|
| Don Allen | Excalibur Efficient Buildings Ltd. | 403-243-0626 |
| Drew Campbell | Halsall Associates Ltd. | 403-255-7946 |
| Ron Kellam | Kellam Berg Engineering & Surveys Ltd. | 403-640-0900 |
| Michael Ball | Morrison Hershfield Ltd. | 403-246-4500 |
| Fred Edwards | Read Jones Christofferson Ltd. | 403-283-5073 |

Insurance

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|-------------------|--|--------------|
| Sherry Bignell | BKI Risk Management | 403-276-8766 |
| Bill Jeffray | Renfrew Insurance Ltd. | 403-299-1002 |
| Michael Acheson | The Cooperators/Rockyview Insurance Services | 403-948-1195 |
| Katherine Rumford | Crawford and Company (Canada) | 403-441-4860 |

Legal

| | | |
|-------------------------|---|--------------|
| Alexander Bruce Cameron | Cameron Horne Law Office LLP | 403-531-2700 |
| Richard I. John | Richard I John Professional Corporation | 403-205-3949 |
| Gordon Van Vliet | Macleod Dixon LLP | 403-267-9346 |
| Heather Bonnycastle | McLeod & Company LLP | 403-873-3703 |
| Laurie Kiedrowski | McLeod & Company LLP | 403-225-6413 |
| James Polley | McLeod & Company LLP | 403-873-3709 |
| Jeffrey H. Selby | Parlee McLaws LLP | 403-233-7117 |
| John McDougall | Scott Hall LLP | 403-231-8206 |
| Murray Sihvon | Sihvon, Carter, Fisher & Berger | 403-526-2600 |

Real Estate & Condominium Sales

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|------------------|--|--------------|
| Richard Bergeron | Berg Real Estate/Re/Max Realty Professionals | 403-214-7718 |
| Karen Hermeston | CB Richard Ellis Alberta Limited | 403-750-0809 |
| Eddie Li | CIR Realtors | 403-667-3388 |
| Gerald Rotering | Condos in Calgary Real Estate Inc. | 403-703-0675 |
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| Carrell Gentry | Re/Max House of Real Estate | 403-240-1401 |
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Sponsor Membership

As at October 31, 2010

Accounting/Finance

| | | |
|------------------------------------|--------------------|--------------|
| GIC Direct Financial Services Ltd. | Christopher Burns | 403-457-2786 |
| Pacific & Western Bank of Canada | Brian Conley | 403-781-5231 |
| Strata Capital Corporation | Terri-Lynne Belzil | 780-863-7872 |
| William J. Rhind & Associates | Will Pozzo | 403-283-1378 |

Condominium Management

| | | |
|---|-------------------|--------------|
| Astoria Asset Management Ltd.* | Lorelei Talbot | 403-948-0337 |
| Condeau Management Services Ltd.* | Andy Tarr | 403-531-1588 |
| Condominium First Management Services Ltd.* | Linda Grey-Martin | 403-299-1808 |
| Diversified Management Southern* | Joanne Sieb | 403-230-7376 |
| Emerald Management & Realty Ltd.* | Lauretta Enders | 403-237-8600 |
| Gateway Property Management* | Gary Gunsey | 403-283-7118 |
| Larlyn Property Management Ltd.* | Michale Holmes | 888-693-0042 |
| MCM Property Management Ltd.* | Ming Chow | 403-262-7955 |
| Rancho Realty (1975) Ltd.* | Bev Bando | 403-253-7642 |
| Ultimate Property Management Inc.* | Judy Walker | 403-287-3056 |
| York West Asset Management Group Inc.* | Angela Bardsley | 403-294-0411 |

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Consulting

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| City of Calgary Water Services | Aaron Boulton-Chaykowski | 403-268-5247 |
| Clear Path Reserve Plans Inc. | Kathleen O'Shaughnessy | 403-289-8918 |
| Condo Papers | Stephen Cassady | 403-770-2939 |
| Exactet Systems Inc. | Bob Poole | 403-242-6660 |
| Johnson Controls | Cory McWhinney | 403-640-1700 |
| Konstruktor Corporation | Mike Albert | 403-453-2114 |
| Mold Squad | John Murray | 403-589-5175 |
| Monarch Metal Systems Inc. | Rob MacCannell | 403-287-9222 |
| Peddie Roofing and Waterproofing | Butch McClean | 403-273-7000 |
| Reggin Technical Services Ltd. | Steve Richards | 403-287-2540 |
| Reliance Asset Consulting Inc. | Harold Weidman | 403-241-2535 |
| Skyline Roofing Ltd. | Brent Applegate | 403-398-0996 |
| SIS Supply Install Services (1994) Ltd. | Jody Roberts | 403-640-1334 |
| Trotter and Morton | Catherine McKenzie | 403-255-7535 |
| Unicrete Products Ltd. | Dan Cossette | 403-279-8321 |

Developer

| | | |
|-------------------|------------------|--------------|
| Homes by Avi Inc. | Charlene Francis | 403-259-2122 |
|-------------------|------------------|--------------|

Disaster Restoration

| | | |
|--|-----------------|--------------|
| Service Master of Calgary Disaster Restoration | Joan Montgomery | 403-287-7700 |
|--|-----------------|--------------|