The newsletter of The Canadian Condominium Institute / Institut canadien des condominiums



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Summer 2010 South Alberta Chapter

# -President's Message

By Stephen Cassady • President, CCI South Alberta Chapter

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At the heart of condominium, I keep reminding myself, "It is all about the people." And I do that because so often it is easy to get lost in the idea that condominium living is about the building, the by-laws, the policies, the regulations, the rules, the policing, the arbitration, and the process.

Many times the corporation – the binding framework that we have all bought into – takes over as the spirit and the focus of the community. And when it does, it sets the community agenda to that akin to an ever growing police state: order can only come from rule, and rules must be expanded extensively.

And it is easy to fall into the police state approach to condominiums because as boards we seem to spend the majority of our time attempting to resolve issues – flooring approvals, maintenance needs, financial budgeting, and owner conflicts. It seems pretty easy to think if there were rules to limit every action, then there would be less for the board to deal with. If it's outlawed in the rules, then the board wouldn't be burdened with resolving conflict at every meeting – it would be self-apparent to the owners what is and isn't allowed, and peace would rule.

Sadly, as many boards have found out, that rules are hard to enforce, and the more rules that exist it seems the more the board is required to address cumbersome owners. The attempt to legislate problems away through the bylaws failed.

So I keep going back to the thought "It is all about the people." And that is the secret to problem resolution – focus the actions of the corporation on the people. Owners recognize they are part of a community, but in many cases there is no opportunity to interact with the community in a positive way. Sadly, the only time owners interact with boards and management companies is when there are complaints the owner is lodging, or when having complaints lodged against them.

The most successful boards in managing conflict are those that focus a lot of time interacting with their owners, and taking measured action to make their owner's living experience encompassing of the other owners and of the building. It has been proven over and over that just like patients are less likely to sue doctors if the patients have an emotional or familiar relationship with the physician, it does follow those owners that have emotional or familiar relationships with other owners, the board, and the building are less likely to cause conflict – rules or no rules.

Indeed, the number one expression that I hear from owners who are in conflict with their board or another owner is their isolation from their condominium community. They use terms including "uncaring, unreachable, difficult, unknown, faceless, distant, and elitist." They use terms that express their actions might have been reconciled had they felt a stake in their community. But without any stake in the community, an owner has no basis to feel care or concern for anything but their own actions.

So take thought that building bbqs, community events, movie and game nights, tours, organized festivals, seasonal decorating, organized fitness and bike tours, business clubs, and anything else you can think of to hold in your corporation will do a lot more in reducing tension between owners than any amount of rules and regulations can. Because at the end of the day, owners with emotional or familiar relationships with their neighbours and their buildings will be your best resources and least disruptive.

# **Events Calendar** Luncheons & Courses starting September 28th, 2010

#### Luncheons

• September 28, 2010 – CCI South Alberta AGM with a speaker from Homes by Avi with a presentation that will focus on the relationship with Home Builders including warrantees, handover process and establishing a Condo Board.

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

- October 9, 2010–CM 100 Fundamental Management Principles
- January 22 & 29, 2011–CM 200 Practical Management Issues
- April 2, 9 & 16, 2011– CM 300-Specialty Management Issues

# -South Alberta Chapter

Who to contact and how to get your ad into the Review

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### **Condominium Management 100**

Fundamental Management Principles Saturday, October 9, 2010 Danish Canadian Club, Calgary

The Condominium Management 100 course is an introduction to the responsibilities and liabilities of condominiums and condominium management. This level is addressed to Professionals, new condominium Board members and owners.

To register for this course, contact the CCI office at 403-253-9082 or SouthAlberta@cci.ca.

Visit our website, www.cci.ca/SouthAlberta, for more detailed course descriptions.

### Condominium Management 300

Specialty Management Issue Saturdays, April 2, 9 & 16, 2011 (*Tentative Dates*) Danish Canadian Club, Calgary

Level three of the Condominium Management Program is an advanced course designed for Condominium Property Managers and Board members who oversee the self-management of a Corporation. It contains discussion about a variety of specialty and complex management issues. The CM100 and 200 levels must be completed as a prerequisite to this course.

Contact the CCI office at 403-253-9082 or SouthAlberta@cci.ca for more information.

#### Condominium Management 200

Practical Management Issues Saturdays January 22 & 29, 2011 Danish Canadian Club, Calgary

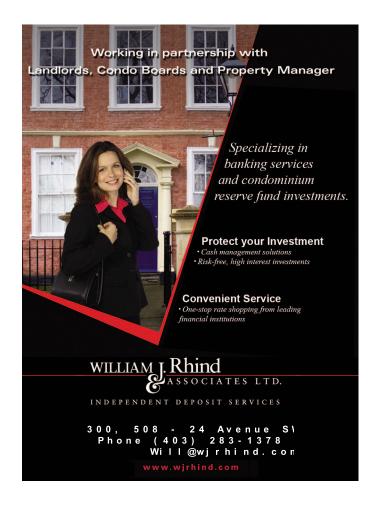
Level two of the Condominium Management Program is an intermediate program designed for Condominium Property Managers and Board Members, who must control, manage and administer the Condominium Corporation and complex. It contains specifics of their roles and responsibilities in most of the day to day activities, as well as resources to assist in carrying out their duties.

Contact the CCI office at 403-253-9082 or SouthAlberta@cci.ca for more information.

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# The Heart of Conflict

By Michelle Phaneuf, Q.Med, P.Eng • Reaching Enduring Agreements

When we deal with conflict our heart often overtakes our brain and our emotions may get the best of us. This is a natural reaction, but can lead us down a road that is difficult to maneuver on our own.

ccording to the study of A Neuroscience, the first response of most people to a real or perceived threat is an emotional one, triggered in the brain, to either fight or to flee the situation (flight). There is no initial response to remain calm and rationally talk things out. The decision to resolve a dispute is an after the fact, conscious and intentional choice. For that reason, by the time a party has grudgingly come to the conclusion that negotiation is the only alternative, there has often been a fair amount of 'bad blood'

that has been generated by initial knee jerk reactions that have further aggravated the dispute.

Linked to the neurobiology of the brain, scientists have identified a number of distortions that are common responses of humans making decisions when they are engaged in disputes. Misperception, confusion and outright delusional constructions of disputes are not merely exceptions to the rule, they are the norm. People are in general, predictably irrational and all the more so when they are caught up in an emotionally stressful dispute.



Almost no one, laypeople or professionals, make decisions solely based on their calculated self interest. We often teach the Interest based negotiation model that operates on the assumption that "people can be separated from the problem" and that reason can be accessed and emotion held at bay in the pursuit of calm and reasoned problem solving. Both cognitive psychologists and behavioral economists have established any number of perceptual dynamics in decision making that seriously challenge the working model of a person as a rational being.



In most disputes, the people involved tend to view the opposing party as more responsible for the conflict, and less credible, reasonable or trustworthy and exaggerate their own credibility and strength. People in disputes question the motives and character of the other party, especially if they are an 'intimate enemy' such as a spouse, employee or business partner. This bias, or misperception of the other party is commonly joined with an unrealistic sense of confidence and excessive optimism that they will 'win.' This skews the ability to clearly assess the risks and benefits and often leads to greater resistance to a resolution.

With peoples' emotions always in play, their memory always precarious, and perceptions more likely than not to be biased, the obvious limits of the reasoned approach that requires a party to rationally acknowledge and assess their negotiation techniques would seem to be clear. Seldom does rational explanation dissipate emotional resistance.

Misperception, confusion and outright delusional constructions of disputes are not merely exceptions to the rule, they are the norm.

So it's clear that it's not a lack of communication skills or low emotional intelligence, but psychology, instincts and science that often requires parties to seek outside assistance to resolve disputes. While logical approaches should not be abandoned, the most effective methods of resolving conflict often deal with the heart. A mediator it trained to assist the parties to shift state and bring a different mindset to the table. They are aware of emotions, how they can often cloud the issues, and are able to use techniques to uncover innate values and transform perspectives. Meshing heart and brain is the goal to resolving disputes and the secret to fostering reconciliation and mending hearts.

### **Emotion and Mediation**

Most mediators, out of a desire to appear professional and rational, or a fear of being thought to be manipulative and deceptive, miss the

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underlying emotional mark when suggesting mediation. Being the consummate neutral, we calmly prefer to lay out a logical rationale for choosing to mediate difficult issues rather than going to court. We often assume a prospective client is capable of listening intently and carefully considering the options and will choose to be rational because "it just makes sense." Most people in the middle of a dispute are afraid of being taken advantage-of or of being played for a fool. They seldom trust the motives of the other party and sometimes question his/her rationality, and often lack confidence in their own ability to negotiate the problem. They have been taught to believe an expert, a lawyer, is necessary to protect themselves.

We fail to grasp the parties' fear, anger and vulnerability that is often present. This is why after all the years mediation services have been available, most people still prefer to go to lawyers and hesitate, or even refuse to go to a mediator. Many suggest that the use of mediation services would be more widespread if more people were educated and informed of the alternative. This presupposes they would make a rational decision to mediate if they only knew better. As an example, even though many courts and other agencies have begun to institutionalize mediation programs,



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which have at least made mediation a more familiar idea, the voluntary use of those services before court filing is still limited. It may be as much, or more, the ineffectualness of the rational marketing message as it is the extent of public education that has kept the use of mediation services so insubstantial. Describing mediation as a "cooperative problem solving process" sounds good to professionals but does little or nothing to salve the fear or manage the anger of people caught up in conflict and certainly draws them no closer to considering mediation as a viable mode of settling their dispute. While almost everybody must negotiate at some point or another, few like to or do it willingly. At the same time, the emotional resistance to mediation/negotiation remains considerable and widespread and it is not easily overcome by appeals to reason and logic. Instead we should appeal to the heart of the matter and dig deep into those emotions that are preventing people from seeking mediation to resolve their disputes. Once the heart is laid bare the answers often become clear. We fail to grasp the parties fear, anger and vulnerability that is often present.

Michelle Phaneuf, Q.Med P.Eng is a mediator and conflict resolution specialist in the condominium industry with her own consulting company—Reaching Enduring Agreements. Her background in engineering and property management has enabled her to deal successfully with a variety of conflict situations over the past 20 years. She is interested in getting to the 'heart of conflict' in each negotiation, mediation, facilitation and conflict coaching session.



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#### Questions for the heart of conflict

Every conflict presents the parties with a recurrent choice. They can cling to safe territory, keep the conversation focused on relatively superficial issues and avoid

mentioning deeper topics, often remaining locked in impasse and placing their lives on hold. Or they can take a risk; adopt a more open, honest, empathic approach; and initiate deeper, more

They can cling to safe territory... often remaining locked in impasse...

dangerous, heartfelt conversations that could change their lives. Which path to take depends partly on the willingness to invite heartfelt communications. Here are few questions that may assist to open your or other's heart in conflict:

- 1 Why are you here? Why do you care? What did it take for you to be willing to come here today?
- 2 What life experiences have led you to feel so strongly about this issue?
- 3 What role have you played in this conflict, either through action or inaction?
- 4 What is the crossroads that you are at right now in your conflict?
- 5 Will you ever convince him you are right? (If not) when will you stop trying?
- 6 Has anything like this happened to you before? With who and when?
- 7 What are you not talking about that you still need to discuss?
- 8 What issues are you holding on to that the other person still doesn't know about?
- 9 What price have you paid for this conflict? What has it cost you? How much longer are you going to continue paying that price?
- 10 Do you really want this in your life? What would it take to let it go?
- 11 What would change in your life if you reached an agreement?

Questions derived from 'The Crossroads of Conflict' by Kenneth Cloke.



# IN Trust (IT) vs. IN TRUST FOR (ITF) -

By Stephen A. Tomchishin • President, William J Rhind and Associates

have attached Section 43 from the Condominium Property Act, Chapter C – 22 that refers to investments.

#### Investments

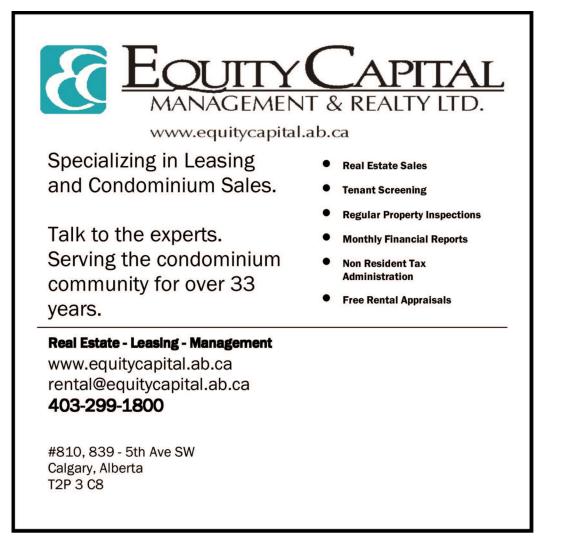
- **43(1)** Subject to section 37(3) and the regulations, a corporation may invest any funds not immediately required by it only in accordance with the regulations.
- (2) Where the corporation or any person is in receipt of money paid to or for the benefit of the corporation, that money and all the proceeds arising from that money are deemed to be held in trust for the performance of the duties and obligations in respect of which the payment was made.
- (3) Where the corporation is in receipt of money referred to in subsection (2), the corporation shall

- (a) except as otherwise authorized in writing pursuant to a resolution of the board,
  - (i) deposit all the money into a separate account at a bank, trust company, credit union or treasury branch within 2 banking days from the day that the corporation received the money, and
  - (ii) designate the account as a trust account registered in the name of the corporation,

#### and

(b) keep all trust money intact and not withdraw, convert, direct, borrow or commingle that trust money, other than pursuant to a resolution referred to in clause (a).

RSA 2000 cC-22 s43;2001 c28 s6;2006 c9 s7



# IN Trust (IT) vs. IN TRUST FOR (ITF) (cont'd)

By Stephen A. Tomchishin • President, William J Rhind and Associates

I believe there are a number of concerns with how RECA is requesting property managers to set up bank accounts. The following examples are typical ways of how bank accounts are opened:

- 1. ABC Property Management Inc.
- 2. ABC Property Management Inc. In Trust For Condo Corporation 0123456
- 3. Condo Corporation 0678901 c/o ABC Property Management Inc.
- 4. Condo Corporation 0678902 In Trust c/o ABC Property Management Inc.

I will refer to example 2 above. The cheque reads ABC Property Management Inc. In Trust For Condo Corporation 0123456. This states the account is an ABC account held in trust for the Condo Corporation. I do not think this meets the intention of the Act. Our opinion is that the account should be in the name of the Condo Corporation In Trust for the owners. At no time should the management company own the condominium's money.

RECA is correct in stating that GIC investments must be registered in the same name as on the cheques; banks require it to be done this way.



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Per the four examples above, if you purchased a GIC with a cheque drawn on each of these bank accounts, the certificates would be registered in the same name as the bank account. This now creates a potential problem. Should a management company or the condominium corporation change a management contract in the middle of an investment term, the investment could still be owned by the management company. At maturity, this investment is payable to the registered owner. This could be a management company in trust for a condominium corporation that they may no longer manage and the bank accounts are long closed.

A possible solution to this problem is to re-register a GIC into the name of the new management company. Banks charge fees for this service. To complete the transfer process, full co-operation from all parties is required. The old management company must co-operate by signing off on all of the accounts. The new management company, or board for self-managed condos, must be willing to provide full compliance documentation (ex. consent forms, personal ID, new management agreement, corporate documents, etc.) to all financial institutions that hold investments for the condominium corporation. Many individuals do not feel comfortable handing out their personal ID for matters such as this. Some management companies and individual board members may not participate in giving the institutions this information. Your only option then is to hold the investments per the original registrations.

I know of a management company who just completed a RECA audit. They open all their accounts as Condo Corporation 1234567 In Trust c/o ABC Property Management Inc. The RECA auditors did not take issue with this. It follows the structure for investments per

Section 43. The management company takes no ownership of the funds and the board is left with the peace of mind that the investments will always be in their name.

# A Proactive Approach for Wellness: **Tips for Maintaining a Healthy Building**

By Catherine McKenzie • Trotter & Morton Facility Services Inc.

With flu season fast approaching, you're probably familiar with the signs and symptoms of the influenza viruses. However, are you aware of the proactive approaches you can take, as a building owner, to ensure optimal health of those who occupy your buildings?

Here is important information about the influenza virus and tips on how to stay protected from contracting or spreading the flu, including upgrades that can be made to any building's current HVAC equipment. While the most basic precautions to take against infection or spread are washing your hands and covering your mouth when you sneeze or cough, incorporating any or all of the below recommendations in your building can help sterilize, capture and/or kill airborne flu viruses.

### WHAT IS THE FLU?

The flu (influenza) is an infection of the nose, throat, and lungs caused by the influenza viruses. According to the Centers for Disease Control and Prevention, approximately 200,000 people are hospitalized and 36,000 people die of flu-related causes each year in the United States. There are many different flu virus strains, the most notable of late being the newest strain, the H1N1 virus, also known as "Swine Flu."

### HOW DOES THE FLU SPREAD?

Influenza is thought to spread mostly from person to person through coughs and sneezes of people who have the flu. People may also get sick by touching something contaminated with the virus, and then touching their mouth or nose.

### GENERAL TIPS FOR MAINTAINING A HEALTHY BUILDING DURING THE COLD & FLU SEASON

- Post signage to remind occupants of the importance of hand washing.
  Washing hands often with soap and water, especially after coughing or sneezing, helps prevent the spread of flu viruses.
- Promote flu vaccinations to occupants in Newsletters and with entryway postings. Testing has shown that the flu shot is an effective way of preventing the flu.

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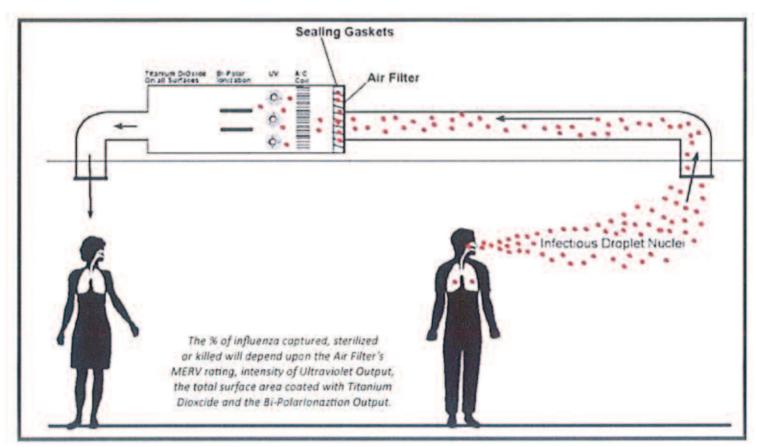
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# A Proactive Approach for Wellness:

# • Tips for Maintaining a Healthy Building (cont'd)

By Catherine McKenzie • Trotter & Morton Facility Services Inc.



Steven Welty CAFS, CIE, LEED AP, Green Clean Air Reston, VA. Swine H1NI Influenza A: Transmission of Viruses in Indoor Air: HVAC System Protection Options [Presentation]. Federal Interagency Committee for Indoor Air Quality Environmental Protection Agency. June 3, 2009





# A Proactive Approach for Wellness: **Tips for Maintaining a Healthy Building** (cont'd)

By Catherine McKenzie • Trotter & Morton Facility Services Inc.

- Consider providing tissue and hand sanitizer dispensers throughout the facility.
  Providing tissues and hand sanitizers can further reduce the risk of hand-to-mouth spread of the flu.
- 4. Develop an Influenza Containment Plan. Developing a flu containment plan in the event of an outbreak in the building may reduce the spread of the flu. You may also want to encourage occupants who have been diagnosed with the flu to consult their healthcare provider before returning to work.

### HEATING, VENTILATING & COOLING EQUIPMENT TIPS FOR MAINTAINING A HEALTHY BUILDING DURING THE COLD & FLU SEASON

1. Install Excellent Efficiency Rated Filters on air handling equipment serving the finished spaces in the building.

Installing filters with a high MERV rating can help prevent the distribution of the flu viruses by removing a majority of their airborne particles, which may be circulating throughout the building.

2. Ensure your filter racks and HVAC systems are sealed properly.

When filter racks and HVAC systems are properly sealed, contaminates found in the air are stopped from bypassing the filter, and the air will take the path of least resistance.

- 3. Consider installing Germicidal UV Lights within the Heating & Ventilating & Cooling System. Ultraviolet Germicidal light is a UV light in the "C" band (254 nanometers), or UV-C light, which, according to Steven Welty CAFS, CIE, LEED AP from Green Clean Air in a presentation to the Environmental Protection Agency, can sterilize 99.9% of germs by destroying the A to T bond in their DNA. Installing these lights will help prevent viruses from reproducing, and eventually cause most of them to die.
- **4. Ensure buildings have proper humidity levels.** Viruses evaporate faster in environments with low humidity levels such as those in Southern Alberta.

With flu season around the corner, you may be worried about the health risks you and your building's occupants could potentially face. While nothing can supersede the importance of people washing their hands properly to help avoid contracting the flu, there are also additional modifications you can make to your building and HVAC equipment to help sterilize, capture and/or kill airborne flu viruses in your facility. Some of these recommendations include upgrading proper filtration systems, installing UV lighting, and ensuring your building maintains proper humidity levels. As leading experts in the HVAC industry, Trotter & Morton provides the services that ensure your air quality is at optimal levels to help safeguard your building against the contamination and spread of the flu viruses.

Catherine McKenzie Trotter & Morton Facility Services Inc. A Linc Service Contractor 5711 1st Street SE Calgary, Alberta T2H 1H9 403-255-7535 office



# - Professional Membership

Canadian Condominium Institute – South Alberta Chapter as of June 30, 2010

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\*Denotes that the individual manager holds the license as issued by the Real Estate Council of Alberta pursuant to the Real Estate Act (Alberta). For more information, contact RECA directly at (403) 228-2954 or visit www.reca.ca.

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Legal		
Alexander Bruce Cameron	Cameron Horne Law Office LLP	403-531-2700
Richard I. John	Laurich John, Barristers & Solicitors	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

#### Real Estate & Condominium Sales

Murray Sihvon

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
Eleanor Kidder	Royal LePage Foothills	403-932-2101
Carrell Gentray	Re/Max House of Real Estate	403-240-1401
Ken Macaulay	Remax	403-259-4141

Sihvon, Carter, Fisher & Berger

As at June 30, 2010

## Accounting/Finance

GIC Direct Financial Services Ltd.	Christopher Burns	403-457-2786
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*	Robin Hommy	403-283-7118
Larlyn Property Management Ltd.*	Debbie Wilson	403-693-0022
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

\*Denotes that the company holds a license as issued by the Real Estate Council of Alberta pursuant to the Real Estate Act (Alberta). For more information, contact RECA directly at (403) 228-2954 or visit www.reca.ca.

### Consulting

City of Calgary Water Services	Aaron Boulton-Chaykowsk	i 403-268-5247
Clear Path Reserve Plans Inc.	Rudy Wouts	403-462-3863
Condo Papers	Stephen Cassady	403-770-2939
Johnson Controls	Cory McWhinney	403-640-1700
Konstruktor Corporation	Mike Albert	403-453-2114
Peddie Roofing and Waterproofing	Butch McClean	403-273-7000
SIS Supply Install Services (1994) Ltd.	Brent Zimmerman	403-640-1334
Trotter and Morton	Catherine McKenzie	403-255-7535
Unicrete Products Ltd.	Dan Cossette	403-279-8321
Exactet Systems Inc.	Bob Poole	403-242-6660
Gateway Mechanical Services Inc.	Dez Lewis	403-265-0010
Mold Squad	John Murray	403-589-5175
Monarch Metal Systems Inc.	Rob MacCannell	403-287-9222
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
Developer		
Homes by Avi Inc.	Charlene Francis	403-259-2122
Disaster Restoration		
Service Master of Calgary	Joan Montgomery	403-287-7700