



Floods in Condominium Units: Who handles the repair?

By Stephanie Whyte

People in Condominiums are often confused when it comes to water loss. Many don't understand what role the Corporation has or why they even need to be involved. If a flood occurs within a Condominium Unit 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 on the Units and on the Common Property against loss resulting from destruction or damage caused by any peril prescribed by the Regulations. Section 61 of the Regulation requires the 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". Note that the obligation to



insure is with respect to the Unit and Common Property. The Corporation does not have an obligation to insure the contents of a Unit, the personal property of an Owner or to obtain or provide replacement accommodation or rental income insurance. None of those things are mandated by statute nor are they in-

cluded under a standard Condominium Policy of Insurance.

With the obligation to insure comes the obligation to repair. When a loss occurs, under section 47(6) of the Act the Corporation's insurer is first loss insurance while an Owner's insurance is deemed to be excess insurance. The

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Floods in Condominium Units: Who handles the repair?


(continuation)

The Condominium Corporation needs to protect the other Owners and the building from the consequences that can result from a flood.

effect of this is that the Corporation and the Corporation's Insurer have the first and primary obligation to handle the repairs and to pay for the cost of that repair, even if the damage is isolated within a single Unit. If the loss is under the Corporation's deductible, the Corporation must handle the repairs and pay for the cost of repair directly.

When a flood occurs, the only amount that is potentially recoverable from an Owner (or the Owner's Insurer) is the amount of the Corporation's deductible. It is a general principle that the party with the obligation to carry insurance has the financial obligation for the deductible. It is possible, though,

for the parties to assign responsibility through contract, namely the Bylaws. If the Bylaws are sufficient and the circumstances match, the Corporation may be able to charge the deductible to an Owner. If the Bylaws are silent no recovery is possible.

The Corporation's obligation to respond is not contingent on the affected Owner being in good standing or having insurance of their own, 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. 



For further information about this or other issues relating to Condominium living, please contact the author, Stephanie Whyte at 403.254.3687 or any member of our Condominium Law Group.

2015/2016 year at a glance

Luncheons

September 24, 2015 – Annual General Meeting

October 29, 2015

November 26, 2015

January 28, 2016

February 25, 2016

March 24, 2016

April 28, 2016

May 26, 2016

June 23, 2016

Events

November 6 & 7
June 2016

3rd Annual Conference and Trade Show
18th Annual Golf Tournament

For more information on chapter events please visit www.ccisouthalberta.com
All luncheons are held at the Coast Plaza Hotel & Conference Centre, 1316 33rd Street N.E. Registration notices are emailed to members three to four weeks in advance. CCI is always looking for volunteers to speak at our luncheons. If you are interested, please contact Melanie at 403.253.9082 or administrator@ccisouthalberta.com



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CONDO PROTECT

FROM



Condo sanctions and you

Sanctions for failure to comply with condo bylaws – what does it mean for you?

By Maria Bartolotti

Q: Maria, can a Board impose sanctions against residents that reside in a condo for not complying with the bylaws of the Condominium Corporation?

A: According to the Condominium Property Act of Alberta section 35 (1 – 6) it states that:

The corporation may impose monetary or other sanctions on owners, tenants and invitees of the owners or tenants who fail to comply with the bylaws. A bylaw under which sanctions are imposed must

1. Set out the sanctions that may be imposed, and
2. In the case of monetary sanctions, set out the amount of the monetary sanctions or the range of monetary sanctions that may be imposed.

A bylaw under which sanctions may be imposed may be general or specific in its application and must be

reasonable in the circumstances for which it is imposed.

In other words, you cannot charge a sanction against a unit because you do not like the owners or because they made you mad.

If a person fails to abide by a sanction or to pay to the corporation a monetary sanction imposed under a bylaw, the corporation may proceed under section 36 of the CPA to enforce the sanction.

Section 36 (1) states, that if a person fails to comply with a sanction or to pay a monetary sanction imposed pursuant to a bylaw, the corporation may, in respect of the contravention, take proceedings under Part 4 of the Provincial Court Act to recover from the person a monetary sanction, or damages, in the case of any other sanction, in an amount not exceeding the amount that may be granted in damages under the Provincial Court



Act, or take proceedings in the Court of Queen's Bench to recover from the person.

To learn more about Enforcement of Sanctions, please visit our website at www.newconconceptmanagement.com, scroll to resources and click on the link for Condominium Property Act.

Until Next Time...



■ Reprinted from Condo Living Magazine

CCI Condominium Management Course



Condominium Management 101

October 22, 2015	6:00pm – 9:30pm
February 18, 2016	6:00pm – 9:30pm
May 12, 2016	6:00pm – 9:30pm

Condominium Management 100

November 7, 2015	9:00am – 4:30pm
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Condominium Management 200

January 6 & 16, 2016	9:00am – 4:30pm
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Condominium Management 300

April 21, 28 & May 5, 2016	9:00am – 4:30pm
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Courses are held at the Coast Plaza Hotel & Conference Centre, 1316 33rd Street N.E. To register or for more information contact tel: 403.253.9082 fax: 403.220.1215 email: administrator@ccisouthalberta.com



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Dealing with Asbestos, Emergencies and Property Management

Perhaps you've been lucky enough to avoid emergency situations in condominium buildings. Chances are, somewhere along the way, you've experienced water damage, sewer backup, fire or another type of disaster. There are some key things to know about asbestos before disaster strikes.

- Properties built prior to 1990, should consider hiring an environmental hygienist to complete an Asbestos Survey or full Environmental Survey. From the survey, implement an Asbestos Management Plan; this will help long term cost of asbestos testing, as there would be no need for additional testing on each emergency situation.

- If there is no Asbestos Management Plan created, keep all asbestos testing on file in an easily accessible place.

- Asbestos was used in many applications, to see a full list of uses please see the Alberta Asbestos Abatement Manual, pages 8-10 (<http://work.alberta.ca/documents/Asbestos-Abatement-Manual.pdf>)

- Testing is the law where asbestos is suspected on any jobsite. Property Managers are responsible to inform contractors of known safety hazards including asbestos to avoid negligence claims.

- There are three risk categories of asbestos abatement: low, medium and high. The higher the risk of the project classification, the more controls that are required. Hence, the higher the risk, the higher the cost.

- Alberta Occupational Health and Safety requires the notification to be given 72 hours before removing or abating asbestos projects, or for demolishing or renovating a building or equipment containing asbestos.

- Although Alberta Occupational Health and Safety requires notification of all asbestos abatement projects, the emergency notification of project is not stipulated in the legislation. The Department is flexible where there is a need to carry out the work immediately. Delays in the construction schedule do not constitute an emergency.

It is important for Property Managers to understand their role and responsibility in an emergency situation, where there may be asbestos present; along with the safety of all involved parties, along with your personal and employers' liability.

Property Managers can protect themselves by:

- Hiring COR or SECOR Certified (<http://work.alberta.ca/occupational-health-safety/cor-how-it-works.html>) contractors that have an audited safety program — this shows an additional due diligence to safety as their safety



programs are externally audited for compliance to OHS requirements and industry best practices.

- Always check WCB clearance certificates for all contract employees working on site.

- Ensure contractors that work with items having a high probability of Asbestos containing materials have Pollution Liability rider i.e. restoration contractors, plumbers, etc. This rider, shown as a specific line on the CGL certificate, provides specific coverage in the event of an unintended release.

Provide contractors a copy of the building's Asbestos Management Plan or any testing results in advance.

- Communicate the presence of asbestos to homeowners and tenants and tightly control renovations to areas involving Asbestos Containing Material (ACM).

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MAKE A DIFFERENCE:

Join a CCI committee

As the CCI South Alberta chapter moves toward a more committee-based structure we are encouraging our members to join one of our exciting committees. Six committees are currently seeking new faces. If you feel you have the time, drive and commitment to join our committees, please contact our administrator Melanie at 403.253.9082 or administrator@ccisouthalberta.com.

Awards and Recognition. The Recognition committee oversees and reviews the national ACCI, FCCI and DSA award submissions, as well as local chapter awards and implementing the new Chapter of the Year award.

Communications.

The Communication committee oversees and implements new initiatives in media communications, including the newsletter and website.



Education.

The Education committee is involved in all educational aspects of the chapter, such as our 101, 100, 200 and 300 courses, seminars and monthly luncheons. The committee is responsible for new course development and all educational material.

Membership. The Membership committee is responsible for recruitment, membership growth incentives and retaining memberships.

Government Communications Initiative. The Government Communications Initiative committee corresponds with municipal officials in southern Alberta in order to be actively involved in changes to the New Home Warranty program and to bring forward issues pertaining to condominium living on a municipal level.

Trade Show. The Trade Show committee is working on a joint venture with ACMA and REIC to organize a trade show for the CCI South Alberta chapter and other organizations.





Message from the President

BY BILL THOMPSON, BA, RCM, ACCI, FCCI
CCI NATIONAL PRESIDENT

As I am just returning from the Windsor Leader's Forum, I am feeling exhausted yet refreshed, accomplished yet insignificant, and enlightened yet confused. There was so much good information flowing every second that no one person could possibly have absorbed all the wisdom, the leadership and the support that flowed-freely from member to member! The forum started with a few formal, interactive sessions wherein some of our thought leaders shared their successes and challenges in running their Chapter activities.

Andrew Fulcher, from South Alberta Chapter, shared some pearls of wisdom about how their chapter revitalized their seminar program by bringing in speakers from across the various other chapters to "freshen-up" their events. This change in perspective led to increased attendance at their Lunch and Learn seminars, and attracted new participants that had not been involved in the past. Speakers like Murray Johnson from Toronto and Area Chapter, and Jim Davidson of the Ottawa Chapter gave their time to help his Chapter achieve new successes in their seminars.

Doug Shanks, from Northwestern Ontario Chapter, reiterated the thoughts of Andrew and demonstrated the added benefit of the National support by helping to get two guest speakers to Thunder Bay for their members later in the day during his presentation. Armand Conant, from Toronto & Area

Chapter, and Jim Davidson both travelled there and presented on various legal matters which helped the Chapter reach a new and renewed audience. Doug described the process as having relieved the Chapter members of "speaker fatigue", while adding a higher public profile to the local chapter and so much so that the local media covered the events.

Theresa Girardin, the Membership Chair of their London & Area Chapter, shared the challenges of a retaining membership. Some of the jewels of wisdom that she was able to share included personally calling members who had not renewed their membership during the previous membership cycle. Many of those members were eager to rejoin as they did not intentionally let their membership lapse, but may have changed Management or had other challenges that simply did not let them renew. She also suggested that Property Managers might be willing to distribute the membership forms to their clients, or even put them into new sale packages.

Paul Saum, Membership Chair from South Saskatchewan Chapter, wowed the crowd with the vast effort that he had put in to personally deliver membership forms to hundreds of condominiums within his area, and track their returns. This grass roots, hands on, personal sales approach gave their chapter the largest percentage growth of all chapters this year. Paul was honest enough to admit though that he was part of "Geezers' Incorporated" and that he and Gerry Cairns, both being retired, had found a new purpose which helped them avoid the "morning mall walks" and the "afternoon couch surfing competitions"! His humorous presentation clearly drove home his message that there are plenty of volunteers who would love to help, if you just ask!

Later on Thursday, some of our members reviewed how technology, websites and social media were no longer optional in the running of a successful Chapter. Sally Thompson shared the keys to a suc-
continued...

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Contact information can be found at

<http://www.cci.ca/CONTACTUS/chapterlocations.asp>



Message from the President Cont'd.

cessful website, with a reminder to keep the target audience in mind. Marc Bhalla described why making information accessible on your public website, and through various social media forums would actually increase CCI's profile and help drive membership through recognition. Search engines that rate websites cannot rate private areas of a website, and as such, our potential members are not finding us because our knowledge is hidden away. Alison Nash reviewed the newly updated National Website and described what the improvements were, and how the CCI branding and search engine optimization had been highly prioritized during the update.

The last formal seminar had Bob St. Laurent and Tania Haluk talking about harnessing the power of sharing resources, materials and knowledge with the other local Chapters. Bob talked about how all

of the Atlantic provinces have ended up sharing their educational materials since their legislation is so similar, which enabled them to move forward with their seminars much more rapidly than they could have individually. Tania talked about the sharing done through the Ontario Caucus, which is a committee of members from all seven Ontario Chapters, and how that cooperation allowed more influence and sharing of ideas, materials and objectives for the benefit of all Chapters.

That night, the local Windsor Chapter thrilled us all with a guided tour of the Hiram Walker Museum, and a history lesson in a wonderful format called a "Rum-Runners Tour". We all got a new respect for the prohibition ingenuity and a great example of how to take advantage of the conditions of your time. There is opportunity everywhere if we just look for it!

I am sure that I speak for the nearly 90 attendees at this semi-annual Leaders Forum, when I say that we learned a lot about Windsor and its economy;

but mostly the gracious, friendly, generous manner in which the Chapter received us as though we were VIP guests in their city. Thank you goes out to Bill Norris and all of his wonderful Board for truly outdoing themselves in every single aspect of their hosting duties. I know I said that no one would ever host a better Leaders Forum than Winnipeg did last year, but I have been known to be corrected on occasion! Thank you to everyone who helped out, participated, and attended. So my last "Thank You" goes out to CCI National and all the people there who helped to make this happen! These sessions always breathe new life into me, and regenerate my batteries to continue volunteering for such a great organization, and I hope they do for you also.

Proud to be your President.



CCI NATIONAL ANNUAL GENERAL MEETING

PLEASE MARK YOUR CALENDARS FOR THE 2015 NATIONAL AGM AND AWARDS BANQUET

DATE: Thursday, October 22, 2015 | TIME: 5:30pm

LOCATION: Chelsea Hotel, Toronto | 33 Gerrard St. W., Toronto

The AGM will take place in conjunction with the 2015 Fall CCI National Leaders' Forum, which is scheduled for October 22-23, 2015. Don't miss the updates of the activities of the National Executive Board, and of the national committees and chapters. The meeting will provide an opportunity for members to network with other members of CCI.

The National Awards Dinner will take place following the AGM, where CCI will present and honour recipients of the CCI 2015 national awards – the FCCI and DSAs, Chapter of the Year, and Newsletter of the Year.

Watch the CCI national website – www.cci.ca – for more information!

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For information on eligibility, election process and nomination form, please visit the CCI-N website at: www.cci.ca/CCINATIONAL/nationalnominations.asp

Condo Cases Across Canada

BY JAMES DAVIDSON, LL.B., ACCI, FCCI
NELLIGAN O'BRIEN PAYNE, OTTAWA



It is my pleasure to provide these brief summaries of recent condominium Court decisions across Canada. I don't provide summaries of every decision rendered. I select a handful of decisions that I hope readers will find interesting. I hope readers enjoy this regular column of the CCI Review.

Note to readers: In B.C., condominium corporations are "strata corporations" and in Quebec, condominium corporations are "syndicates".

Note: This publication contains only a handful of this quarter's summaries. CCI members who would like to see the rest of this quarter's summaries can find them at the Condo Cases Across Canada website: www.condocases.ca The current password is "condocases".

James Davidson LLB, ACCI, FCCI, Nelligan O'Brien Payne, Ottawa

THE HOT TOPIC – The definition of family and a finding of bad faith. The dilemma of the dissenting director.

A recent case in Ontario, dealing with a condominium's struggles to establish a definition of "family", included a finding that one of the directors had acted in bad faith. The case deals with the responsibilities – and the dilemma – of the dissenting director. Here's my summary of the case:

Ballingall v. Carleton Condominium Corporation No. 111 (Ontario Superior Court) April 21, 2015

Condominium corporation given opportunity to pass rule to establish definition of family. One of the directors found to have acted in bad faith

The condominium's Declaration contained a provision stating that the units could be used only as private single family residences – but contained no definition of the term "family". The corporation's legal counsel recommended that the corporation pass a rule to establish a definition of family. Otherwise, the narrow definition endorsed by the courts in other cases might be imposed upon the condominium corporation. [See *Nipissing Condominium Corporation No. 4 v. Kilfoyl* (Condo Cases Across Canada Parts 28 and 30, November 2009 and May 2010) and *Chan v. Toronto Standard Condominium Corporation No. 1834* (Condo Cases Across Canada Parts 33 and 39, February 2011 and August 2012).]

In 2012, a majority of the board voted to proceed with a proposed rule to establish a definition of family. The proposed definition excluded groups of unrelated persons who did not intend to live together permanently (such as most groups of cohabiting students). The rule also included a provision grandfathering or exempting existing occupants from the provisions of the rule. In accordance with the board's majority decision, the proposed rule was prepared for presentation to the owners (for a vote).

One of the directors, MacMillan, did not agree with the proposed rule. MacMillan resided in the condominium, but also owned (and leased) a number of other units. He felt that landlords should be able to continue leasing to unrelated persons (such as groups of students). He felt that the new rule was a threat to his investments, and to the investments of many other owners. He campaigned actively against the rule, seeking to persuade owners to vote against it.

At the AGM on June 17, 2013, the proposed rule was voted down – 78 for to 127 against.

One of the directors, Ballingall, subsequently resigned from the board and started this Court application along with three of the other owners, for the following relief:

- a) An order requiring that the condominium corporation enforce the "single family use" provision in the Declaration;
- b) A declaration that MacMillan had acted in bad faith;
- c) A declaration that the condominium corporation had acted oppressively, by unfairly disregarding the interests of the Applicants.

After the application was commenced, the reconstituted board (still including MacMillan) met with legal counsel to revisit the possibility of passing a new rule to establish a definition of family. The board then prepared a new rule containing the same definition (as in the rule that had been voted down) but a different grandfathering provision. The revised grandfathering provision included grandfathering of existing owners as long as they confirmed that their understanding (at the time of their purchase) was that they would be able to lease their unit(s) to unrelated persons. This proposed new grandfathering would exempt the units of those owners (from the definition of family), while they were owned by the grandfathered owners, for a period of ten years. Therefore, one of the key issues on the application was: Should the condominium corporation be permitted an opportunity to pass this new rule? The Court held as follows:

continued...

Condo Cases Across Canada Cont'd.

- a) The Applicants were entitled to have the “single family use” provision in the Declaration enforced.
- b) However, the condominium corporation should be permitted an opportunity to pass the proposed new rule, but with a modified grandfathering provision. The Court said that grandfathering of occupants, and also grandfathering of certain owners, did make sense in this case. However, the Court said that the proposed grandfathering provision was not reasonable or in keeping with the Declaration. Among other things, the Court said that the ten-year grandfathering was too long. The Court said that three to five years would be more appropriate.
- c) MacMillan had acted in bad faith, up until the commencement of the Application (when he began to support the idea of a new rule).
- d) The condominium corporation had not acted oppressively.

The Court's decision including the following:

Once this litigation was commenced, the new Board moved quickly to pass a new Rule that mirrored the previous version (of the rule) passed by the previous Board (under the leadership of Ballingall) aside from the grandfathering provisions. In that the earlier version of the rule had been rejected at an AGM due, in great measure, to the restrictive grandfathering provisions, it was reasonable for the new Board to expand those provisions. . . Although I have found that the grandfathering provisions in the new Rule are unreasonable and inconsistent with the Declaration, the evidence is inadequate to persuade me that the Board's passage of the Rule amounted to an abuse of power, a wrong of the most serious sort, or an act of bad faith.

The Board shall have 60 days in which to amend the grandfathering clause (in the Rule) to be a truly temporary, transitional, provision to wean landlord owners off rentals to multiple, unrelated, transient tenants not meeting the expanded definition of “single family”, while at the same time being reasonable and consistent with the Declaration. Failing the passage of such an amendment, the Corporation must interpret and enforce (the single family use provision) of the Declaration. . . in a fashion consistent with current Ontario Law regarding the meaning of “single family residence” in the condominium context.

BC Case – Getzlaf v. The Owners, Strata Plan VR 159 (British Columbia Supreme Court) March 19, 2015

Owner had no right to install privacy screen

The strata corporation was required to replace a roof membrane (and the landscaping on top of the membrane). This work affected a patio area adjacent to the strata lot of one of the owners. In particular, this “resulted in a loss of privacy

and negatively impacted the aesthetics of (the owner's) surroundings”. The owner sought permission of the strata corporation to install a privacy screen, but this was refused, pending completion of the project. The owner nevertheless went ahead and installed a privacy screen; and as a result the strata corporation levied fines against him. The owner then petitioned for the following relief:

- A remedy for the actions of the respondent regarding the replacement of the upper parkade membrane project.
- That the respondent restore the upper parkade to its original design, being a rooftop garden;
- That the respondent restore the petitioner's brick wall foundation such that he can then install anchor posts for the installation of a fence;
- That the respondent be enjoined from removing the petitioner's existing privacy screen without his authorization; and
- A reversal of the fines levied by the respondent.

The Court dismissed the owner's petition. The Court said:

The respondent (Strata Corporation) has not disregarded the petitioner's desire for privacy. It is in the process of obtaining estimates for the installation of privacy screening, fencing, and plants for the benefit of units 103 and 104 (the petitioner's unit) that would be consistent in appearance with the rest of the strata complex.

Alberta Case – Owners: Condominium Plan No. 762 1302 v. Stebbing (Alberta Court of Queen's Bench) April 7, 2015

On appeal, cat permitted to stay as a grandfathered pet

The condominium's by-laws permitted pets, but only with written consent of the board. The board had not given consent for the owner's cat, and the lower Court held that the cat was in violation of the by-law. However, the lower Court ordered that the enforcement of the by-law be stayed or delayed until the cat either died of natural causes or was relocated. [See Condo Cases Across Canada, Part 48, November 2014.]

The corporation appealed, arguing that the lower Court had not shown sufficient deference to the corporation's decision to require that pets be removed.

The Appeal Court noted that the board had decided, in 2012, to eliminate cats from the building. This objective would be met by refusing new cats, and by ordering the removal of all cats whose owners had not obtained written permission from the board. Cats which had received permission at that time were “grandfathered” and permitted to stay. The owner (Ms. Stebbing) had moved into the building in 2010, but had never received consent for her cat.

The Appeal Court held that Ms. Stebbing should be permitted to keep her cat as a “grandfathered pet” because the corporation had either permitted the cat or had failed to take steps with reasonable haste to require its removal. 🌸

EXECUTIVE PROFILE



Kim Coulter, ACCI, FCCI
Coulter Building Consultants Ltd.

For the past 37 years, Kim's expertise has been focused on the evaluation and problem correction of multi-unit residential, commercial, institutional and recreational properties throughout North America. This has ranged from building envelope performance testing on low energy housing in the Canadian Arctic to building condition assessments of five star luxury resorts in Florida. With this diverse understanding of the performance of building claddings, in 1993 Kim was appointed by the Canadian Commission on Building and Fire Codes to sit as a member on Part 5 of the National Building Code of Canada Standing Committee on Environmental Separation. This section of the code deals with building envelope design as it applies to buildings other than single family housing. He was a committee member until 2008.

In 1997 Kim established Coulter Building Consultants Ltd., Consulting Engineers & Building Scientists, with a specific focus on condominium

engineering. In 1999 he was invited to become a board member of the Golden Horseshoe Chapter of CCI and two years later became its Board President until 2009, when he became Board Chair. Kim is still on the GHC board. Kim has been on the CCI National Council and Executive Board since 2006. He received his ACCI (engineering) in 2001 and FCCI in 2007. He is a featured writer for CCI and ACMO (Association of Condominium Managers of Ontario) and has spoken at numerous condominium and building science related conferences and seminars across Canada.

Since 2011, Kim has been a member of Burlington's Joseph Brant Hospital Building and Facilities Committee, advising the Board of Governors on the \$312 million redevelopment project which broke ground earlier this year.

Kim served for eight years as Board President of the condominium corporation where he lives, and experienced firsthand, the unique challenges and rewards that one often reads about in CCI National News. 🍁

2015

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BY CHAPTERS FOR CHAPTERS

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FOR THE FALL NATIONAL MEETINGS

OCTOBER 22-23, 2015

- ▶ Leaders' Forum
- ▶ National Council and National Committee Meetings

OCTOBER 22, 2015

- ▶ National Annual General Meeting
- ▶ National Awards Dinner

NEW DATES, NEW FORMAT!

CHAPTER CHATTER



Manitoba Chapter —

Manitoba's new Condominium Legislation came into effect on February 1st of 2015 and our Education Committee has delivered an exciting program to address the needs of the various constituents of CCI including dedicated sessions for boards and property managers. To date we have had four full education sessions on the Act and seven Lunch and Learn sessions — a very full program indeed!

The Property Tax Fairness Campaign is continuing to make inroads and foster relationships with politicians at both the municipal and provincial level. Change of the type we are seeking takes time and significant effort. This initiative continues to be important to our members.

We have managed a significant increase in our membership this past year. We are up from 302 members last year to 319 members this year. While this is partly attributable to the need for education driven by the requirements of the new condominium legislation I would also like to suggest that it is due to the quality of our newsletter and programming.

Several of the CCI board and our administrator attended the recent CCI Spring Leadership sessions in Windsor, Ontario. Windsor did a phenomenal job at putting together the conference. We extend our thanks to the Windsor Chapter for their hard work and to CCI National for the quality of the education sessions. I believe those from our board who attended were inspired by the sessions and we have returned to Manitoba with new ideas and renewed enthusiasm.

Along with our core services of Education and our Newsletter in 2015 – 2016 you will see a more visible social media presence for Manitoba Chapter.

*Pamela Pyke, President
CCI Manitoba Chapter*



Newfoundland & Labrador Chapter —

I regrettably missed the June Seminar in Windsor but our Education Chair, Dave Cumming attended and he certainly gave a glowing report on the event to us at our last meeting. That was not a surprise to me having been the beneficiary of many of those events. As a result of that meeting, we decided that we will have two people from our Chapter attend all future National meetings, whenever possible. We are doing well financially and we thought it well worth the cost to have other Directors from our Board attend future meetings.

Our Chapter has been busy during the winter and spring preparing for our renewals, spring seminar and newsletter. We normally do not have a lot of activity during the summer months, however, this year our Education Committee is quite busy putting the finishes touches on the roll out of our first Director's Course. It has taken a lot of hard work and the better part of a year to bring it together, and our Chapter is very grateful to Dave who took the lead and completed most of the work on this project. As it nears completion, we still have a daunting task to secure suitable people to teach the course material. We believe we can do the entire course in one day, preferable on a Saturday. If there is enough interest we hope to offer it several times throughout the fall and winter.

If any of you have had the good fortune to visit our Province, you know that we have a small population, but we are geographically vast. It is interesting to see our Chapter being promoted across the large expanse of this Province. Most of our Newsletters present a "Feature Condo" on its cover and contains an article on that Corporation. Our last Newsletter's "Feature Condo" was a Corporation from Corner Brook which is on the west coast of our Province. Directors of that Corporation have also travelled to

St. John's to attend several of our Seminars. It is an eight hour drive or nearly an hour's flight between those cities and it is certainly not a one day trip. On the horizon, rumour has it that we are also being scouted by Labrador City!

*Carol Burke, President
CCI Newfoundland & Labrador Chapter*



North Alberta Chapter —

CCI North Alberta recently held free seminars in Fort McMurray, Grande Prairie, and two sessions in Edmonton during the months May and June to highlight the new changes in the Condominium Property Act that was passed in December 2014. More than 500 individuals attended these sessions. Many thanks to condominium lawyers Victoria Archer and Hugh Willis for generously donating their time and efforts in providing these seminars.

CCI North Alberta held the 6th Annual Conference and Trade Show in Edmonton on May 29th and 30th. Once again we grew the number of attendees and participants to new heights, and the feedback we received was very positive. I want to express my gratitude to all the presenters and sponsors for making this conference such an amazing event. Particularly, I want to thank HUB International Phoenix Insurance Brokers for their title sponsorship; we could not provide these events in an affordable way without our business partners and members.

This summer is not going to be restful for the CCI Board of Directors, with multiple projects on the go for our chapter. We host our Annual Golf Tournament on August 18, 2015 at the Eagle Rock Golf and Country Club, which is going to be our largest yet based on registrations so far.

We are in the process of re-writing our constitution,
continued...

Chapter Chatter Cont'd.

as well as our course materials related to the Condominium Management 100-300 Series. Our Board of Directors is attending an all-day retreat on July 17, 2015 to set the goals and direction for the 2015-2016 year.

I am very pleased to announce that long time member Alan Whyte has been hired on as of June 1, 2015 in the capacity as Assistant to the Executive. He has been so critical to our success this past month, attending a number of sessions with the Alberta Government which includes discussions related to the Condominium Property Act and its regulations and as a committee member on the implementation committee for property management licensing. Hiring Alan alongside our long time administrator Joyce Schwan has allowed CCI North Alberta to build capacity as an organization to engage in new education, membership, government advocacy, and communication goals.

Enjoy the rest of summer!

*Anand Sharma, President
CCI North Alberta Chapter*



North Western Ontario Chapter — The North Western Ontario Chapter had a great year again.

We made a concerted effort to improve attendance at our seminars, and engage the directors of condos and owners of condo units. We had a seminar in the spring of 2014 on Condo reform and Armand Conant of Toronto was our guest speaker. There was a great turnout. We are having Armand attend again in the fall of 2015 to continue the Condo Reform and he is now going to comment on the draft legislation put forward by the Province a month ago.

continued...



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Da Bosses!

A packed room at the sessions



Chapter Chatter Cont'd.

These kinds of presentations were made possible with a special one-time grant from CCI National, and have raised the awareness of CCI in our district and has reinvigorated our seminars.

CCI NWO has been making an effort to get into the 21st century communications and social media. We are revamping our web page and looking at Face Book and Twitter as a way to connect with the condo community.

We are making concerted efforts to get email addresses of the officers and directors of all of the condo corporations in Thunder Bay and the area, so that we can communicate better, cheaper and faster with our newsletters (including Nationals revamped electronic newsletter) and seminar information.

Our newsletter committee is getting more advertising from our members and also having more articles about our members. The newsletter is a professional looking product and improving with every issue.

The North West of Ontario is growing its condo community each year, and more and more people are moving into condos. This is consistent with the demographics of the north changing as the population ages. As the Byrds once sang in the 60's, ".... for the times they are a changing"

Doug Shanks, President
CCI North Western Ontario Chapter

UPCOMING EVENTS

Golden Horseshoe Chapter:

September 24, 2015 - AGM

Huron Chapter:

September 18, 2015 - Condo Conference and AGM

September 26, 2015 - North Bay Forum

Manitoba Chapter:

October 1, 2015 - AGM and Fall Seminar

October 7, 2015 - CCI President's Club

Ottawa & Area Chapter:

September 2015 - CCI/ACMO Conference and Trade Show (Kingston)

October 2015 - AGM and Seminar

November 2015 - Fall Directors Course

South Alberta Chapter:

Fall 2015 - CM 100 Level Course

Winter 2016 - CM 200 Level Course

Spring 2016 - CM 300 Level Course

Toronto & Area Chapter:

July 8, 2015 - Condo Fraud Seminar

September 17, 2015 - The Utility Jolt... Shocked Again!

September 29, 2015 - Level 101 Course

October 14, 2015 - Level 102 Course (Condo Governance)

Chapters are adding new events all the time, check back with your local chapter to get an updated list of events in your area!

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#leadingtheway

The Condominium Risk Of No Community

By Devon Jacobs, Toole Peet Insurance

It is no secret that Condominium Corporations in Calgary are seeing significant increases in their insurance premiums and deductibles. The increases are so significant that it certainly cannot be a secret. Many Boards are being faced with insurance bills far higher than what is budgeted and are finding themselves with deductibles so high that they feel their newly priced insurance is now only for catastrophes.

The most troubling instance I have encountered is a Condo that suffered damage in the June 2013 Floods. The following year at insurance renewal, in order for them to maintain the same level of coverage they had before the floods, would have cost them a 600 per cent increase in insurance premiums. Shocking but true.

It is also very common to see other projects facing 100 per cent plus cost increases year over year, even without having had any flood damage.

When my clients ask me why this is happening, the most meaningful explanation that I have is that the Condo market has hardened. This means that this class of business has been unprofitable for insurance companies for a number of years now and some have exited entirely from writing this business. Those insurance companies that remain are tightening their underwriting criteria, offering lower limits of insurance, increasing rates and deductibles and generally not competing for business. By “not competing” I mean using “take it or leave it” mentality when providing quotes.

There are many reasons that the market is so difficult and while they

are important, I believe that one of the contributing reasons is the overall lack of communication and community that exists all too often in our society and in our Condominium Corporations. This applies to the claims process, to the Loss Control process, and the risk allocation between stakeholders.

In 20 years of managing insurance policies for Albertans, I have seen my share of the good, the bad and the ugly when it comes to claims and subsequent disputes for Condos. All too often the root cause of problems and disagreements was lack of understanding and/or communication of the insurance and risk minefield that must be navigated by Boards, the Brokers and Property Managers.

I believe that sound and thorough risk management practices can be

applied to every Condo Corporation by analyzing its bylaws and determining where the risk lies for the common property, the units and the improvements and betterments.

Once the analysis has been done, a plan can be executed to correspond with unit owners to make sure all stake holders understand their unique interest. This correspondence must be accompanied by resources for the unit owners to make sure that their Unit Owner Policy covers them when they need it.

I have seen a rental unit owner hear from the building manager that there was a water escape in his suite because his tenant left a window open in February and a pipe froze and burst causing water damage in his high rise unit and several units below. The total damage was over \$200,000. →



When we are not communicating and understanding our risk we create an environment in which claims become more painful and cause further problems.

The owner, who had nothing to do with the open window, was levied with a \$50,000 contribution due to the Corporation for repayment of the Water Damage Deductible that was paid.

This was a valid action under the bylaws, and that particular unit owner (not my client thankfully!) did not have the correct insurance on his unit to pay this contribution.

As you can imagine this did not end well for any of the stake holders.

When things go bad like this, people become upset and may behave out of character. We all know these things can all too often lead to litigation.

I believe that understanding and communicating about these

risks before they happen, is one of many ways to foster community, cooperation and understanding within a Condo Corporation.

Ultimately a Condo is a group of home owners who must collectively manage the affairs of their homes. Sometime my wife and I can't agree on when it's time to get the furnace cleaned. Managing projects large and small takes many people volunteering their time and to be effective the unit

owners must understand their risks and their roles to help the process.

When we are not communicating and understanding our risk we create an environment in which claims become more painful and cause further problems. In fostering community and understanding we can work to improve our management of risks faced by Condo Corporations, and improve the insurance picture for Condos in Alberta.

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Multi-use Strata Projects

By Gerald Quigley

Although many of us in the condominium industry may not yet have encountered them, Calgary is experiencing increasing Developer use of strata lots in the design of multi-storey complexes. This is creating unresolved condominium governance and insurance issues. It is hoped that this note will alert Board members and, particularly, managers, to some of these issues.

Strata spaces, or lots, are three-dimensional parcels created in development plans produced by surveyors. Such parcels have boundaries which are not determined by reference to a physical surface (floor, wall, ceiling, foundation), but are described by reference to elevations. The parcels can be created in an infinite variety of shapes, including wedge and curved shapes, and can be created so that they are stacked or interlocked on, above or below one another, and may contain sides which extend vertically to infinity. They can even project horizontally, at some elevation below ground. Creation of strata lots within a building, or within several buildings comprising a project, is useful in meeting a Developer's requirements in planning mixed-use developments.

The implication for condominium governance arises from the fact that residential condominium towers are being built within the boundaries of strata lots. Some projects may contain two or more condominium corporations (each in its own strata space), plus non-residential space, in an arrangement of contiguous strata lots. For the Developer, this structure accommodates marketing of residential space within a condominium tower and facilitates sale of non-residential (office, commercial, retail, industrial) space "free" of condominium fees and control.



Importantly, strata lot ownership in a single project/building makes strata Owners mere neighbours. While this may be of advantage to certain strata Owners, it creates unresolved governance and insurance issues for a condominium corporation (as a strata owner) located within such an environment. To illustrate:

1 There exists no delegated authority (for example, a Condominium Board) which can obligate all strata Owners to comply with fixed rules of operation, or which can compel contribution toward payment of expenses which are, or which should be, shared;

2 Among strata Owners, no statutory controls exist to govern renovations within a strata space, either as to the nature of such renovations, the timing

of work, the use of qualified personnel, the obtaining of related approvals, or the existence of appropriate and adequate insurance to cover such work;

3 Passage through driveways, entrance lobbies, corridors, elevators and stairwells by Owners (including Owners of condominium Units) and the invited public raises issues of joint maintenance cost, security, and liability, since such passage can involve entry/exit and passage over and through property owned by separate strata Owners;

4 While the Condominium Property Act requires a condominium corporation to maintain insurance coverage and, indeed, specifies the nature and scope of such coverage, no such obligation arises in the context of strata lot ownership; →

Fortunately, planning and development regulators have now recognized a weakness in governance of strata projects. City Planners are requiring, in Calgary if not elsewhere, that Developers submitting plans containing multiple strata spaces must include with the plan an agreement governing many aspects of shared-use.

5 Separately-metered utility consumption in a strata project will raise few issues. The absence of separate metering, however (for example, in relation to water and sewer services to the Project generally), combined with differing consumption patterns among users, can raise thorny issues if shared cost is not contemplated initially. Experienced condominium managers will recognize the problems which have arisen in residential projects when the Developer, to maximize profits, does not spend the money necessary to install separate Unit electricity meters and markets the Project on the basis that “the condo fee includes everything!”;


6 Shared building components/services raise other governance, maintenance and cost issues. The concept of “common property”, in the condominium context, will not apply to services or components of the building which are shared among strata owners. Such services and components may include structural systems, exits, firewalls and fire separations, elevators, and plumbing and electrical distribution systems, to name only a few.

7 The occurrence of a fire in a strata lot located below a strata lot containing a residential condominium tower will give rise to an obvious insurance issue. Assume that the condominium corporation’s insurance is adequate to restore the condominium property, but that one or more Owners of adjoining strata spaces have inadequate, or no, insurance coverage. This could effect timing / adequacy / completion of restoration involving access areas or shared services serving the condominium corporation, but which are owned by strata Owners over whom the corporation has no control. Complicated, indeed;

8 Since a condominium tower is created within the boundaries of a titled strata lot (with easements through other strata lots as required for

support columns, elevator shafts, utility corridors and the like), the maintenance of the exterior of the condominium tower may, arguably, require reference in the Bylaws to Managed Property. If this is necessary, however, it is an issue exclusively involving the Owners within the corporation.

Fortunately, planning and development regulators have now recognized a weakness in governance of strata projects. City Planners are requiring, in Calgary if not elsewhere, that Developers submitting plans containing multiple strata spaces must include with the plan an agreement governing many aspects of shared-use. The term ECR Agreement (easements, covenants, restrictions) is now commonly used to describe a contract imposed upon strata Owners (including condominium corporations) dealing with joint use of components in a project. Such agreements, by whatever name, are critical. If you are involved in a strata project, look for them, and learn what they say — or fail to say.

Good governance practice in this context obligates effected managers and Boards, at minimum, to become familiar with strata development and the potential issues facing a condominium corporation located within such development. Additionally, good governance will require that a corporation retain the services of an insurance agent who understands the complexities and challenges facing insurers and Boards in this context. 

CONDOMINIUM CORPORATION MEMBERSHIP AS OF AUGUST 27, 2015

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Fairway Village	Riverview Court	Whitehorn Village
Fletcher Village	Rocky Ridge Villas	Retirement Residence
Gladstone Village	River Ridge Estates	Willow Tree Village
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cci south alberta chapter members

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Condominium No.:		No. of Units:		Registration Date:	
Management Company:			Contact Name:		
Address:					Suite #:
City:		Province:		Postal Code:	
Phone: ()		Fax: ()			
Email:					
Condo Corporation Address:					Suite #:
City:		Province:		Postal Code:	
Phone: ()		Fax: ()			
Email:					
President:					
Name		Address/Suite		Email	
Treasurer:					
Name		Address/Suite		Email	
Director:					
Name		Address/Suite		Email	
Please forward all correspondence to: <input type="checkbox"/> Management Company address <input type="checkbox"/> Condo Corporation address					
Are you self managed?: <input type="checkbox"/> Yes <input type="checkbox"/> No					
Full Year Fee: <input type="checkbox"/> \$4.00 per unit: min. \$100.00 - max. \$260.00 _____ of units @ \$4.00 = \$_____					

INDIVIDUAL MEMBERSHIP

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Address:	Suite #:
City:	Province: Postal Code:
Phone: ()	Fax: () Email:
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City: _____	Province: _____	Postal Code: _____	
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Email: _____		Website: _____	
Annual Fee: <input type="checkbox"/> \$310.00			

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Company: _____			
Name: _____		Industry: _____	
Address: _____			Suite #: _____
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deadlines

Summer 2015 issue	Saturday, August 15, 2015
Fall 2015 issue	Thursday, October 15, 2015
Winter 2016 issue	Friday, January 15, 2016
Spring 2016 issue	Friday, April 15, 2016

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