Can Technology Transform Your Balcony?  

The Wild West of Condo Technology  

Condo Management in the Digital Age

EMBRACING THE ELECTRIC CAR

THE TECHNOLOGY ISSUE
Condo Law Group

Tough Problems. Solved.
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President’s Message

Our Amended Condominium Act

Life under the amended Condominium Act is well underway. I hope that all of you are adjusting successfully to the new forms and processes.

The Condominium Authority of Ontario is up and running. They report that thousands of people have already completed their online Condo Board Director training program, and that feedback upon completion is quite positive. I encourage all Directors to get through the training as soon as possible. While it is only mandatory to complete the training within six months of being elected or re-elected to the board, there is no time like the present to invest three hours to help make sure you are up to speed on the key knowledge needed to be a great Director. The online training is a great starting place. CCI will still be here with our more advanced courses, allowing you to dig deeper into the concepts and get your questions answered by our expert presenters.

The Condominium Management Regulatory Authority of Ontario is also moving full speed ahead. Under a new extension, managers will have until March 30th, 2018 to apply for their mandatory license. After the CMRAO has dealt with the tidal wave of registration and preliminary licensing, they will shift their focus to making sure that Condominium Managers understand their rights and responsibilities when operating under their new, mandatory, code of ethics. Board Directors should be aware of this code of ethics so they can support their managers.

A manager who contravenes the code of ethics risks losing their license, so all parties need to understand the code of ethics and work together to ensure proper governance practices are followed.

And quietly, while all the other changes were going on, Tarion also changed their legislation to provide warranty coverage to most condominiums built in converted buildings. While this doesn’t impact existing condominiums, it does fill a huge gap that any of you currently living in a converted building know existed.

So, is it time to heave a sigh of relief that this is over? No way! More change remains on the horizon. Some of the key amendments to Condominium Act have still not yet been proclaimed. We can look forward to more clarity about budgets, reserve funds, initial reserve fund contributions, standard unit bylaws, shared facilities, prohibiting builders selling or leasing back certain things (such as guest suites), non-leased voting unit provisions, procurement processes, performance audits, sections 97 and 98 (modifications to common elements), requisition processes… the list goes on.

We at CCI will do our very best to keep you up to date as these changes roll out.

Sally Thompson, M.Sc., P.Eng.
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CCI Group merges with McIntosh Perry Consulting Engineers Ltd. to form one of the largest privately held engineering firms in Canada. The new company, called McIntosh Perry, has more than 500 professional and technical staff in nine locations across the country, and provides a full range of services to the condominium industry. Our team of engineers, building science experts and technicians have worked on thousands of buildings across Canada.


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Who’s The Boss?

A question often considered in reflecting upon the operation of a condominium community is who, exactly, is in charge? On paper, the legislation is clear. The Board of Directors is the decision maker responsible; however, practically speaking, the elected volunteer representatives of all owners only truly have the power to conduct official business at duly constituted meetings. Anyone with some experience with a condominium community is aware that much more goes into operations than a monthly decision making session.

Only considering the Board risks taking the role of management for granted. The quality of property management services provided — whether self or professionally offered, on site and/or supported behind the scenes — can make a considerable difference. Also, many condominium by-laws and rules empower the property manager to do such things as determine what level of noise transmission is acceptable or if a pet is a nuisance, granting clear authority to anyone fulfilling the role of manager. While many decisions are the Board’s to make, empowering management can complicate identifying a community’s “head honcho”… particularly if a property manager acts as though they are.

Often, another perspective comes to light when unit owners question who pays management’s salary. This can lead to the suggestion that unit owners, together, are the true boss of the community – exercising their power and voice through democracy, expressions of opinion and the payment of their common expenses. After all, both the Board and management are ultimately answerable to the unit owner collective.

A problem with considering the collection of owners as the “legit boss” of a condominium community is that not every decision is put to a unit owner vote. While some unit owners are surprised to learn that they are not entitled to vote on items such as the annual budget, many Boards actively seek feedback from owners on certain decisions — however, it remains that such feedback is informal and optional. The bottom line is that this type of unit owner involvement is not required.

Ultimately, this is not a matter of the tail wagging the dog because the fact is that every perspective is important. For a condominium community to truly succeed, the Board and management must have a good and trusting working relationship. The same applies for the Board and the collective of owners and residents and, in turn, residents/owners and management.

While it would be foolish to expect everyone to live in continuous harmony without any conflict or difference of opinion ever to arise, when good relationships are fostered amongst all who have influence within a community, it does not really matter who is viewed as the boss. The question then shifts from one that focuses on who is in charge to one that considers how all who comprise any given condominium community can effectively contribute to its operation. There is a role for everyone!

Marc Bhalla, BA, C.Med
Registration, Description Plans and Easements • Disclosure Statements • Purchase Condo Unit • Steering Committees & Electing Owner-Directors to First Board • Turnover Meeting • Turnover Documents • Turn-over Financial Statements • Declarant’s Fiduciary Duties • Performance Audit • TARION - ONHWP Claim • Construction Deficiency Action • Manufacturer’s Warranty Claim • Termination of First Year Agreements • First Year Budget Deficiency • Title Search • Lien Collections • Status Certificate Accuracy • Reciprocal Cost Sharing Agreement Issues • Election & Qualifications of Directors • Directors’ Duties & Powers • Governance Decision-Making • Governance Hierarchy • Being a Good Director • Handling Bad Apple Directors • Director’s Code of Ethics • Standard of Care, Diligence & Skill • Duty of Honesty and Good Faith • Disclosing Conflict of Interest • Confidentiality • Privacy Policy • Financial Review • Chairing Directors’ Meetings • Status Certificate Review • Teleconferencing • Indemnification • Directors’ and Officers’ Insurance • Condominium Act, 1998 • Your Description Plans • Declaration & Amendments • Community Standards • Comprehensive General By-law Packages with 200 Improvements • Standard Unit By-Law Pack-age • 18 Specific by-law precedents • Comprehensive Rules Package • Special Rule Scenarios • How to negotiate Contracts • Standard Condominium Contract Conditions • Privacy Policy (including PIPEDA Compliance) • Human Rights Policy • Occupational Health & Safety Policy • Workplace Violence and Harassment Policy, Risk Assessment and Procedures • Addressing Mould Responsibilities • Corporate Social Responsibility • Green Roof • Management Agreement • Shared Facilities Agreements • Construction Agreements • Cable TV/Satellite/Internet/Phone Telecommunications Agreements & Checklist • Cellular Dish Agreements • Insurance Trust Agreement • Landscaping Agreements • Party Room Agreement • Elevator Agreement • Superintendent’s Suite Lease • Employment Contracts • Security Guard Compliance • Hiring • Dismissal Issues • Human Rights/Handicap Issues • Employment Issues • Maintenance v. Repairs After Damage • Unit Boundary/Repair Obligations • Additions, Alterations, Improvements & Changes to Assets or Services • Maintenance v. Alterations • Governance Issues • Funding Choices • Owner’s Alteration Agreements • Fair Hearing of Owners’ Complaints • Insurable/Non-Insured Damage • Extended Insurance Deductible • Standard Unit By-law • Damage Charge-backs Against Owners • Owner’s Indemnification for Damage • Corporation’s Insurance • Owners’ Insurance • Performance Audit • Technical Audit • Mitigation • Construction Bids/CCDC Agreements • Construction Disputes • Fire Safety Plan • Disaster Planning • Emergency Response • Accessing Neighbour’s Property for Repairs • Operating Fund v. Reserve Fund • Major Repairs & Replacements • Repair and Replacement Improvements v. Additions, Alterations and Improvements and accounting for the difference • Reserve Fund Studies • Form 14 – Reserve Fund Summary/Funding Plan/Statement of Differences • Eligible Investments & Investment Planning • Unit Issues • Common Element Issues • Lease/Licence/Easement of Common Elements • Alterations • Dangerous Activities • Realty Assessment • Entry Into A Unit • Entry by Canvassers • Owner’s Code of Ethics • Chairing AGM • Requisition Validity, Rights & Meetings • Removal of Directors • Access to Records • Owners’ Governance Powers • Tenant’s Rights & Obligations • Lease Record • Lease & Section 83 Notice • Rules • People, Pets & Parking • Enforcement Remedies • Defences to Rule Enforcements • Human Rights Discrimination • Guaranteed Common Expense Collections • Power of Sale • Rule Procedures & Enforcement • Mediation/Arbitration • Compliance Orders • Oppression Remedy • Legal Actions • Section 23 Notice • Other Remedies • Provincial Offences • Status Certificate Upgrades • Charge-backs for Owners’ Damage • Inspector • Administrator • Amalgamation or Termination • Libel & Slander • Construction Liens • Construction Deficiency Claims • Budget Deficiency Claims • Contract Breaches • Agency Issues • Nuisance Law Scenarios • Negligence Claims • New Small Claims Court Rules • Criminal Code • Harassment • Mischief • False Fire Alarms • Dangerous Activities • Grow-Ops • Drug Dealing • Motorcycle Gangs • Prostitution • Break and Enter • Peace Bond • Pet Problem • Parking Infringements • Loitering and Trespass • Boundary Fence Disputes • Excess Noise • Noise Testing Criteria and Chart • Evicting a Super • Termination of Employment • Sale of Condo Property • Expropriation • Termination of Condo • HST Impact • Source Separation of Waste • Safety Devices • Smart Metering • Gas/Hydro Contracts • Technical Standards and Safety Authority Compliance • Refrigerant Regulations • Elevator Regulations • Environmental Protection Act • Fire Code • Building Code • Municipal Code
Despite the 1960’s efforts in the western world to limit population, human population growth is continuing to explode. At the same time, increasing world-wide energy demands and increased standards of living have stressed the environment, leading to climate change. In an effort to prevent global catastrophe, the world has united into changing our fundamental energy technologies.

Accord De Paris

The Paris Climate Accord (Accord De Paris) estimates that if mankind puts 1 trillion tonnes of carbon dioxide into the atmosphere, the world temperatures will increase by 2°C. We have already put half that amount up there. It is estimated, that without the Paris Climate Accord, the second half will be put up by 2030. At that point, permafrost in northern Canada, Europe, and Russia will melt, releasing methane gas which is an even more powerful greenhouse gas. Permafrost is already starting to melt causing havoc with roadways and building struc-
tures in the north. After that, we could be faced with runaway global warming that will see the ice caps melt and sea levels rise faster and much higher than they are now. Already, islands and coastlines are being lost at an increasing rate around the world.

The Chemistry of Climate Change

Environmentally, there is no such thing as “clean coal”. Coal burns and produces carbon dioxide. Liquid fossil fuels produce both carbon dioxide and water in equal amounts. Natural gas produces a third less carbon dioxide than the liquid fuels. Hydrogen produces no carbon dioxide at all.

Fuels

It should come as no surprise that coal is the first fossil fuel source to be targeted for elimination. Ontario was the first jurisdiction to do so in North America in 2014. Liquid fuels are the next target and require incredible changes in worldwide transportation technology. It is happening. Electric car sales are increasing at an exponential rate year by year, with major car companies announcing even more research and product development. Hydrogen fueled trucks and trains are coming. NASA, Boeing, and Airbus are researching and developing electric airplane technology. Eventually, burning natural gas will become a thing of the past too.

Worldwide Adoption of EVs (Electric Vehicles)

It is estimated that by 2040, 35% of new car sales worldwide will be for electric ve-

<table>
<thead>
<tr>
<th>Fuel</th>
<th>Combustion Products</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coal</td>
<td>Pure CO₂</td>
</tr>
<tr>
<td>Gasoline</td>
<td>CO₂ + H₂O</td>
</tr>
<tr>
<td>Diesel</td>
<td></td>
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<tr>
<td>Aviation</td>
<td></td>
</tr>
<tr>
<td>Natural Gas</td>
<td>CO₂ + H₂O + H₂O</td>
</tr>
<tr>
<td>Hydrogen</td>
<td>Pure H₂O</td>
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</tbody>
</table>
vehicles and countries like Norway have already hit that mark. India has decided to allow only electric cars to be sold starting in 2030 and France by 2040. Mexico City, Athens, London, and many other C40 cities around the world will outright ban gasoline and diesel vehicles starting in 2025. If plans hold, most vehicles by 2050 will be electric.

**Electric Vehicles will become the Consumer’s Choice**

Now, somewhat surprisingly, it looks like electric vehicles have definite consumer benefits. Electric cars do not have to be refueled (think rain and cold, windy snow storms), are less expensive to operate, last longer, and it is expected that by 2020 to 2022 or so, will cost less to manufacture than gasoline vehicles. New battery technologies are on the horizon that will increase electrical storage capacity, driving range, and decrease charging times. Even if people are not climate aware, we will start wanting them. This will happen soon, overnight, and as fast as the cell phone revolution that put a smart phone in nearly everyone’s pocket or purse in the last ten years.

**Impact on Condominium Property Values**

With people wanting to purchase electric cars, they will need at-home charging stations, and that means charging in their own parking stalls. If a condominium does not have an electrified parking garage, new buyers will not be interested in purchasing. Worse, existing owners and renters especially, may decide to move to buildings where electric car charging is supported. Buildings that do electric cars well, will increase in value, whereas buildings that do not, will see a loss in property value.

**Developing a 30 Year Plan**

Condo boards have three years to develop a 30 year plan to deal with 2050. Boards must educate themselves on what the Paris Climate Accord is all about, follow electric vehicle technology trends, then communicate and educate their owners on the future. Building Declarations, Bylaws, and Rules may have to change. And then there is the investment in technology.

**Envisioning the Parking Garage of the Future**

Imagine your parking stalls, with nearly each one with an electric vehicle charging station, a conduit back to a distribution panel somewhere nearby with high power wire, a breaker, sub-meter, and likely an Internet connection. Each panel is fed by a transformer. Each transformer is fed by high voltage lines from a central supply area with even higher current breakers. If you can do that, you are more forward thinking than your contemporaries. But wait, there is more.

Electric power rates are cheapest starting at midnight. Electric vehicles can be programmed by their owners to start charging at any time, say at midnight when rates are reduced. Imagine 500 cars all starting to charge at once drawing a maximum amount of charging current at midnight, then tapering off until morning when most of them will be fully charged again.

Another approach is to install a smart grid where a central building computer retrieves the charging requirements of each vehicle each night, then schedules when each will be charged so that power is drawn from the grid more evenly, at slower rates, but still ensure that all vehicles are charged by morning.

This could reduce a 1.5 MW peak power draw to a constant say 0.5 MW power draw throughout the night, but requires that only smart grid compatible chargers are installed by vehicle owners.

**Solar, Power Storage and Parking Membranes**

It is probably unlikely that you will be drawing all your charging power from the electrical grid only though. New solar cell technologies are pushing solar cell efficiencies into the 40% and higher range in the lab. Solar cell building cladding can provide power to power storage rooms during the day, reducing dependencies on grid power and saving money.

The power storage rooms could be filled with lithium batteries using today’s technology, but will likely be filled with super capacitors being developed that, unlike battery technology, can be cycled millions of times without wear. By the time 20% to 30% of the car fleet is electric, solar and power storage will likely be contemplated. Smart boards will coordinate expected electrical storage room installations with parking lot membrane maintenance to reduce costs.

**Who Pays?**

The investments needed to provide electrical power to parking stalls is non-trivial. It can be argued that EV owners themselves should not only have to pay for their own electricity consumption, but also for all the building modifications.
After all, they don’t have to buy an electric vehicle do they?

On the other hand, EV owners know that their efforts in equipping their building and making EV ownership possible for anyone will have improved the value of all units in the building. Why should others benefit from their efforts and personal investments?

The phrase I like to use is for the building to “invest at a level consistent with preserving property value”. Certainly, this would include engineering reports and planning. It should probably include the costs of bringing high voltage conduit into the parking areas.

At the other end, EV owners would likely agree that they must pay for their own chargers and could be persuaded that it is fair for them to pay for the average cost of bringing conduit to their own parking stalls.

What’s left for debate is the cost of the distribution panels and their contents and whether this should be paid lump sum or charged back monthly.

**Disrupting a Disruptive Technology**
There is a caveat: New theoretical battery and super capacitor technologies may allow charging in seconds meaning the gas station of today could be replaced with high power charging stations that might even recharge a car in less time than it takes to gas up a car today – but this could easily take a decade or more to develop and roll out – if it is even actually possible. Even if it happens, overnight charging in our own condos offers definite benefits and is still a building plus.

**Getting Started: Pilot Projects and Electric Car Clubs**
Few boards will be prepared, or will have the support, to go all out and install a 30 year infrastructure today. Especially if you have gone through an LED lighting retrofit, there is good chance you have surplus electrical capacity in your building for at least a few EVs. Extending this power into your parking stalls for a small initial EV fleet in a pilot project will give everyone a first pass experience for what is to come, and allow your board to lay the groundwork for complete policies and procedures and perhaps bylaw amendments.

Supporting an Electric Car Club or committee in your own building, or jointly with other buildings, could satisfy those interested in EV ownership. They can become familiar with your technical and cost issues, and help with the research and the education of others during the course of your pilot project. That early experience and earned knowledge will go directly into developing the plans and support for a future, larger scale EV deployment.

With the commitments by governments world-wide, heavy investments by industry, and an increasingly aware public, demand for electric vehicles will only increase as EV technology advances. Inevitably, we must all adapt, evolve, and accept, that electrically parking in condos will become ubiquitous.

Bob Hornick is a Director of a Condo in Mississauga. He conducted his own research in an effort to educate the Board on the benefits of electric cars. He is hopeful that they will take the first step as soon as this year.
Does your condo have a 3-year plan?

We have the resources and knowledge to help your community flourish:

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www.fsresidential.com

Plan for your community's future.
Your property management company should help you deal with changes, like:

• Legislation (Bills 106, 109 & 135)
• Ontario minimum wage increase

Our clients rely on FirstService Residential to manage the impact of strategic issues.
With all of the technology available today, is it still possible that property managers don’t know when there is a leak in their irrigation system or how much water the system is actually consuming?

The answer is yes. Irrigation systems can sometimes miss the mark on control and scheduling, and, over time, these inefficiencies lead to unnecessary and expensive water waste. Choosing the right irrigation contractor is imperative to properly managing and maintaining your irrigation system. A Water Smart Irrigation Professional will help you get the most out of your irrigation system while maintaining beautiful curb appeal and lowering your system’s water consumption and costs.

**Water Smart Irrigation Professionals**

Water Smart Irrigation Professionals (WSIP) are industry leaders committed to sustainable irrigation management. They have received specialized training in irrigation system efficiency, assessment and maintenance services, and are certified by Landscape Ontario. The training and certification program was developed and is delivered by the Region of Peel, the Regional Municipality of York, and Landscape Ontario.

The WSIP training and certification program focuses on delivering irrigation assessments using a progressive approach coupled with an intuitive software program. This approach shortens the amount of time required to conduct a full irrigation assessment and the software helps the WSIP determine proper zone run times.

A WSIP assessment can provide you with a holistic view of your irrigation system by highlighting:

- how much water your system is using;
- how much water is required for your landscape;
- costly leaks;
- what volumetric and financial savings can be achieved from installing efficient hardware and central control with a return on investment (ROI).

Central controllers improve system efficiency by accessing real time flow data and weather information, enabling them to foresee future weather patterns and adjust watering schedules accordingly. By accessing flow data, the controller is also able to identify leaks and stop the flow to the irrigation system when leaks are detected. Data from the central controller is fed daily to the irrigation contractor or property manager, allowing them to remotely monitor system performance and quickly identify issues.

**Results**

The potential for a WSIP assessment and identified irrigation efficiencies to lower the bottom line at your site is significant. Peel Region alone saw an average water savings opportunity of 59% per site, with the majority of savings coming from updating irrigation schedules and installing a central controller. The case for installing a central controller is strong, with the controller alone resulting in approximately 30% water savings.

This was well demonstrated at 60 Via Rosedale in Brampton, Ontario, when in...
2014, WSIP certified contractor SMART Watering Systems (SWS) performed an irrigation assessment at the address. Despite the relatively new irrigation system, SWS found several opportunities for system improvements, including the installation of central control, leak repair, schedule updates, and zone hardware upgrades. All findings and recommendations, along with calculated ROI, were presented in a report to the Via Rosedale property management team, who decided to proceed with the recommended changes to make their system as efficient as possible.

“The property management team worked with SWS in an effort to reduce water use and improve water distribution on a 1 year old irrigation system. SWS made the process easy. They performed the irrigation assessment and provided recommendations for infrastructure improvement. After the required implementations were completed I have seen a reduction in water use and the health of the landscape has improved.”
— Palmina Maccari, Property Manager at Rosedale Village

Now that the changes have been made, Via Rosedale has experienced a confirmed water savings of 72%. The landscape is also healthier and looks better because the proper amount of water is now being used. Like many systems, the Rosedale irrigation system was using more water than needed due to poor spacing between heads, mixed nozzles, or pressure that is too high or too low. By improving each zone’s efficiency and determining how much water was actually needed for each zone, the watering run times were reduced. Overwatering is not just an issue unique to Via Rosedale; in fact, overwatering was identified as an issue in 90% of all assessments conducted within the Region of Peel.

The following table shows the irrigation water usage from Via Rosedale.

<table>
<thead>
<tr>
<th>Year</th>
<th>Action</th>
<th>Water Usage Per Year (m³)</th>
<th>Cost Savings Per Year From 2015 ($2.31/m³)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>Initial Assessment</td>
<td>3,903 m³</td>
<td></td>
</tr>
<tr>
<td>2016</td>
<td>Efficiency Upgrades and Adjustments Completed</td>
<td>1,362 m³</td>
<td>$5,870</td>
</tr>
<tr>
<td></td>
<td>Schedule was adjusted and tailored to the landscape</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Leaks were fixed</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Zone hardware was upgraded in zones presenting the lowest ROI</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Central controller with flow sensor and master valve was installed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2017</td>
<td>Maintenance and Monitor</td>
<td>1,111 m³</td>
<td>$6,450</td>
</tr>
<tr>
<td></td>
<td>(Due to a larger amount of rain in 2017 the system did not water as much and greater savings were achieved.)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The installation of a central controller at the Via Rosedale property allowed SWS to provide real time data and reports to property management to show exactly how much water was being used for irrigation. This technology served to identify two small leaks in 2016. The early detection of these leaks allowed SWS to address them before significant water was wasted.

**Demand is Growing**
The demand for WSIP services is growing as property managers look to find new and creative ways to accommodate shrinking budgets while maintaining corporate sustainability goals.

Each year, the average condominium property in the GTA uses two (2) million litres of water for irrigation. With WSIP assessments and system improvements, many of these condominiums now have the potential to experience savings of upwards of 50%.

Since the first cohort of WSIP contractors was certified in 2014, over 250 irrigation assessments have been completed. Large corporations such as Orlando Corporation are also seeing the benefit. This year, the Orlando Corporation had 51 of their Region of Peel sites assessed by WSIP certified contractor Burtro Lawn Sprinklers. The assessments identified a total potential water savings of 168,340 m³ of water per season, which equates to $389,000 and an ROI of less than two (2) years. Burtro has already installed a central control system and created a custom watering schedule at each of the 51 sites, and will complete the zone upgrades in 2018.

Be a leader and find out how much your system is actually using. Start achieving your sustainability goals and improve your bottom line by booking a WSIP assessment in 2018.

For more information about the program and for a list of WSIP certified contractors visit: www.watersmartirrigationprofessional.ca

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RBG Security’s License Plate Recognition System!

RBG Security has developed a parking monitoring system for the condo market which is new, unique, and very effective in this sector. The RBG LPR (License Plate Recognition) system has proven to solve almost all of the existing parking problems incurred by condominium management.

How It Works

In a nutshell, high-definition cameras, specific to license plate recognition, would be installed at the underground garage entry and exit points. The system monitors the entrance and exit points and registers each vehicle, allowing ease of entrance to valid users and preventing unauthorized access. This makes access to valid users much more efficient — without need for key fob or coded entry — while preventing unregistered visitors, “piggy-backing” and potential perpetrators of crime, as vehicles are flagged and dealt with immediately. Visitor Registration is quick and easy thanks to our user friendly phone-in IVR System or Web-Based Registration Software.

Customized Management

Using RBG’s proprietary software, the system is fully customizable, each site is configurable on the direction from condo management. For instance, we would set the protocol on how to deal with any unregistered vehicles. Visitor start and end times and frequencies are all programmable depending on management instructions.

On-Location Ticketing

In conjunction with this system, RBG has numerous ticketing vehicles on the road throughout the GTA — RBG is MLEO Certified. These vehicles will make regularly patrol visits to each site and/or an emergency if requested to tend to unauthorized vehicles. Condo parking problems can be resolved within less than a month of implementation.

A Company Dedicated To Its Customers

RBG Security is determined to deliver Security Excellence through our passion for unparalleled customer service, dedication to clients, dedication to our staff, continuous training, and innovative technology. We strive to provide the specific solutions to your individual security needs.

For more information please contact us at 1.866.RBG.RBG.1 (1.866.724.7241) ext 2 or e-mail us at info@rbgsecurity.com
Over the years, the installation of digital displays in condo elevators and lobbies has often meant accompanying various IT providers to the site so that they can connect everything to the building’s existing internet. Most condo boards do not want to incur a separate monthly internet fee for their communication system and on the “quest to connect”, there can be a lot of (mostly undocumented) things going on.

Recently, my business partner and CTO Sanjay Madgal and I were called to a downtown high-rise to determine the cause of a network outage, and the technical “wild west” that we saw there (and that we have seen at numerous other properties) is what inspired this article.

Sue Langlois: Sanjay, without naming names, can you describe what we found when we went onsite?

Sanjay Madgal: It was what we didn’t find that really concerned me. It was shocking to realize that the building’s security system was co-mingled with other non-critical systems and could easily be compromised by a faulty circuit breaker that tripped every time someone used the building’s car wash facility.

What we didn’t find is any semblance of documentation or labeling that could help identify what devices are interconnected and what functions they perform - a key
**Attention Condo Board Members**

*Question: How many “Condo Management Companies” are out there, looking for your business?*

*Answer: OVER 200!!!*

- Which one are you going to choose?
- Do you know what to ask them?
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**Sue Langlois:** When it comes to condos, what are the basics that a Property Manager should know about their network? How does it work?

**Sanjay Madgal:** I think it’s important for a PM to know what services they subscribe to, who the service providers are, when the subscriptions expire, and also what packages or service levels they have subscribed to.

For example, a building may have subscribed to the “Gold Internet” package from an Internet Service Provider (ISP) that guarantees up to 10 Mbps download speed and 2 Mbps upload speed. Most PMs would believe their Internet connectivity is 10/2 Mbps consistently. Au contraire, they are only getting 10/2 Mbps during lean periods; during peak hours, they are lucky if they get 5/1 Mbps. It is important for PMs to read the fine print and note that the phrasing “up to 10 Mbps” means that their Internet download speed will never exceed 10 Mbps. My advice to PMs – know what you are paying for and confirm what you are getting is commensurate with what you are paying for. Know how to measure and log your Internet speed so you can challenge your ISP when the need arises.

Last but not the least, a PM should be able to identify the devices (modem, router, etc.) that provide Internet connectivity to the building and know the passwords for logging in to these devices. A vast majority of Internet connectivity related issues can be resolved by restarting the modem or router, but you do need to know which modem or which router to restart!

**Sue Langlois:** Can everything run off the same network?

**Sanjay Madgal:** Yes and no - let me explain what I mean by that. Yes, a single Internet connection can be shared among multiple systems i.e. building security system, communication system, computers in the PM’s office, etc. However, each group of related devices should be isolated on their own network - therefore, an outage in the communication system will not impact the security system and vice versa. The details of network partitioning and isolation are beyond the scope of this article.

Almost all users (even some tech savvy ones) ignore the more important upload speed. Upload speed is important for systems such as VoIP and digital displays. These systems upload data to servers in the cloud - a poor upload speed creates a bottleneck that impacts voice quality (for VoIP) and causes blank screens or stale (outdated) content in digital displays.

**Sue Langlois:** What is the minimum speed required?

**Sanjay Madgal:** That is the million dollar question! My answer is - it really depends on usage. If you have more than 25 devices sharing the same 25 Mbps Internet connection, you may notice a significant degradation in performance especially if multiple users are streaming video at the same time. However, if you have less than 15 devices sharing the same 10 Mbps Internet connection, and most users are only browsing the Internet or using email, performance may be more than acceptable.
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**Sue Langlois:** What about consistency?

**Sanjay Madgal:** Thanks to the oligopolistic nature of the Canadian telecom industry, consistency in download and upload speeds throughout the day is the Holy Grail of Internet connectivity. However, an informed customer can challenge an ISP and demand better service.

Before signing up with your ISP, ask all the pertinent questions about upload speed and consistency. Can the ISP guarantee a consistent download and upload speed throughout the day? If not, what is the minimum download / upload speed they can guarantee? Ask about the Service Level Agreement (SLA) i.e. how quickly will they resolve an outage? Shop around and don’t always go with the “big brands”. Smaller firms often provide much better customer service since their very survival depends on growing and retaining their small market share.

**Sue Langlois:** Explain the schematics for us.

**Sanjay Madgal:** A network schematic is a pictorial representation of the network, identifying all devices that comprise the network and how they are interconnected.

For example, a simple home network would show the following:

1. The demarcation (demark) point: this is where the Internet connection from the ISP “enters” the home.
2. The cable / DSL modem: This is the device that communicates with the ISP’s infrastructure and provisions Internet connectivity to your home.
3. The wireless (WiFi) router: This device provides wireless access to your Internet connection and performs the “sharing” function that makes it possible for multiple devices to use a single Internet connection.
4. Switches: Not all devices support wireless access. “Wired” devices are connected to switches.
5. The devices on the network: These could be your PCs, tablets, smartphones, printers, VoIP phones and webcams. It is important to have an inventory of all devices that connect to a router or switch.

In addition to showing devices and their inter-connectivity, the schematic must be date-stamped and updated every time there is a change to the network configuration.

Sue Langlois: Sanjay, over the years you’ve done some important technical work for companies like TD Bank, RSA insurance, Co-Operators, etc. These large firms no doubt demand proper documentation when it comes to anything tech related. What are some of the best practices from these big corporations that can be adopted by the condo industry?

**Sanjay Madgal:** Documentation, Documentation, Documentation. A picture is worth a thousand words! Need I say more?

I’ve seen detailed floor plans from building architects, electrical wiring and HVAC drawings from the engineers, and detailed manuals from elevator companies. Why is it that we don’t expect the same level of documentation from our IT service providers? Perhaps it is because technology is perceived as being a commodity rather than an essential service. That mindset’s got to change. Condo corporations should insist that their IT consultants provide network diagrams that are date stamped. Documentation is only good if it is maintained and updated on a periodic basis.

**Sue Langlois:** One last question – What should a PM do if he/she suspects has an IT “wild west” going on at his/her condo?

**Sanjay Madgal:** Call in the troops! A technical audit can be conducted to inventory network devices, trace their inter-connectivity and produce the network schematic that should have been provided at the time of the job! An analysis of the network schematic could help identify bottlenecks or problem areas that need to be addressed.
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Financial Transparency and Building Trust with Owners

Annual Statements Represent the Primary Reporting of the Financial Affairs That a Board of Directors is Currently Required to Provide

Each year, no later than six months following a fiscal year-end of a condominium, the Condominium Act, 1998 requires audited financial statements to be included in the notice of the annual general meeting sent to owners. At a minimum, these statements must include an auditors’ report, a statement of financial position (balance sheet) at the fiscal year-end date and statements of operations, reserve fund and cash flows for that year. Notes are also included to support disclosures in the main statements and to cover certain requirements of the Act. Other than reserve fund study and insurance disclosures, these annual statements represent the primary reporting of the financial affairs that a board of directors is currently required to provide to condominium owners.

Money Concerns
An important fundamental principle in financial reporting is timeliness. This principle states that for financial statements and reports to be useful and relevant they should be presented to users soon after the period to which the information relates. While fulfilling a statutory requirement, presentation of annual financial statements to condominium owners, perhaps up to a year or more after important financial transactions have occurred, does not likely achieve this principle.

Stewardship of financial affairs often ranks at the top of concerns expressed by condominium owners. “I don’t know where my common element fees are going”; “what is my money being spent on?”, “the corporation must be running out of money, look at what this big project just cost”; “my common element fees just keep going up and I don’t know why”. These are just a few of the concerns and questions owners often express when timely and comprehensive financial reporting is lacking. These concerns can foster rumors which, as we know, can take on a life of their own.

Trust
In our society, trust is the foundation of how we interact with one another. We trust others to obey our laws. In a condominium community, we expect others to follow the rules and bylaws, respect our right to quiet enjoyment of our suites and we put trust in the board of directors to act and make decisions in the best interests of owners and residents. This trust is particularly applicable to how the board oversees the finances of the condominium. No law or legal framework can set out all of the requirements and related decisions that a board and management must con-
Consider to properly administer the affairs of the corporation. Each condominium is unique with a different set of challenges and circumstances to face. As owners, we are relying on the experience and judgement of those we elect and appoint for these roles to properly manage the affairs of the condominium corporation on our behalf. Financial management is a key component of this. Transparency is an important part of demonstrating to owners that their board and management are properly looking after the financial affairs of the corporation.

When owners start to worry about the financial health of their condominium corporation, often due to infrequent and/or incomplete communication from the Board and management, trust begins to erode and concerns develop about how the affairs of the corporation are being administered. This is the fundamental case for financial transparency. This is not to suggest that it isn’t important to communicate other events in the community’s affairs, but that financial transparency is high on the list of communication priorities.

Financial Transparency

What is financial transparency and what is good communication of a condominium’s financial affairs? The short answer is—it depends. The size, complexity and demographics of the owners of a condominium will have a lot to do with how much financial transparency is required. Financial transparency is the extent and frequency of communication of financial information to owners. Each of these factors will depend on the needs of owners for this information but the key point is that the requirements of the Ontario Condominium Act are just the minimum, and likely not enough. For some owners, the annual audited financial statements may be sufficient (or even too much). For many others, more frequent feedback is required to build trust. This feedback can be in the form of presentations at meetings of owners or in written reports. This latter method is the focus of the suggestions that follow.

As mentioned in the introduction above, audited financial statements are required by the Condominium Act as part of the information sent to owners at least fifteen days in advance of the annual general meeting. This meeting must be held no later than six months after the fiscal year-end of the corporation. As also mentioned above, this may not meet the needs of many owners for more timely feedback. What, then, is more timely feedback? Again, that depends on the
needs of owners as determined by the board but the suggestion here is that at least semi-annual or preferably quarterly communication of financial results is desirable.

The annual audited financial statements for a condominium corporation must be presented in accordance with Canadian accounting standards for not-for-profit entities and must also include additional disclosures as specified in the Condominium Act. These statements can be extensive and complex likely requiring some minimum amount of financial knowledge to understand them. In our complex financial world, the presentation of financial information cannot likely be simplified for the needs of all readers.

Interim financial reporting (semi-annual or quarterly) presented to owners should provide sufficient information to convey an understanding of the corporation’s results to date. To meet the timeliness test, this information should be available to owners within thirty to sixty days after the period end.

Communication of Interim Financial Information

“Our auditors prepare the annual financial statements and we do not have the expertise to do this. It will cost too much to have the auditors prepare this interim information.” This is a legitimate concern that many boards will face. But, this is not a reason to shy away from better financial transparency.

What financial information, then, should be communicated for interim periods? Firstly, while auditors may, as a practical matter, prepare the annual statements, these statements are still the responsibility of management and the board. Secondly, to fulfill its fiduciary responsibility, the board should regularly review financial reports, usually prepared monthly by the management company. These reports, or a summary of them, could then be the basis of the communication to owners. At a minimum, this communication would usually include a statement of financial position (a balance sheet), a statement of operations and a statement for the reserve fund. To have reasonable accuracy and completeness, the board must ensure that all revenues and expenses that relate to the reporting period are included in these statements. The most extensive reporting would be preparation of a full set of statements, including cash flows, and notes that have a similar presentation to the annual audited statements. While this more extensive presentation may be useful to many owners, including the minimum

... “look at what this big project just cost”; “my common element fees just keep going up and I don’t know why”. These are just a few owners concerns and questions
Preparing communications for financial reporting, whether written or oral, requires a thorough understanding of the financial affairs of the condominium.

suggested information will meet the needs of most others.

Another Trust Building Communication

In addition to annual and interim financial statements, a communication that builds further trust with owners is a report from the board providing a short summary of key highlights from the period covered (annual or interim) by the financial statements or it could be a detailed review of the significant components, changes and transactions in each of the statements. This report can be particularly helpful in explaining major variations from budgets and the previous year’s actual results. Such a report demonstrates to the owners that the board understands the finances of the corporation and is actively managing these affairs to achieve desired outcomes.

Another possible feature of this report is projecting results to the end of the year for operations and the reserve fund. This informs owners as early as possible if budgets are likely to be achieved or not and, if necessary, the steps the board is taking to hopefully get back on track. Looking into the future is full of challenges so it is important to have a statement right at the beginning of a section communicating projections that warns the reader that predictions of events and outcomes could be very different in both timing and amounts from what will actually happen.

Some Final Thoughts

Financial transparency through reporting to owners is not the only key to building trust. Prudent budgeting and effective controls over operations with an appropriate level of common element fees with predictable and reasonable increases are likely more important factors. This is a topic for another time.

Financial transparency can contribute to trust building. While it may not work with every owner, as we know that pleasing everyone is impossible, increased communication can meet the needs of most for information about finances.

Finally, perhaps the most important reason for greater financial transparency is the preparation itself. As teachers know, to present a lecture requires thorough knowledge of the topic. Preparing communications for financial reporting, whether in a written report or in an oral presentation, requires a thorough understanding of the financial affairs of the condominium. This perhaps is the real value of financial transparency.
As many may know, CPTED is an acronym for Crime Prevention through Environmental Design. CPTED Concepts are known and have been utilized for the past 50 years for the purpose of reducing opportunities for crime. This concept also has a history of increasing responsible and positive use of the property while at the same time decreasing the likelihood of criminal behaviour.

Implementing CPTED can be defined as follows:
- Provides the opportunity to reduce crime within the condominium
- Reduces the owner’s and resident’s fear of crime within their building
- Encourages social interaction and vigilance
- Improves quality of life for those residing within the condominium

First Generation CPTED has several principles that are commonly used and evaluated when examining a condominium’s core security through an audit or other protective measures. Three of the more basic concepts, which will have a significant effect on the condominium’s security rating, are as follows:

Physical Maintenance is a CPTED principle that states that a condominium that is properly maintained is much less likely to be the target of a security incident than a property that is unkept, or has visible vandalism. Properties that appear neglected will often be the source of further abuse, sometimes even by the residents of the condominium. The underlying thinking of the perpetrator being: “if the management of the property doesn’t care, why should I?” For this reason, Condominium Management is encouraged to act on cleaning vandalism and ensuring that the landscaping / snow removal of the property is as neat and clean as possible. One item that has been noted to attract the criminal element is vehicles in disrepair (such as a car on jacks or one visibly leaking fluids). This is one of the many reasons that Condominium rules often state that vehicles parked / stored at the property must be operating.

Another first generation CPTED principle is Territorial Reinforcement. This is a way of demarcating a clear definition of space and boundaries (property lines) that belong to the condominium. By setting these visible boundaries, would-be trespassers to the property will have to psychologically cross a line in order to access the property. This serves many purposes such as reducing crimes of opportunity, as well as potentially highlighting strangers to the property. This enhances the likelihood of them being reported, and therefore prosecuted for their activities. Given that scenario, perpetrators will often bypass the property and move on to easier pickings. Boundaries may be set with fences, signage, vegetation (hostile and otherwise), different colour pavement, etc. These spaces are often broken down into Public, Semi-Public, Semi-Private and Private. By using these different categories, an intruder has more borders to
Social Cohesion is a concept where a condominium seeks to establish positive relationships between the residents, owners, board members and other casual visitors to the property.

cross before he/she can enter the condominium, and, therefore, may have trepidation to even make the attempt.

The final 1st generation principle for CPTED that is presented is one of Natural Surveillance. This concept seeks to reduce crime by decreasing target opportunities in the condominium by placing physical features, activities and people in plain sight, therefore maximizing visibility. This enhanced visibility has the effect of enhancing the perceived risk of detection and apprehension. An example of Natural Surveillance in condominiums would be the line of sight. Open fences have the effect of defining boundaries of the corporation, but still allow activities on both sides to be observed. Landscaping is another example, where CPTED principles state that trees branches should be trimmed up to seven (7) feet and shrubs should be no higher than two (feet). This allows for both adequate line of site, and reduces hiding areas for the intruder. Furthermore it will also give condominium residents comfort in knowing that that are easily seen when in the common element.

2nd Generation CPTED

As noted above, first generation CPTED consists of more concepts that are physical in nature. A lot of the principles are implemented either by the Condominium Developer during the design phase, or Board Members can incorporate these concepts when undertaking Reserve Fund Projects such as lobby renovations or upgrading the exterior of the property. In second generation CPTED, the concepts centre on social interaction. These concepts also, rather than dealing exclusively with reducing the opportunity for crime, look to promote the notions of community and neighbourhood in order to prevent the criminal actives from taking place.

The areas that we will examine include:
- Social Cohesion
- Connectivity
- Community Culture
- Threshold Capacity

Social Cohesion is a concept where a condominium seeks to establish positive relationships between the residents, owners, board members and other casual visitors to the property. In conjunction to the concept of 1st generation natural surveillance, this concept states that condominium residents will be more likely to be observant and look out for other residents if there is a positive relationship. Through community events such as:
as holiday gatherings and condominium BBQs, it has been noted that residents are more likely to take responsibility for their community, and develop the social skills and motivation to resolve social conflicts amicably.

Connectivity is the next concept of 2nd Generation CPTED and it follows the same guidelines as Social Cohesion. The difference is that, instead of facing inwards to the residents of the condominium corporation, it faces outwards to other organizations. This concept is meant to ensure that a condominium does not operate in isolation, but develops relationships with other organizations such as the CCI. By fostering these relationships, residents feel empowered and will therefore look after the property with more diligence.

Community Culture, the third concept, follows the same lines as the previous two principles discussed. In this principle, residents of the property are encouraged to take pride in their ownership in the condominium. This will result in group efforts to protect the common element of the property, as well as the other members of their community. Through this concept, residents should be encouraged to speak up if they notice criminal behaviour within the property or surrounding areas (“see something, say something”).

Our final point of discussion is Threshold Capacity. This concept suggests that it is necessary for a condominium to achieve balance socially, as well as to ensure proper use (when possible) of the land space surrounding the property. Discouraging the presence of abandoned buildings and encouraging a safe location for the congregation of younger people will result in a population that is more towards socially productive behaviour. On the contrary, if the areas in the condominium’s surroundings exceed the intended activities, this may lead to an increase in criminal behaviour.

Traditionally, one of the more frequent criticisms of first generation CPTED was that, while it may have the effect of reducing criminal activities within a property, it does not address the in-house problems that are inherent in multi-unit living.

A condominium security audit will evaluate the concepts that are presented in the first generation section of this article. Using these as guidelines, Condominium Directors and Managers are better equipped to protect the condominium when awarding contracts or bidding on capital projects. Many capital replacement (RE: reserve fund) projects are excellent opportunities to increase the security of the building, and to better protect the residents within. Along with applying the Integrated Condominium Security Solution (security plan) recommendations from a security audit, Condominiums are encouraged to implement the second generation of CPTED principles into their community culture. The core principle of these concepts is that bringing everyone together will result in more people that will care about the property. The more people that care about the property, the less likely vandalism or theft will occur.
THE GREAT(EST) CANADIAN CONDO WINS - TWICE!

The Staff Team from left:
Bryanna Williams, Security
Michael O’Brady, Security
Yakoob Philip, Security
Ashley Regalado, Amenities
Crystal Lum, Amenities
James Maarhuis, Cleaner
Audrey Manogkli, Cleaner
Ivan Martinez, Cleaner’s Supervisor
Brian Yang, Security
William Quintero, CEO Fresh Water Cleaning Services
Juan Quintero, Generalist
CONDO WINS - TWICE!

By James Russell
Newsletters et Cetera

YES, THAT’S CORRECT.

Discovery, TSCC 2231, was the winner not only of the Great Canadian Condo Contest but the national competition as well.

PORTRAIT PHOTOGRAPHY BY RON JOCSAK
CCI National created the Great Canadian Condo Contest in 2017 to commemorate Canada’s 150th birthday. Condominiums in each of CCI’s seventeen chapters entered in the hope of being declared the best condominium in their chapter. A national winner was then chosen from those local winners.

“We were extremely pleased,” says the Board’s president Jonathan Weill-Wolf when he received the email from CCI announcing that Discovery had won the competition. Jonathan adds that the board viewed the recognition as, “a great reward for our residents.”

Discovery, a complex made up of 15, 19, 29 and 33 Singer Court is located in the Bayview Village area of Toronto. In total, Discovery consists of 1,131 units spread over four high rises and a town house complex. The street was named after Verner Milton Singer, the North York Reeve from 1957 to 1958 and a member of the Ontario legislature from 1959 to 1977.

Discovery’s sales office opened to the public in 2007, with the complex ready to accept its first residents in November 2011. “I was excited,” says the Board’s Vice-President William Choi, when he first saw the developer’s plans back in mid-2000. William is one of Discovery’s original residents and a first time condominium owner. Discovery and the proposed community surrounding it occupies a huge swath of former Canadian Tire land bounded by Highway 401 on the south, Sheppard Avenue East on the north, Leslie Street on the east and Woodsy Park Lane on the west.
The developer’s plans called for a public library, community centre, two elementary schools and multiple condominium complexes of five thousand units in total.

Having visited Discovery, it is not surprising that the condominium snagged the awards. Stepping through the front doors, I was immediately impressed not only by the elegant and pristine lobby, the smiling concierge but by the friendly residents who greet visitors with a cheery “Good evening.”

Car-less residents appreciate that Discovery is a mere seven-minute walk to the Sheppard subway and that the board expanded the one, original car-sharing slot in the underground garage, to two by offering space to a second company.

Discovery’s developer not only offered perspective buyers impressive ‘open concept’ bachelors to three bedroom suites and the usual amenities - party room, guest suites, gym, sauna, and basketball court, but sweetened the deal by including a kid’s play room, a lap pool, movie theatre, wall mounted swim-suit dryers in the pool change rooms and a dog sauna to help keep the building’s four-legged residents zestful and aromatic.

“We’re planning a big party,” says Discovery’s Senior Property Manager, Aleksandra Homesin. But not just any party, Discovery’s Board and management plan to celebrate their double win not in their party room but in Discovery’s ‘Grand Lobby’ a huge, chandelier lit, marble floored space akin to the
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Hall of Mirrors at Versailles. Although this upcoming celebration is certain to be well attended, it may have a tough time rivalling Discovery’s wildly popular Holiday Party, which features live music, games and activities for kids and adults. Their annual party averages five to six hundred attendees and caps off the year’s many social activities and charity drives. Residents are encouraged to bring at least one non-perishable food item although extra food items qualify residents for additional spins of the popular roulette-style prize wheel. The non-perishable food items are donated to the Daily Bread Food Bank. New and used clothing can be deposited throughout the year in the building’s conveniently located Canadian Diabetes Association bin.

“The (original) board was incredibly young from the beginning,” says the Board’s secretary, Araz Sarchami, “Everybody had specific skills - engineering, accounting, etc. We instantly developed trust in each other.” From the first board to the present, that kinship and trust has fostered a board that in William’s words is, “extremely family-like. Everyone has a deep sense of ownership.”

Effective succession planning has also played a part in the Board’s success over the past six years, “Past board members set the tone from the beginning and, as they leave, they have made the effort to update new members,” says William.

Discovery’s five member Board is made up of: Jonathan Weill-Wolf, Presi-
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dent; William Choi, Vice President; Ian Chan, Treasurer; Araz Sarchami, Secretary, and Kevin Lin, Director-at-Large. Like William, Araz was a member of Discovery’s first board and the two have remained members since.

With any condominium complex the size of Discovery, communication is always a challenge. The Board and Management of Discovery keep residents informed through the corporation’s online portal, the three bulletin boards in each of the complexes’ elevators, and digital screens - one in the mailrooms of each of the four towers.

The “sense of ownership” that Jonathan mentioned earlier is not confined to Board members. Discovery has an unusually low rate of staff turnover compared to condominiums its size. Nearly all the security and housekeeping staff have been with the building since the beginning and greet each other by name.

A good deal of Discovery’s success is due to Aleksandra, an industry veteran with years of property management experience. Having worked with many boards, Aleksandra is impressed by how smoothly Discovery’s board manages the occasional contentious issue and notes that such matters rarely go to a vote but are decided by consensus. “We take the time to convince all members,” says Araz Sarchami, Secretary. That unity of opinion allows individual Board members, when approached by residents, to respond with one voice. It is an ability that has proved its worth time and time again but most recently when Discovery began wrestling with a blight of short-term rentals and increase in crime. Management and the Board wasted no time in confronting the two related problems, first with a ban on rentals of less than a year in order to put a halt to future short-term rentals. Aleksandra then instituted a mass registration program that not only identified rule breakers but also provided the Board and Management with a comprehensive database of residents. The program required all residents to attend the management office where they were registered and photographed. During their visit, management took the opportunity to ensure that each resident was familiar with the rules and policies of the corporation. And how were residents induced to register? “We made the announcement that we were going to begin deactivating fobs floor by floor”, says Aleksandra.

Although the national recognition was lovely, the Board, management, and staff have always known that Discovery is a ‘Great Canadian Condo’ but it is its residents who represent Discovery’s greatest asset. As the Board’s entry application to the Great Canadian Condo Contest explained, “Our community is defined by its size, location, diversity, multiculturalism, and generosity. Discovery is a place where Canada and Toronto values are on full display and exemplified.”

In the six years since Discovery was completed, the once vacant land surrounding it has grown into a vibrant community, yet, despite the fresh concrete and new landscaping, Discovery continues to stand as the Crown Jewel of Bayview Village. As Jonathan says, “Discovery is like a good bottle of wine, it gets better with age.”

Above:
Dog owner Nelisha Hasham and Romeo making use of the dog spa
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- Disability, Service Dogs and Discrimination
- Can Small Claims Court Award Excessive Costs?

Toronto Standard Condominium Corporation No. 1556 and No. 1600 v. Owners of Toronto Standard Condominium Corporation No. 1556, et al. (Ontario Superior Court of Justice, November 2, 2017)

Two sister condominium corporations sought an order amending their declarations to eliminate provisions that expressly permit short-term rentals within the condominiums. The developer/declarant of the condominiums in question is part of a group of companies that is also in the business of providing short-term rental accommodations, condominium rental management, and condominium management service. It also admitted to deliberately including the leasing provisions to protect its business model. There was no evidence that short-term rentals had caused any complaints or problems within the applicant condominium corporations. It was argued by the condominium corporations that the nature of short-term rentals has changed because of organizations like Airbnb. They sought to eliminate the leasing provisions to avoid future problems. The condominium corporations argued that the leasing provisions were inconsistent with the Condominium Act, with the applicable zoning by-law, and with a restrictive covenant registered on title to the lands on which the condominiums are situate.

The Court dismissed the applications for the reasons below.

A) Are the declarations inconsistent with the Condominium Act?
The Court accepted that the Condominium Act does not allow a declaration to provide rights with respect to occupancy and use of the units and common elements. The Court rejected, however, the argument of the condominium corporations that the provisions at issue created any such rights. The right to rent a property short-term, or at all, was found to be a right of ownership. The provisions at issue did not, therefore, create any new and impermissible rights with respect to the occupancy and use of the units and common elements. Instead, the leasing provisions functioned to limit the scope of any restrictions otherwise imposed on the occupancy and use of the units and common elements, and ensured that any restrictions on occupancy and use did not restrict the right to rent.

It was also held that the declarations were not inconsistent with the Condominium Act because they interfered with the ability of the condominium board to make rules. The Court confirmed that the Condominium Act and caselaw provide a hierarchy among the sources of provisions restricting owners and affecting units in a condominium: the Condominium Act, the declaration, the by-laws of the condominium corporation, and the rules passed by the condominium board. The declaration is higher on the hierarchy than the rules passed by the condominium board. It was therefore permissible for the declarations to limit the ability of the condominium board to make rules respecting short term leasing.

B) Are the declarations inconsistent with the zoning by-law?
The Court found no inconsistency between the declarations and the zoning by-law. The declarations read that the permitted uses (that is, occupancy and leasing) must be “in accordance with the provisions of the applicable zoning by-law(s) of the Governmental Authorities, as may be amended from time to time.” The Court found that the declarations were, therefore, consistent with the zoning by-law to the extent that any use had
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to comply with the zoning by-law. Any inconsistencies between the use of a unit and the applicable zoning by-law could, therefore, be addressed by the remedies provided under s.380 of the City of Toronto Act.

C) Are the declarations inconsistent with the restrictive covenant? The lands on which the condominiums are situate were subject to a restrictive covenant that restricted the construction of commercial gross floor area. The condominium corporations argued that the short-term rental of units was inconsistent with the restrictive covenant. The Court found, however, that the restrictive covenant provided no clear restriction on the commercial use of non-commercial gross floor area, such as the short-term rental of units.

Author’s Note: In this case the Court confirms that declarations that protect the rights of owners to lease units on a short-term basis are not inconsistent with the Condominium Act. The Court adds that condominium corporations do have a remedy to remove unwanted provisions by amending the declaration pursuant to s. 107 of the Condominium Act; and that if the threshold of owners that must consent to an amendment is “unreasonably high” at 80 percent of the units, then the proper remedy to that issue is legislative change.

We note that this case is also interesting in light of the decision of the City of Toronto to implement new licensing and registration regulations on short-term rentals starting June 2018. The new rules will, among other things, restrict operators to leasing only their principal residence on a short-term basis. This change may address the concerns of the condominium corporations in the above case, and those other condominium corporations that are similarly concerned by the short-term leasing of rental units that are not otherwise used as a principal residence.


In this case a resident of a condominium unit brought an application against another resident of the condominium corporation. The applicant resident is a diabetic who uses a service dog trained to recognize symptoms dangerous to people with diabetes, including low blood sugar. The respondent made multiple complaints to the property management of the condominium because the applicant had affixed a battery-operated doorbell and signs on the door to her unit, including a sign stating “service dog inside. Attention EMS: There is a legal service dog inside this apartment.” The respondent argued that the signs “lower the tone of the building” and demanded their removal.

The property management, in response to the first complaint, asked the applicant to remove everything from the door to her unit. The applicant explained that she required the sign concerning the service dog; and proceeded to plaster the door with documents and newspaper articles about the use of service dogs. The property management removed all the documents and papers from the door. The applicant put everything back up. The respondent then made more complaints. The dispute continued until police explained to the property management that the applicant was entitled to post certain signs, and in particular the sign warning emergency services that there was a service dog inside the unit.

The Tribunal held that the actions of the respondent had subjected the applicant to a poisoned environment because of her disability. This was not, according to the Tribunal, just a case about inappropriate signs posted on the common elements of the building. The evidence suggested that the respondent had discriminated against the applicant because of her disability, which forced the applicant to advocate for her rights to the property management and with the respondent. The respondent was ordered to pay the applicant a nominal award of $200 in recognition of the inherent right to be free of discrimination. The Tribunal declined, however, to order any significant award for damages or to order the respondent to provide a letter of apology.

Author’s note: This case highlights the responsibilities and challenges faced by property management and condominium corporations when caught in the middle of
“...the applicant’s decision to insist on litigation when alternative dispute mechanisms were available to it informs my decision to reduce the costs owing to the applications.”

Michael G. Ougley, J.

Toronto Common Element Condominium Corporation No. 1508 v. William Stasyno, 2012 ONSC 1504 (CanLII)

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a dispute between residents. It is to be noted that the condominium corporation was not a respondent in this case; and there is nothing to suggest that the applicant was seeking any remedy against the condominium corporation for its role (such as it was) in the dispute. Cases concerning the failure to accommodate in housing are most often brought against the condominium corporation and/or the property management because they are the entities generally considered to ‘permit occupancy’ for the purposes of the Human Rights Code. This case is unusual because it was an application between neighbours. That being said, the applicant was only found to be subjected to a poisoned environment because the property management had acted on the complaints of the respondent. This begs the question of whether the condominium corporation in this case – through the actions of property management – could also have been liable for failing to accommodate the applicant.

The case offers a corollary. The Tribunal found that the applicant was not adversely affected by a separate complaint that the respondent had made to the property management alleging, among other things, that the applicant’s dog was crying. This was because the property management did not take any action against the applicant or otherwise communicate this later complaint to the applicant. The board of the condominium corporation instead sent a reply to the respondent advising that her complaints amounted to bullying and it had to stop.

Norma Wexler v. Carleton Condominium Corporation No. 28 (Ontario Superior Court of Justice (Divisional Court), September 25, 2017)

This case is an appeal by the unit owner of costs granted to the condominium corporation by the Small Claims Court. It was an appeal with leave. The condominium corporation had successfully defended the unit owner’s claim of $2,525.14 at the Small Claims Court. The Small Claims Court granted costs of $20,000.00 to the condominium corporation because the unit owner unnecessarily prolonged the trial because she was unprepared and disorganized. The Small Claims Court also granted the costs because the declaration, by-laws, and rules of the condominium corporation provided for full indemnity; and because it would be unfair that the unit owners of the condominium corporation should cover all the costs of an unnecessary trial.

Section 29 of the Courts of Justice Act (“CJA”) caps the amount of costs that the Small Claims Court can award at 15 percent of the amount claimed, unless the court finds it necessary in the interests of justice to penalize a party or a party’s representative for unreasonable behaviour in the proceeding. The Divisional Court found that the unprepared and disorganized behaviour of the unit owner did not meet the test of unreasonable behaviour per s. 29 of the CJA. The unit owner had no lawyer; she did not know the rules of the court; and she was not a vexatious litigant.

The Divisional Court also found that the Small Claims Court erred in awarding costs above the 15 percent cap because of the indemnification provision in the corporation’s declaration; and because it would be unfair that the unit owners should cover all the costs of the trial. The indemnification provision was limited by the language of the declaration to cases where an act or omission of an owner caused a loss, costs, damage, injury or liability suffered or incurred with respect to the common elements and/or all other units. The Divisional Court determined that the declaration did not apply in this case. The action at the Small Claims Court did not cause any loss, costs, damage, injury or liability suffered or incurred with respect to the common elements and/or other units.

The Divisional Court allowed the appeal and replaced the award of costs with 15 percent of the unit owners claim for $2,525.14 as per s. 29 of the CJA.

Author’s Note: This case is helpful in understanding the treatment of costs in condominium matters at the Small Claims Court. Condominium corporations should expect to be treated like any other party; and should not rely on any indemnification provision in the corporate documents to provide different treatment.
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Did you join your condo board because you felt like the corporation wasn’t doing a good job communicating with the community? Maybe you felt like there were issues with how transparent the board was, or that the flow of information was slow and lacking. And I bet you felt like you could do a better job.

That was me.

Back then, the only times we were able to have open discourse with the board was at our AGM. Other communications were mostly just paper notices on our doors informing us of basic day-to-day activities like elevator maintenance, garage cleanings, and the like.

I joined my board because, as a young tech professional, I thought I could vastly improve the lines of communications between the board and our residents using all the technologies readily available for open real-time discussions - like websites, message forums, and even social media sites.

Oh how naive I was.

I didn’t know at the time that the role of being a board director is nuanced. And, more often than not, technology was not the main factor slowing down communications.

It wasn’t until I was deep into the thick of things did I understand that not all matters could be summed up in a nice little tidbit, not every issue needed to be disclosed to all owners, and that decisions made at the board table were carefully decided and took time to make. I also didn’t anticipate how much of my free time that I would devote to the role, how complex the issues were, and how much time I would need to devote to maintaining open lines of communications.

Transparency: it’s more than meets the eye

When owners complain about the lack of communication or the absence of transparency, what are they really complaining about? More often than not, what they really want is open, two-way, and real-time communication directly with board members. The rapid advancements in technology have generated a culture shift of impatience when it comes to response times for emails or messages. When owners send an email addressed to the board they are expecting a response either the same day or next. However, there are challenges that prevent rapid communication, most notably real-time discussions. Every matter has a technical and nontechnical side which complicates the way it is communicated.

On the technical side, as a director you are part of a team that is responsible for making major decisions for how the condo corporation is run, ensuring that the corporation abides by the Condo Act, and enforcing the condo’s rules, bylaws and declaration. Collectively a condo board wants to make the very best decisions that will ultimately benefit the corporation and all owners, and the board must discuss and approve all communications before they go out. As a director, your singular voice...
cannot represent the board, especially if it conflicts with the majority of the board members. Doing so could expose you to personal liability. Because of this, responses from the board can take days or weeks, especially if it requires significant discussion to reach a consensus.

The non-technical side is the human part of the role. Personally, we fear the potential for backlash when tough decisions are made particularly in cases where a special assessment needs to be levied. Despite your best efforts you won’t be able to please everyone. Criticism is part of the job, but let’s be honest, it doesn’t feel good to hear complaints from owners especially if you have been working hard and putting in long hours for a volunteer position no one else wanted to take.

You can’t really blame directors for not wanting owners to have direct open lines to them. It can be particularly difficult when negative feedback is concentrated with a minority of owners that may have their own agenda, or a grudge against the property manager or directors. These owners will eviscerate the board over any perceived mistake, no matter how small. So boards become extra careful when it comes to sharing information. Regardless of what the issue is, this vocal minority can clog up the email inboxes with their various complaints or derail an owners’ meeting with their grievances. Most people wouldn’t want to deal with that, which is why it’s so hard to get condo directors to run for election in the first place.

So what’s the solution? Owners want to feel like they are in the know about all the important happenings in the condo. And they want to feel like they are able to take part in the direction of their investment, even if they may not do it all the time. But it needs to be done in a way that allows the board to take the required time to discuss issues before they’re communicated to their owners.

The solution is fairly simple to implement, but does require a commitment to the process. There are three parts to the process, all of which I believe are necessary:

1. Send out a Monthly Newsletter
   This newsletter can provide a quick summary of business covered by the board, topics discussed, and any upcoming work or maintenance happening at the condo. This monthly check-in with owners is just the right amount of contact so that owners can remain informed without clogging their inboxes with news. This will allow you to easily communicate pertinent information to owners on a regular basis which results in the feeling of increased transparency.

   TIP: An easy way to create your newsletter is to summarize the minutes of the monthly board meeting into high-level topics to ensure that no confidential information is present. There are even minute taking services that will create a newsletter for you based on the minutes they create.

2. Have a board suggestion inbox
   Create a separate email address so that owners can send feedback, suggestions, and comments. Ensure that this inbox can only be accessed by directors and make sure your community knows that the property manager cannot access it. Often times when owners have complaints
about proper communication, their fear is that the property manager will filter out the feedback before it gets to the board - especially true if the complaint is about the property manager.

Make sure you set expectations for owners as to how this email is to be used. The suggestion box is not be used for urgent real-time matters, but rather to collect issues to be discussed by the directors at a future board meeting. By creating this separation, the corporation doesn’t have to devote endless hours to monitoring and responding to each message that comes into the inbox. The board can set aside time at each meeting to review issues identified by owners. Responses to suggestions can be collectively drafted at the board meeting, and if the topics are general enough, to publish responses in the monthly newsletters.

TIP: To ensure that owners know that this email is only a suggestion box, setup an autoresponder with a message like “Your comment has been received and will be reviewed at the next board meeting. For urgent matters, contact the manager at ……”

3. Have a website

In order for the suggestions above to be effective, owners need to be able to easily find the email inbox and read the newsletters. You can post them in a common area bulletin board, but the best way to do this is online with a website. Your condo might already have a website, but if it doesn’t then it doesn’t have to be fancy. There are only two things the website needs to be effective - it should publish the email address of the suggestion box AND an archive of all the monthly newsletters. Being able to easily find the suggestion box and view the archive of newsletters shows that the board is active and committed to keeping communications open.

TIP: If your condo doesn’t already have a website, then a blog website (like Wordpress.com) is a cheap and quick way to get started with this.

Lessons learned

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Condominium Management in the Digital Age
How Technology Has Impacted the Way Managers Operate

By Lyndsey McNally
RCM
Malvern Condominium Property Management

It wasn’t that long ago that the condominium industry looked substantially different... and I’m not referring to the Protecting Condominium Owners Act, 2015 which has created many new challenges for condominium managers and corporations.

When I first entered the industry in 2002, software specific to condominium management was still a new concept, with most products available having been adapted from the rental market. Managers didn’t carry smart phones. Correspondence was generated only by snail mail and fax, as most clients and firms did not widely use email. Email itself was still a relatively new technology – home internet service only hit the scene in the early 90s, and free email services such as Hotmail were introduced in 1996/1997.

How times have changed! Use of technology is now an accepted (and expected!) part of our daily lives. Generation X (the “MTV generation”) and Generation Y (the “Millennials”) have merged in the work force. Gen Xers have had to adapt to changing technologies, and Millennials have had to figure out how the technology of their youth integrates into the workplace. Personally, I fall into a microgeneration sometimes referred to as “Xennials”. A flannel-shirt wearing, MTV-watching grunge rocker – that grew up with a home computer. I’ve been uniquely positioned to watch technology explode everywhere, while already having solid understanding of technology as a tool in my life.

As technology advances, and more of the physical management of condominium structures becomes automated, more time must be dedicated to use of technology to improve communication and customer service. In the age of social media and smart phones, there is increased demand for greater communication. Technology makes things available in a more immediate way. How does this impact the condominium management industry? Let’s look at a few trends.

Communication Websites
Many condominium corporations and management firms are now making use of websites to improve communication in their communities. A wide variety of web platforms designed for use in condominiums are now available.

While for some managers there may be a learning curve in maintaining a community website, the platforms are very user-friendly. If used consistently, a community website keeps residents more informed about the operation of the condominium – reducing the volume of questions for their property manager.

If your website is interactive, there is more chance residents will actually use it! Ensure though that you are actually monitoring the interactive features — in particular, any discussion forums — to make sure you are aware of the content being posted. Some
IS YOUR BUILDING SUSTAINABLE?
What’s your carbon footprint? Do you recycle? Can I charge my electric vehicle?

could be inappropriate, but the discussion will also give you an indication of what is important to your community members.

Many of these community websites are now also accessible through smart phone apps, making them even more effective tools for residents to use!

Social Media
It is not unusual for community members to connect with each other through social media such as Facebook or WhatsApp. Why not consider being part of the conversation? People tend to speak more openly on social media about their view points and situations that have impact on their lives. In my view, this is the best reason for a condominium corporation (and their manager) to set up social media in their communities.

Digital Signage
Every building goes through periods where multiple projects affecting residents happen at the same time. The challenge in doing things the “old-fashioned” way with paper notices is that there may not be adequate space to neatly display all the communication required.

Digital signs look clean, modern, and can be programmed remotely with as much communication as you can produce. What a difference!

Online Dispute Resolution
The revised Condominium Act, 1998 has introduced the Condominium Authority Tribunal and the Condominium Authority of Ontario. This dispute resolution platform provides for electronic mediation of condominium disputes. I hope that the process is effective at creating a better, faster, and less expensive forum for dispute resolution.

Administration Software
In condominium management, much of what we do requires us to be on-site. This enables a manager to directly communicate with owners in person (a somewhat lost art in our digital world). However, much of what we do also requires us to be available in the office! An interesting dilemma!

As software advances, new tools are available which allows for Property Managers to have all the tools to complete their roles from any location. A mobile workplace however does present supervisory challenges and so it is important for senior managers in the industry to adapt their management style.

Data Storage
Is your data in the cloud? I believe that soon the days of large banks of filing cabinets will be gone. A mobile workforce needs access to all the same information as they did when we were chained to our desks.

Before utilizing cloud computing tools, it is important to consider data security and redundant back-ups. You wouldn’t want your clients’ information to be lost or stolen!

E-Meetings
Prior to the revision to the Condominium Act, 11998, Board meetings could be held electronically (via teleconference) provided that the corporation passed a by-law. With the changes to the Condominium Act, 1998, Corporations can now hold a meeting by teleconference without a by-law provided all directors consent to the means for holding the meeting. There are many software tools available such as Skype, or even FaceTime on an iPhone or iPad.

This may help to spark interest in volunteering from community members that previously might not have been able to fully participate due to travel commitments or commute times from their place of business. Since mandatory director training is fully electronic, perhaps we’re inviting a new age of tech-savvy directors.

E-Proxies
Every manager at some point in their career has struggled with a community that lacks involvement in the operations of the condominium. Achieving participation at meetings can be tough. And what about having to knock on doors or spend hours on the phone to collect enough proxies to hold a meeting?

Forget about those struggles. E-Proxies are a great tool to easily communicate about meetings and votes required in your community. Additionally, completion of an electronic proxy is much simpler for the condominium owner – it can generally be done in less than a minute.

Sustainability & Building Performance
Is your building sustainable? What’s your carbon footprint? Do you recycle? Can I charge my electric vehicle?

The world’s population today is much more mindful than past generations about their impact on the environment. It’s not surprising that there are changes coming to the building code relating to reducing greenhouse gas emissions and access to electric vehicle installation.

Energy conservation has been a hot topic in the condominium industry for many years now. Options available are too numerous to list in detail but worth mentioning are retrofits (lights, boilers, etc.) and renewable energy generation.

Not only is being mindful of the environment important, but the added benefit is that such initiatives have a positive impact on spending.

In closing, adapting to new technology is a must for property manager and condominium corporations! Ask yourself if you’re taking advantage of all the tools available to you. You can simplify your communication, automate your administration, and reduce your carbon footprint. Don’t YOU want to make your life easier? 😊
Based on recent media coverage, it would seem that condos are in the midst of a cigarette butt flicking epidemic. The more likely scenario is that this issue has persisted for condo corporations for quite some time and is simply the topic du jour. Irrespective of the foregoing, the butt flicker poses challenges to boards and property managers alike.

Whether you smoke or not, if you have an accumulation of cigarette butts on your balcony, the first response is typically one of annoyance - especially if there is a burn mark on your brand new balcony furniture. As an owner, it is wholly within your right to attend the Annual General Meeting and to convey your disdain for this activity and question what the board is doing to address the issue. When this happens, typically the floodgates open and the one complaint turns into ten.

The challenge from a governance perspective for the board or property manager is identifying the culprit. If you are not catching the person in the act, then how is it possible to enforce compliance? If a cigarette butt is flicked off a balcony, and no one is around to see it … you get my point.

So what is a board or property manager to do? How can one effectively address the issue of the butt flick? In short, there is no perfect solution. However, there are a number of steps that a condo corporation can take, which will likely result in a reduction of this activity.

First and foremost (and this goes for any compliance issue in a condo), residents need to be made aware of their obligations to report contraventions to management and security as they happen (and not once a year at the AGM). In this regard, the board should consider implementing a campaign to educate residents about the Rules (i.e. no flicking butts off balconies) and more importantly, how and when to report contraventions of the Rules. The communication from the board to residents should be consistent and sent through numerous mediums.

Having said that, it is of utmost importance to also communicate a clear and concise plan of attack with property management and security. Everyone needs to be on the same page. For example, how does security or management investigate/respond to a complaint? How does security or management report the complaint? And lastly, what is the board doing to attempt to enforce compliance?

For compliance issues like cigarette butts where there is often no direct evidence (i.e. a witness to the contravention), it is important to gather as much indirect evidence to provide the board with tools to enforce compliance. Does your neighbor smoke? Was there a party in the unit above on Saturday night and 10 cigarette butts?
butts on your balcony on Sunday morning? All of this information should be gathered by security and management and reported to the board.

An education campaign is limited and will not, in and of itself, eliminate the issue. If the issue festers and causes consternation amongst the residents, then the board may consider amending its Rules to prohibit smoking on the balconies.

The Smoke-Free Ontario Act already prohibits smoking in or on any common elements of a condo corporation including, but not limited to, the lobbies, hallways, elevators, garages, party rooms and guest suites. Unfortunately, balconies are not captured by this legislation as they are exclusive use common elements and the area in question is not enclosed.

Taking it one step further and upon careful advisement from the condo corporation’s legal counsel, the board could also consider going smoke-free in the building (both in the units and on the balconies or terraces). If the board wishes to go smoke-free, then there is value in discussing the benefits of including this prohibition in the Declaration or a Rule, the risks with either approach and whether there should be a period of time to grandfather existing smokers. An amendment to the Declaration requires the consent of either 80% or 90% of the unit owners, and this threshold may be unobtainable for some condo corporations. If so, examine the possibilities of passing a Rule for this purpose.

I know what you are thinking. If you grandfather existing smokers, then how will this rid the issue? By grandfathering existing smokers, you are able to identify the persons in the building who are smoking. The Declaration amendment or new Rule may require smokers to self-identify within a certain period of time. This is often the biggest hurdle in identifying the culprit. That said, the board will need to appreciate that rules are meant to be broken and other persons who are not grandfathered are likely to also be butt flickers. However, as time passes and grandfathered smokers move out of the building, there will presumably be less grandfathered smokers and as a result, less butt flicks.

There have been a couple condo developments in the Ottawa region that have marketed themselves as a smoke-free building. My assumption is that this provision would be baked into the Declaration of those condo corporations. There may be a changing of the guard and more condo Declarations may contain a similar provision in the future; however, the overwhelming majority of condos will not have this provision in their Declarations and as a result, boards will be left with the dilemma on how to approach this issue.

I appreciate the above recommendations will not, by themselves, result in perfect compliance. In fact, perfect compliance is likely unachievable in any condo corporation, although boards’ should strive for that goal. Inevitably, a butt will be flicked off a balcony and no one will see it. What is important is that the board, management, security and the residents know what to do when that occurs.
Finding himself early for a meeting downtown, Marc visited the local Starbucks and was pleased to find no one in line to order. What luck! With 20 minutes until the meeting, he could place his complicated latte order with time to spare… or so he thought, until he saw his coffee cup lined up behind 20 mobile orders being prepared. While Marc stood in line, others arrived at the coffee shop to find their drinks ready for them. His traditional approach to ordering coffee cost him more time and less flexibility than others who placed orders more conveniently.

Society is increasingly using technology to make life easier. Consider this in respect to access to justice. Recent studies have indicated that more than 50% of Canadians are unable to address their legal issues — and that almost half of us experience a legal issue every 3 years. While certain disputes are appropriate for our court system to address, the unfortunate truth is that many disputes are simply not being addressed. This sentiment was shared repeatedly in the feedback collected during the province’s recent review of its condominium legislation.

The Condominium Authority of Ontario (CAO) is a newly established organization that aims to improve condominium living by providing services and resources for condominium owners. As part of the CAO’s focus on consumer protection and supporting healthy condo communities across the province, it launched Ontario’s first online tribunal on November 1, 2017.

The Condominium Authority Tribunal (CAT) has a mandate to help settle and decide specific condominium disputes. It does this through a convenient and affordable online dispute resolution (ODR) platform. It encourages members of condominium communities to resolve disputes together and, if they are unable to do so, makes a binding decision. The CAT’s jurisdiction is limited to records disputes right now, initially focusing on disputes pertaining to Section 55 of the Condominium Act, 1998 (the “Act”). Over time, this jurisdiction is expected to expand to address other common forms of condominium disputes through this speciality tribunal.

Before engaging the CAT’s 3-stage system, members of Ontario’s condominium community can access a growing wealth of information on the Condominium Authority of Ontario’s website (www.condoauthorityontario.ca). The information includes resources about how to address common disputes (including those beyond the jurisdiction of the CAT at the time of writing), points to relevant legislation and common applicable provisions in condominium governing documents and offers guidance on resolving issues.

Stage 1 - Negotiation

When “self-help” remedies do not suffice, the CAT’s online platform can be engaged to help further. The first step in filing a case involves starting a new application. Users are asked to confirm the capacity in which they are participating (as a unit owner, representative, etc.). They are then directed to ODR where they are asked to provide information about their condo, the issues in dispute and their desired resolution.

The person applying for assistance (the applicant) is then required to provide notification to the other party (the respondent) which includes information that will allow...
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the responding User to access the online system and join the process.

In the first stage of the online process, Users negotiate without a Tribunal Member, by exchanging messages and settlement offers. If a settlement offer is accepted, the online system helps prepare a binding settlement agreement. Failing this, the applicant will have the option of proceeding to the next stage of the process, online mediation. The fee to negotiate is $25.00.

Stage 2 - Mediation
A fee of $50 must be paid by the applicant to advance to Stage 2, at which time the tribunal will assign a Mediator who will help guide communications and negotiations, encouraging attempts to settle. The mediation takes place online in a similar manner to in-person mediation, with the Mediator having the opportunity to communicate privately with individual Users and facilitate a “joint session” when they feel it is appropriate. Settlement offers can be exchanged, documents uploaded, and messages posted in a similar manner as in the negotiation stage. As in negotiation, the CAT system helps the Users document any settlement agreement that they reach.

If, however, mediation does not resolve the matter, the Users can proceed, to the Tribunal Decision stage. Before an adjudicator is assigned, the Mediator from Stage 2 will assist Users in preparing for the Tribunal Decision stage. This means helping to narrow issues and allow for a clearer and more effective adjudication process. The Mediator will provide a summary and procedural order, which will help prepare the Users for the next stage. The order and summary does not disclose any of the confidential information that the Users exchanged but can capture any partial settlements or narrowing of issues that the Users have agreed to, as well as help set out exactly what will be determined by way of a Tribunal Decision. The order may also include orders about the procedures the Users must follow to make Stage 3 efficient, focused and fair.

Stage 3 - Tribunal Decision
To proceed to Stage 3 and have a Tribunal Decision determine the matter, the applicant User must pay an additional $125. A different Tribunal Member will be assigned to adjudicate and decide the case for the Users and will establish a schedule and instructions for the Users to participate in their hearing. The hearing process is similar to that at other tribunals, with the exception that it takes place online. Upon completing the hearing process, the adjudicator will render a binding decision to address their matter.

By offering online dispute resolution, the CAT can respond to calls made throughout the legislative review process for flexible, fast and inexpensive dispute resolution for Ontario’s condominium community.


Did You Know …

• The CAT platform is available 24 hours a day, 7 days a week.
• While Users engaged in a case on the system are expected to check every business day for updates to their matter, the Tribunal will establish timelines and communication expectations in Stages 2 and 3.
• The CAT platform is available 24 hours a day, 7 days a week.
• While Users engaged in a case on the system are expected to check every business day for updates to their matter, the Tribunal will establish timelines and communication expectations in Stages 2 and 3.
• The CAT-ODR system is flexible. While many exchanges will be “asynchronous” (Users participate at their convenience, rather than at any mutually determined time), Tribunal Members may schedule “live” events (such as real-time messaging exchanges, video conferencing or even telephone calls).
• The system is designed to be offered online as a default, but accommodations can be made for individuals who are not able to participate in this manner.
• Audio files, photos and video files can be uploaded.
• The Tribunal can order costs which can be collected as common expenses or offset against common expenses.
• The Tribunal can order damages of up to $25,000, as well as compliance.
• CAT decisions are subject to limited appeal rights – appeal can only be on a question of law to Divisional Court.
• Stages 1 and 2 of the CAT process are private, but Stage 3 decisions will be made public.
• The CAT does allow for representatives to participate in the process. Representation is not limited to lawyers. Paralegals and non-paid assistance can also be utilized, while condominiums can also be represented by property management if they so choose.
• The Tribunal’s Rules of Practice provide that legal fees will generally not be recoverable even if they are successful in their case – unless exceptional circumstances apply.
CCI Was There

“The CCI Toronto Board at their recent Annual Planning Session

CCI-T Welcomes New Members

Business Partner Members:
- Comfort Contracting Services Inc.
  Andreea Dolnicianu
- Synergy Partners Consulting Limited
  Robin Klem
- Water Matrix
  Ryan Verrette

Condominium Corporation Members
- YRCECC # 1348
- TSCC # 1645
- DCC # 0125
- MTCC # 1207

Professional Members:
- Claudia Pedrero
  Lash Condo Law

Juliet Atha
  Maple Ridge Community Mgmt.

Individual Members:
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CCI Word Search Puzzle: Advertisers

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Condovoice offered for reading in the Penalty Box at the Condo Cup Charity Hockey game.

Photo Credit: Kristy Joplin, ACMO.

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“We take pride in our work, buildings & clients.”
The CondoStrength program is the signature program of CCI, not only here in Toronto, but across Canada in all 17 Chapters. The significant feature of the program is that it is aimed specifically at directors. This is why it is said that this program is “for directors, by directors.”

The program is made up of 3 parts: director networking, a compendium of success stories and a questionnaire for unit owners on how well the Boards of Directors function.

Networking Sessions
These networking sessions are hosted by condos, are specifically for directors, and are limited to 25 participants per networking session. This limitation is intentional to allow all participants to interact with each other. The 25 participants are split into 3 groups. Each group is led by a facilitator who is a director of a condo corporation. These sessions generally follow a set theme. The theme is announced beforehand to the participants. The facilitators are given a series of questions that the group discusses at their table. After a half hour, the facilitators rotate to the other tables.

It is hoped that from these discussions a success story on the theme will be noted. The board indicating their success story will be asked to write a short one-page description of their story which will go to the collection of success stories.

Compendium of Success Stories
The success stories, which arise from these networking sessions, along with other valuable director resources are kept on the CCI CondoStrength website (www.condostrength.ca) These stories become part of the compendium made available to all members of the CondoSTRENGTH program. All of these stories are prepared by directors.

Success stories (one page only) arise from the experience of the directors in a condo corporation. These stories deal with issues germane to good governance at a condo, e.g. successful newsletters, use of social media to get the message out, how to involve your significant minority of the building in the activities of the condo, processes leading to a successful special assessment, etc.

Questionnaire for Unit Owners
The last part, and the most difficult, is the creation of a questionnaire/survey for
the unit owners to complete that assess the Board of Directors of a condo on how well they are undertaking their responsibilities. This questionnaire will focus on the following areas of Board responsibility, namely governance, communication, financial responsibility and overall satisfaction with the corporation.

The questionnaire would be sent to all unit owners ideally once per year. The Board would then compare the current year to the previous year. This measure would allow the Board to understand how well they are undertaking their responsibilities within their communities.

The directors of member corporations are invited to enroll for free in the program and to receive program updates, etc. Go to www.condostrength.ca.
YCC # 0279 - Johnsview Village

31 Porterfield Crescent, Thornhill, ON

Profile Highlights

Nestled on 32 lush well landscaped acres of land, Johnsview Village condominium homeowners enjoy a secluded community environment that includes a private outdoor pool and bordering our community property facilities such as a city park with playground, basketball court, tennis courts and an elementary school.

Established in 1976, we have chosen to direct-hire staff to managed our corporation, which we believe give us greater control and attention with on-site full time management staff completely focused on our community and its needs. We are proud to say we are entering our 41st year with no special assessment.

Community Spirit is the key to living in Johnsview Village with regular newsletters and social events such as a spring garage sale, summer Movie in the Park, our Fall Pumpkin Patch as well as being known for our extravagant winter light display. Homeowners who display their community spirit receive certificates of appreciation – which include decorating for Canada Day, Halloween, Winter Displays and Spring Curb Appeal recognition.

Date Built: 1976
Condo Style: Townhouse Complex
Number of Units: 548
Management Company: Self-Managed

LOOK FOR ANOTHER CCI-T CONDO MEMBER PROFILE IN THE NEXT ISSUE OF THE CONDOVOICE
We are all familiar with how smart building design and technology are helping to improve our home living experience. We have electronic suite access and digital lock security systems, electric retractable draperies and screens, automated sound systems, lighting modulation and monitoring systems and everything operational from your cell phone to complete the digital living experience. Home automation platforms are being developed to make the living experience seamless. Networks incorporated into building mechanical and electrical infrastructure mean that communications and technology are increasingly part of what people expect in their homes.

To date most of these technology advances have focused on the interior of our homes, but why not embrace and apply them to exclusive use common areas (the “EUCA spaces”), in other words the balcony or terrace outside your condominium window? I believe that we are on the cusp of seeing such technological advances in our outdoor living spaces because home owners want to increase the quality of the experience of their balconies and terraces, and property managers and condo corporations are looking for improved ways to monitor and ensure safety.

Property management procedures, building codes, condo community rules are being revised to enable the inclusion of sustainable living technology because sustainable living through smart homes has emerged as a core value for many condo home buyers and owners. In 2016 Ted Maulucci, a Toronto based smart building technology expert, was interviewed at the 2016 RealComm / IBcon Commercial & Corporate Real Estate Conference held in Silicon Valley about the current and future installation of sustainable technology in condominium communities and he had this to say: “People are not buying a box to live in any more. They are buying an experience and so that people proudly say that they live in such and such a building.” He went on to say, “There is now more so than ever executive buy-in to support the addition of sustainable technology systems because people want it. It’s no longer a frill. People want it and if they
Transforming the balcony or terrace into an outdoor living room is an increasingly popular home upgrade. It’s an elegant way to reimagine how you live in your home and increase your living space.

aren’t permitted to install it in their purchase they will speak with their feet and go elsewhere. Software platforms are being developed and the next generation of products and services are being created.”

With balconies and terraces accounting for anywhere from 5% to 20% of the typical condominium home floor plate, they are an important part of condominium living lifestyle and experience that Mr. Maulucci refers to. According to a recent survey in the USA, 51% of home buyers find beautiful and sustainable outdoor living space the most attractive quality when searching for their perfect home; outdoor living spaces are attractive to more buyers than open floor plans!

As a professional designer and landscape architect who designs beautiful transformations of balconies and terraces, I think a lot about how to make EUCA spaces safer and more enjoyable. Transforming the balcony or terrace into an outdoor living room is an increasingly popular home upgrade. It’s an elegant way to reimagine how you live in your home and increase your living space.

Although the Condominium Act, 1998 and each particular condominium’s governing documents may require certain conditions to be satisfied before an owner is permitted to make any change to the EUCA, an open discussion with the board and/or management should help owners understand what these conditions are and how to satisfy them.

Of course, when I talk with condo owners, I hear very common reasons why they don’t make the most of their balconies and terraces, and that’s when my mind turns to technology. Here’s a rundown of what I hear:

• for high-rise dwellers, fear of heights is a big one (and a beautiful garden design can go a long way to alleviate that sense of danger and exposure);
• then there are the extremes of weather: too much wind, too much sun, too short a season;
• a lack of privacy when your balcony is overlooked by another building, or you smell your neighbour’s cigarette or cooking, or have to hear their music.

These concerns boil down to key issues about safety, comfort and mutual respect between people living close together. Smart building design and new technologies for EUCA spaces have potential
to address many of these issues. So now let’s look at the concerns condo owners have raised with me and imagine how sustainable technology solutions could be applied.

1. Too much wind: Can you imagine being able to mitigate the wind so that furniture doesn’t fly off the balcony when it gets windy? Retractable screens with electronic or manual operation, can reduce the effects of wind by as much as 50%, provide privacy and lessen the intensity of the mid-day or afternoon sun. At the same time, that wind could be turned into energy. Imagine the wind vibrating the vertical blades of a small wind turbine specifically designed for a balcony and capturing the kinetic energy to drive a compact generator. On the safety side, wind sensors mounted on balconies could notify owners (and property managers) when wind speeds indicate that furniture and accessories should be secured.

2. Too much sun: The examples of retractable screens that deflect wind can offer protection from sun and add to privacy as well. And if you like the amount of sun you have, imagine having decking and exterior wall systems that capture and turn sunlight into electricity or heat water? Imagine those systems being built in to the infrastructure of your building?

3. Too short a season. Ceiling or wall-mounted infra-red heaters are available now, operating with a remote control, that will extend your enjoyment of your EUCA space well into the shoulder months of early spring and late autumn.

4. Too much noise: For urban condo dwellers, noise attenuation devices are being prototyped now that will mask the sounds of the city from the street below when you are on your balcony. A more fun thing to imagine are clear plastic (Lexan type) parabolic sound containment cones, mounted to the ceiling of your balcony, so that music or audio transmissions via Wi-Fi can be listened in specific areas of your balcony without bothering your neighbours, all the while blocking out sounds from the street. Think of it as having your own Maxwell Smart “Cone of Silence” device. The Toronto Reference Library uses them to great effect!

5. Too many odours: Smokeless electric BBQs are available now that are
Technology solutions are being created to meet people’s expectations of a more comfortable, safe, and beautiful outdoor living experience, even perched high on a concrete and glass building.

Cleaner to cook with, and control most of the smoke, limiting cooking odors wafting onto adjacent suites. Taking it a step farther, we can imagine residential buildings designed with intakes to capture BBQ and cigarette smoke and pass it through activated charcoal filters. Cleaner air for everyone!

Technology can also increase your enjoyment of your balcony or terrace:

6. Growing plants: Water on balconies is a concern for property managers, both for its weight and because it can shower down on residents below. Closed loop irrigation systems are being developed now, in which all the water is contained. Sensors monitor the moisture and fertility of the growing medium and send a notice to your mobile device advising you to refill your reservoir.

7. Illumination: The days of the black box balcony at night are over. Low-voltage LED systems are available with remote controllers to create a beautiful ambience that extends your inside lighting to the outdoors, blending the feeling of the inside with the outside and the cityscape beyond. Outdoor lighting is as lovely on a winter evening as it is in the summer.

8. Design simulation: Visual and spatial modelling technology can simulate the look and feel of a balcony upgrade before it is built. Your model can simulate sun exposure at different times of year, specific to your balcony or terrace location. Simulations are great to help you choose the right furniture, decide on layouts and accessories, and visualize colour combinations. This is a technology my company uses every day.

From this brief summary, you can see that technology solutions are being created to meet people’s expectations of a more comfortable, safe, and beautiful outdoor living experience, even perched high on a concrete and glass building. Everything we might desire isn’t available yet, but sustainable technology products and services are on the way.

I believe that condo home owners deserve personal outdoor spaces, products and systems that are well thought out, beautiful and sustainable. Yes, technology can help transform the use and enjoyment of your balcony or terrace. It is fun to be part of this trend.
Legislative Changes

Life Under the Amended Condo Act

Tips to Help Owners Make the Most Out of Some of the Legislative Changes

As consumer protection legislation, the Condominium Act, 1998 (the “Act”) is geared towards protecting condominium owners. The recently enacted Protecting Condominium Owner’s Act, 2015, which amends the Act, aims to further this objective through increased disclosure, notice and communication requirements, to name a few examples. While it remains to be seen whether the amendments to the Act, the first batch of which came into effect on November 1, 2017, will benefit owners as the government intended, we should remain optimistic. The following are tips to help owners make the most out of some of the legislative changes.

Owner Submissions

Towards the end of the typical owners’ meeting, such as an AGM, owners are given the opportunity to discuss “Other Business” not necessarily reflected in the meeting agenda. Owners often use this time for Q&A and to vent. However, no substantive vote may be conducted on such Other Business (only procedural votes are permitted). Under the amended Act, owners may make formal “Owner Submissions” prior to the meeting so that the submitted topic(s) can form the subject matter of a substantive vote at the meeting. Owners will be notified of the opportunity to make Owner Submissions via the new Preliminary Notice required by the amended Act. The Preliminary Notice, which the corporation must send to owners at least 20 days before the Notice of Meeting, which is at least 35 days before the meeting, specifies that owners wishing to include material in the upcoming Notice of Meeting must submit the material by the date set out by the corporation in the Preliminary Notice. The earliest possible deadline for Owner Submissions must be at least 15 days after the Preliminary Notice has been sent. The latest possible deadline for Owner Submissions must be at least 1 day before the Notice of Meeting is sent. To constitute a submission that can form the basis of a substantive vote, the Owner Submission must be in the prescribed form (entitled “Submission to Include Material in the Notice of Meeting of Owners”) on the Ministry of Government and Consumer Services’ website, must include the names and signatures of the owners of at least 15% of the units in the corporation (and such individuals must appear as owners in the record of the corporation), must be made by the stated deadline and must not be contrary to the Act or Ontario Regulation 48/01 (the “Regulation”). If an owner fails to fulfill the foregoing requirements, the Owner Submission may still be discussed at the meeting; however, no substantive vote may be conducted on it. An owner wishing to make an Owner Submission should verify that the Owner Submission deadline established by the corporation is correct, obtain the support of other owners early to meet the 15% threshold requirement and, if appropriate, seek legal counsel to ensure that the Owner Submission is not contrary to the Act or Regulation.

Electronic Notices

Technologically savvy owners who wish to receive electronic notices from the corporation can sign a prescribed form of agreement (entitled “Agreement to Re-
ceive Notices Electronically”) with the corporation for that purpose. To enter into the agreement, the corporation must have passed a resolution to determine the methods of electronic communication it will use for serving notices on owners or mortgagees. An owner would be wise to obtain a copy of that board resolution to confirm the approved electronic communication methods and should confirm with the board that the corporation’s record reflects the agreed upon form of electronic communication.

**Disclosure Obligations**
Under the amended Act, candidate directors must make the following required disclosures (the “Disclosures”), failing which such individuals are automatically disqualified from being directors:

1. If the candidate; or the candidate’s spouse, child or parent; or the child or parent of the spouse; or the occupier of the unit owned by the candidate or his/her spouse; or the occupier of a unit which the candidate also occupies is a party to any legal action to which the corporation is a party.
2. If, within the past 10 years, the candidate has been convicted of an offence under the Act or its regulations.
3. If the candidate has, directly or indirectly, a material interest in a material contract or transaction to which the corporation, the declarant, or the declarant affiliate is a party, other than in the candidate’s capacity as a purchaser, mortgagee, owner or occupier of a unit.
4. If the candidate is an owner in the corporation and if the contributions to the common expenses payable for the candidate’s unit are in arrears for 60 days or more.
5. If the candidate is not an owner or not an occupier of a unit in the corporation.
6. Any other information required by a by-law of the corporation.

Similar to Owner Submissions, the corporation must provide a deadline in the Preliminary Notice by which candidate directors are to submit their notice of candidacy, which includes the Disclosures. Although candidates who miss this deadline may still declare their candidacy from the floor of the meeting, they will need to make their Disclosures on the spot at the meeting. This is likely to cause delay to what already may be a lengthier owners’ meeting due to the new requirements under the amended Act. Candidates would be wise to submit their notice of candidacy and Disclosures in advance so owners have sufficient opportunity to assess a candidate’s qualifications. Being proactive in this respect also reflects better on a candidate; declaring one’s candidacy from the floor may be regarded as impetuous. Unfortunately, there is no prescribed form for the Disclosures, so candidates should inquire with the board whether the board or the corporation’s legal counsel can provide a sample form.

**Moving Forward**
While the amendments to the Act have added a layer of complexity to condo governance, the hope is that once we become accustomed to the changes, the benefits will emerge. Owners who wish to understand how their rights and obligations under the Act have changed should pursue condo education opportunities (owners can even take the online director training course on the Condominium Authority of Ontario’s website), engage with their board and manager and, where appropriate, seek legal counsel.
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Discussions related to unreliable elevator service tends to bring the same collective groans as those related to unreliable TTC service. Elevators in a building, indeed, are similar to transit in a municipality: they are essential to move people around efficiently and sorely noticed when the service sucks!

Although the Technical Standards and Safety Authority provides the regulatory safety network which helps Ontario be one of the safest jurisdictions for elevators in the world, there are “structural” issues which disrupt the elevator-“ride” in this industry which most (if not all) consumers are not aware of.

The elevator industry is complicated, with unions, parts manufacturers and elevator service companies creating somewhat blurry lines with respect to who is responsible for what. Ontario has approximately 40,000 elevators in operation, with about half being 25 years of age or older. In addition, the majority of elevator parts are made out of the country on an “as-needed” basis. Furthermore, a licenced elevator mechanic now services almost twice as many units compared to a decade ago, which likely affects response timeliness and maintenance frequency.

Motivated by a story of a senior in his riding who was put at risk because of an “out-of-service” elevator, Mr. Han Dong, MPP for the riding of Trinity-Spadina, drafted and introduced a private members bill, Bill 109 titled the Reliable Elevators Act. Bill 109 amends the Building Code Act, 1992 and Consumer Protection Act, 2002 to, amongst other things, require elevator contractors to complete repairs on an elevator regardless of the contractual agreement with building owners. The key changes focus on narrow blanket repair timelines of a maximum of 14-days for regular buildings and 7-days for long-term care and retirement homes (irrespective of the nature of the problem).

Not surprisingly, in response to Bill 109, the National Elevator and Escalator Association (NEEA) is pleading that any proposed reforms to the elevator industry be based on statistical evidence, not political motivations or misunderstandings. NEEA produced a report which documented the negative safety and costs consequence of implementing Bill 109 (report can be found here: https://www.dropbox.com/Reliable Elevators – How Ontario Can Become a National Leader for Transportation Systems in Buildings). Contrary to the purpose of the proposed Reliable Elevators Act, NEEA claims that Bill 109 will over-regulate the industry which will not only decrease competition in the market but also increase the costs of basic maintenance or, worse, result in rushed repair jobs that compromise safety.

Consumers (and condos) are caught in the middle and the lack of clear (unbiased) information is only serving to erode trust in the main players of the elevator industry.

Bill 109 was a call for action to come up with solutions to the public’s concerns of safety and service reliability and, in this regard, the elevator industry could take a page out of the condominium corporation’s good governance handbook: increase communication and transparency equals more trust and confidence… it’s time to open the doors…literally!
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