

ccireview

THE VOICE OF CONDOMINIUM

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Message from the President

CHARLIE OLIVER

BY CHARLIE OLIVER, CCI NATIONAL PRESIDENT

Mid-year excitement as we move towards our 25th Anniversary celebrations in November.



Fresh out of the Regina semi-annual meetings, I remain excited about CCI as an ever-evolving organization.

Regina saw a flurry of activity hosted with the strong flavours of western hospitality. Thank you to the South Saskatchewan Chapter for hosting these mid-year sessions. Job well done!

Coming out of our meetings is the continued efforts and focus on communications. Watch for changes to the website being implemented leading to a cleaner, crisp site. The Forum, which continues to evolve, is being renamed the CCI-Rooftop. We invite you all to drop in and follow some of the interesting dialogue on this site.

Education, being a key mandate of the CCI, received considerable discussion. As we continuously review our programs we expect to see some subtle (and some not so subtle) shifts in our involvement in the delivery of various courses and programs.

The Human Rights Symposium, opened by Mayor Pat Fiacco, provided informative, well-rounded knowledge in this growing area. The many varied issues highlighted validate the importance of this subject and supports our planned delivery of this Symposium in Toronto, November 2007; I invite you to plan on attending.



As always, as a volunteer board, we seek your input and suggestions. Do not hesitate to become more active at your local chapter level and/or to let us know your interest in working with any of our many committees.

As a National Board, we continue to track issues of National interest that affect our industry and to communicate to you. We have also decided to give serious review to our National Board in an effort to identify areas where we can improve the delivery of our mandate. More to come on this.

Finally, with summer approaching (well – in some parts of Canada), we wish you a safe period of holidays, travel and time with your families.

Keep in mind and hopefully plan to join us in November for our 25th Anniversary meetings and celebrations.

All the best,

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My Home - My Renovations



At some point, it is very likely that a homeowner will want to make alterations/renovations to his/her home. Obviously, this is no different for a condominium homeowner. You want to make it "your own" by putting your individual signature on its style. Most often, these changes are cosmetic and do not pose any problems for the owner or the condominium's Board of Directors. And, yes, we did say "or the condominium's Board of Directors". They, too, must be involved in this process!

Most corporations have standard wording in their Declaration and By-Laws which address this issue. It basically states that owners must provide a written request to its Board of Directors, together with a plan outlining the contemplated changes. The

Board will then review the plan and determine whether the changes could impact the building structure in any way. If they do not and are not in contraven-

No owner has the right to make changes to the interior of their unit which could negatively impact the building or be detrimental to any other unit.

tion of any existing Rules or Regulations which the Corporation has established, then permission for the changes will be provided to the unit owner.

Unfortunately, too many owners do not follow this simple process and make whatever changes or alterations they wish to their unit. You should be aware, however, that if changes are made which impact the building's structure or contravene existing guidelines, then the Board has the authority to have the changes reversed at the expense of the owner. This is a very serious issue and should be treated so by all condominium owners.

Each Board of Directors has a responsibility to ensure the physical integrity of the building. No owner has the right to make changes to the interior of their unit which could negatively impact the building or be detrimental to any other unit. It is therefore imperative that owners follow this simple process of obtaining prior permission from the Board to carry out the intended changes. No Board wishes to interfere with an owner's plans or right to live in the kind of physical environment they choose, however, it has a fundamental responsibility to ensure that any changes made by owners are permissible. For example, while it may not seem that installing hardware or laminate flooring should be a problem, it may not be acceptable given the "noise" impact it may have. Likewise changing a bathroom to include a Jacuzzi would raise concerns with noise transference.

It is far better to take the little extra time which is required to ensure that the changes you make will not have to be reversed at some point by your Board or that you do not inadvertently create a situation which negatively impacts your neighbour. This is simply one of the requirements of your condominium corporation which all responsible unit owners must abide by. It could possibly save you a great deal of frustration and expense down the road.



Condo Maintenance: Who's Responsibility is It?



Many new condominium owners are under the impression that condo living implies no responsibility for any maintenance on their part. When you own your own home or cottage, the reasons for maintenance are obvious. As your place of residence, you want everything to function as designed, as well; you wish to protect your investment.

When you purchase a condominium, the above-mentioned reasons still apply, however, a few additional concerns are added to the mix. One major concern is that your maintenance, or lack thereof, may adversely affect not only you, but your neighbour as well. A leaking toilet tank not changed or repaired may result in a large amount of water leaking into a neighbouring unit beside or below your own. The same is true for your hot water tank. Also, a tub surround not inspected and re-caulked when necessary may leak behind the wall causing water damage to the unit below or causing moisture to build up promoting decay and/or mould. These and other items left unchecked often cause damage to your own, or neighbouring units. Obviously

this is a much greater problem in multi-residential condominiums than it would be in town-house type condominiums.

Why do unit owners put off maintenance of a unit until it is no longer a small or easily contained problem? Often it is

These and other items left unchecked often cause damage to your own, or neighbouring units.

inattentiveness, it may be a budget issue, or it may be the result of some confusion. Two frequently asked questions, especially from new owners, are "Who is responsible for what maintenance and Why do I pay maintenance fees?" To answer these questions, we must look at the two areas of the condominium that require some level of maintenance, the common elements, and the unit.

The common elements are made up of all portions other than the unit. In other words, the exterior of the building, hallways, lobby, parking area, roadways and landscaping. These are areas you share or have in common with your neighbours. These areas are the corporation's responsibility to maintain, repair and replace. Normally, the cost for regular maintenance of most common areas such as snow removal, grass cutting, cleaning etc. is covered by the general operating account, while the cost of major repair and replacement is covered by the reserve fund account. This is the maintenance that your common element fees or your "maintenance" fees cover.

The unit may be defined as a portion of the condominium designated for individual or separate ownership, the boundaries of which are set out in the declaration. All spaces, interior non-load bearing walls, fixtures and finishes located within the boundaries are the unit owner's responsibility to maintain, repair or replace. Such items may include the furnace, a/c units, fire alarms, kitchen cabinets and bathrooms. The declaration may also assign some of the maintenance of the common areas over to the unit owner as well. The patio or balcony, of which the unit owner has exclusive use, is usually the responsibility of the unit owner to maintain.

The "buy a condo and don't worry about maintenance again" ads that have appeared are not accurate. It is important to know your responsibilities in regards to your unit. Read your declaration or ask your property manager. Good fences make good neighbours, but where fences are not possible, good maintenance goes a long way to a good relationship with your neighbours.



The Challenge for Managers in an Aging Community



A condominium community where the majority of homeowners are retirees can be a positive and enjoyable place to live. The community must recognize however the need for support systems. These support systems can include social events, educational programs, exercise classes, crafts, and travel opportunities to name a few, organized through committees and clubs.

Ordinary condominium communities can easily modify the facilities to accommodate the needs of older persons. Useful modifications can include:

- Window decals to identify units with infirm owners
- No-slip surfaces on sidewalks, pool decks and changeroom floors
- Proper lighting in parking lots, walkways, hallways and stairwells
- Climate control
- Handrails on all ramps
- Ergonomic door hardware
- Simplified key systems and automatic doors
- Threshold levels and widths on all exit and entry doors.

The manager will face new issues and challenges when managing the day-to-day operations.

- Consideration on the font size of posted memos, AGM packages etc. and all signs throughout the property
- Temporary parking at front door for drop off residents returning from hospital/doctor etc.
- Temporary parking for support vehicles like Meals-On-Wheels, wheel trans, ambulance
- Limited handicap resident parking.

Be proactive and creative

- Create a right of entry by the corporation not only for repair and maintenance but for the purpose of making inspections, correcting any condition which violates the provisions of any insurance policy and for remedying anything which might

result in damage to the property and/or occupant

- Provide in-suite services – moving furniture to access fan coil cleaning program, light bulb replacement, window cleaning, caulking and other miscellaneous maintenance generally done by the owner
- Create an authority to assess the owner for such expenses or intervention – by Pre-Authorized Payment
- Amend the document's definition of "single family" to include parents and children of owners and caregivers as approved occupants
- Propose a rule that makes mandatory the completion and submission every 6 months of a Resident Information Form with emergency contact information that includes the resident's doctor contact, medical conditions and medications, and a note whether the resident uses a hearing aid, cane, wheelchair or glasses
- Initiate the Vial for Life Program
- Include a hold harmless indemnification for directors and committee volunteers who assist residents
- Create procedures for handling situations before they arise
- Create and publish an Emergency Response Plan taking into consideration the challenges of the elderly
- Inform residents about local social and support service agencies
- Recommend that the board employ social services personnel if warranted
- Develop easy access for dropping off cheques, keys etc. with conveniently located drop boxes
- Providing the community with a wheelchair located in an accessible area for emergency situations.

Managers should encourage directors and committee members to attend courses, lectures and seminars about the benefits of assisting seniors.

One of the challenges facing condomini-

ums with an aging population is finding qualified board members. More and more as the residents age there is no influx of younger residents to fill the governance positions, which forces the same directors to serve year after year. Once illness and aging diminishes the resident's capacity to serve productively, the corporation suffers from poor management. Corporations may consider by-laws that will address this problem before the problem surfaces. The consideration of professional board members or relatives of owners is an option.

Working with boards of diminished capacity challenges the already taxed property manager. Here are some helpful ideas to consider.

- Length of Board Meetings – members thought process takes longer
- Discussion – Speak loudly and directly to ensure that all members hear the discussion
- Package Information – needs to be in large font and simplified
- Minutes – need to be complete as members memory cannot be relied upon.

Even so the Manager will find themselves frustrated with directors confusing and conflicting directives. While difficult to do, as you will incur legal costs that are not approved by the directors, seek guidance from the corporation's legal counsel.

Monitoring a potentially difficult situation can prevent it from escalating into a real emergency and can save someone's life. All Property Managers understand this principal when applied to the physical management of a building. Applying the same principal to the residents will add immeasurably to the aging resident's quality of life – and the manager providing the pro-active approach will know he or she has made a positive difference in someone's life.

CCI National Semi-Annual meeting

May Conference



Thank you Regina! The National Board's Semi Annual meeting was hosted by the South Saskatchewan Chapter. Not only did we enjoy a successful conference of education and idea sharing, the board and guests after a long day in the boardroom took a trip to the set of "Corner Gas" and experienced a prairie sunset. A truly magical moment.

The meetings of the National Board happen four times per year, two by conference call and two face-to-face. The executive meet by conference call monthly. Every year the annual meeting happens in November in Toronto to coincide with the annual conference of the Toronto Chapter.

The Semi Annual meeting is hosted by one of the chapters. This is a huge undertaking for the chapter and very much appreciated by all. We look forward to our meeting this November as well as the Semi Annual meeting being hosted in Vancouver in May 2008.

The Semi Annual meeting, while not as magical as the sunset, was productive and we accomplished our goals.

The ACCI renewal process has now been finalized. It is based on the principle that each ACCI designate complete

18 credits of continuing education in every three-year cycle to maintain their ACCI designation.

The education requirements are assigned credits as well as a value of credits depending on the degree of importance. The education and credits are clarified on the annual renewal form. Every ACCI will be required to complete the renewal form indicating their education participation and associated credits every three years. Due to the extended review of this process the program initially launched last year will begin July 07 with the first reporting period being July 2010.

The Board also approved amendments to the FCCI and DSA nomination process and clarification of the DSA qualifications. The nominations for DSA and FCCI must be submitted to your local chapter board by early August each year. The Chapter board will submit the board recommended candidate chosen from the nominations received with the application fee to the National Board for finalization and approval. Nomination forms can be downloaded from the web at www.cci.com or by contacting your local chapter office.

With the Board's business attended to

and the various committee meetings completed we were able to enjoy the conference and meet new friends from Regina and surrounding area.

The keynote speaker was Mr. Paul Gruzca, CMCA, AMS, PCAM, from Texas. Paul has been a friend of CCI since members of the Toronto Chapter attended the Community Association Institute, CAI in Nashville, Tennessee about five years ago. CAI is our counterpart in the US. Since then we have maintained a mutually beneficial relationship wherein we attend their annual conference and they have participated in ours. We are proud of our relationship. Paul was not only very entertaining; he also enlightened us with a comparison to the US in regard to Human Rights. We were all very proud to realize that Canadians are, as he put it, "leaps and bounds" ahead of the US in our ability to ensure that all Canadians receive fair treatment and equal rights.

This year is a very special year as it is our 25th anniversary and as such we have some wonderful events planned for the November meeting. So mark your calendars and we will see you all in November.



Human Rights Symposia/ Regina and Toronto



In the Spring of 2005, CCI expanded its activities, on behalf of the condominium community in Canada by initiating and co-sponsoring (with the Insurance Bureau of Canada), a National Symposium on condominium insurance issues. One of the goals of that initial Symposium was that it be an impetus for similar events in the future. Happily, that is exactly what has transpired.

For its second National Symposium, CCI has chosen the topic of Human Rights issues, and the impact of those issues on condominiums. In order to have more of a truly national perspective and impact, it was also decided to hold a symposium in eastern and western Canada.

As this article goes to press, the final weeks of preparation are underway for the first of these parallel events, to be held in Regina on May 25th, 2007 in conjunction with the Spring National Directors' Meeting and Spring Conference Seminars. By the time of publication, what will no doubt be a successful event will have taken place, fulfilling CCI's goal of providing informative presentations by leaders in the field while encouraging debate and exploration with respect to this very timely topic.

It goes without saying that Human Rights

issues are indeed topical. They are continually the subject of media reports in respect to international, national and local affairs. It is not at all surprising that condominiums, representing an ever-growing segment of Canadian society, are also increasingly affected by Human Rights issues.

Those attending the Regina symposium will have heard presentations from the perspective of academia, from that of practice before Human Rights Commissions and from that of the day-to-day administration of condominium corporations.

From academia, they will have heard from Professor Karen Busby of the University of Manitoba Faculty of Law. Professor Busby is extremely active in the areas of Human Rights and equality law and well qualified to present the current status of law in these areas.

Mickey Woodward from Saskatoon will have addressed the process followed by Human Rights Commissions. Mr. Woodward, who is now in private legal practice, previously served as senior counsel to the Saskatchewan Human Rights Commission.

Ann Wallace, also a lawyer from Saska-

toon, will have addressed Human Rights issues from her experience in working with employers, employees and labour unions.

Finally, Vancouver lawyer Jamie Bleay and Edmonton lawyer Victoria Archer will have addressed these issues from their perspectives working on behalf of condominium corporations and their Boards of Directors.

Providing an overview perspective from an international viewpoint will be Paul Gruzca, the former President of the Community Associations Institute in the United States, and the keynote speaker for this Symposium.

With this roster of presenters and speakers, CCI is confident that the Regina Human Rights Symposium will be both an appropriate follow up to the initial Insurance Symposium and an excellent precursor to the Toronto Human Rights Symposium to be held in October, 2007 in conjunction with the Annual CCI/ACMO Condominium Conference and the CCI Annual General Meeting.

The Toronto Symposium will be held on Wednesday, October 31st, 2007. The timing of the event was dictated by the previous scheduling of the condominium



conference. The fact that it will be held on Halloween will no doubt provide some unique "lead-ins" for the speakers and presenters.

The keynote speaker at the Toronto Symposium will be Michael Gottheil, the Chair of the Human Rights Tribunal of Ontario. Prior to assuming that post, Mr. Gottheil had wide experience as a practising lawyer and professor in the areas of Human Rights and labour law.

The presence of two particular presenters at the Toronto Symposium will ensure a lively and informed debate on the basic principles of Human Rights as applied to condominiums.

Julius Gray is a Montreal lawyer, Associate Professor of Law at McGill University and former President of the Canadian Human Rights Foundation. He is a tireless advocate on behalf of Human Rights and has won two significant cases before the Supreme Court of Canada: the first, the Amselem case involving the right of owners to erect structures for religious purposes on common elements; and the

second involving the right of a Sikh student to carry a ceremonial dagger to school. He has subsequently and publicly speculated on the extent to which "no pet" rules may be subject to similar attack.

Harry Herskowitz is a widely respected Toronto condominium lawyer, co-author of "Condominiums in Ontario", who has written within the legal community in Ontario criticizing the rationale set out in the Amselem decision. He advocates for the importance of contractual rights as contained in Declarations.

Finally, two lawyers will address the practical aspects of Human Rights issues, one from the perspective of a condominium lawyer, and one from the perspective of a Human Rights lawyer.

Bob Gardner is a Toronto lawyer who practices in the area of the administration and management of condominiums and is the author of the *Condominium Act, 1998, A Practical Guide*.

Peter Engelmann is an Ottawa lawyer who practices in the area of Human Rights, labour law, pay equity law and Charter litigation. He is the co-author of "Trade Union Law in Canada".

Speaking personally, the author, as the proposed moderator of both symposiums, is looking forward with great anticipation to each of these events. We have been most fortunate in attracting speakers and presenters of a calibre that will guarantee that each event provides a unique and valuable exploration of the very important application of Human Rights issues to condominium administration and management.

For those who, when they read this, will have attended the Regina Symposium, I am sure that they will agree with that assessment. For those able to attend the Toronto Symposium in October, 2007, I would encourage them to watch for announcements of registration for that event.

*Barry Scott, LLB, ACCI, FCCI
Moderator, Human Rights Symposium*



**A milestone event not to be missed!
Mark your Calendars and Book your Airfare for CCI's**

25th Anniversary Celebration

Saturday November 3rd, 2007

**Doubletree International Plaza Hotel Toronto Airport
655 Dixon Road, Toronto, Ontario**

6:00 p.m. - Champagne and Cocktails
7:00 p.m. - Seated Dinner

(Following the CCI/ACMO Conference on November 2-3, 2007)

Don't miss out on a part of History!

Awards

Gifts

Giveaways

Surprises!

Synopsis of the CCI Spring Conference

Chapter point of view



Phew! As I write this, the dust is still settling from the recent national spring meetings, Human Rights Symposium and Condominium Conference that were all held in Regina in late May.

We are extremely proud that this significant event was entrusted to us and we had a great time putting it together. It will probably take us a few weeks to get back to normal!

Things began on Wednesday evening (May 23) as we took out those board members and delegates who had arrived to a dinner at Regina's Copper Kettle restaurant. This got us ready for the national board meeting the following morning, as well as the committee meetings that were held on Thursday afternoon.

On Thursday evening two buses picked up the board, delegates and guests and took us on a tour of Regina, then hit the highway and took us to Rouleau, Saskatchewan, home of the CTV comedy series *Corner Gas*[™]. Vern's Pitchfork Fondue deep-fried ribeye steaks in front of our eyes on a massive pitchfork in a huge vat of oil heated by a wood fire. It was quite an experience! Some of our guests had an opportunity to see a small Saskatchewan town for the first time and even walk around a bit. I was told that seeing the prairie first-hand made quite an impression.



On Friday we hosted the second-ever national symposium. The topic was human rights and condominium living and the event was moderated by Barry Scott. Speakers Karen Busby of the University of Manitoba, Mickey Woodard of MacPherson Leslie & Tyerman LLP in Saskatoon, Paul Gruzca of RTI/Community Management Associates Inc. in the Dallas, Texas area, Anne Wallace of Anne Wallace Legal Professional Corporation in Saskatoon, Jamie Bleay of Access Law in Vancouver (and also of our national board) and Victoria Archer of Gledhill Larocque in Edmonton spoke on various elements of human rights and how they are affecting condominium living more and more. The speakers were excellent and most interesting.

Friday evening everybody walked to Casino Regina where we took over the railway dining car that has been attached to this converted railway station. We had a great dinner and then a tour of some behind-the-scenes areas of the casino, including some old jail cells from the building's days as a train station, when prisoners would be housed awaiting transport. Many of our guests stayed afterward to gamble and others took walks through downtown Regina.

On Saturday our chapter hosted its first-ever spring condominium conference. Approximately 90 delegates attended and saw presentations by Gina Cody on pro-active complex maintenance, Paul Gruzca on building condo-mojo or community in complexes, this writer on insurance on condominiums and finally, an excellent legal panel with Regina lawyer Randy Baker and CCI National board members Rob Giesbrecht of Winnipeg and Jamie Bleay of Vancouver. The conference was very well reviewed.

While some of our guests made their way home Saturday night, those who remained joined us for an evening at one of Canada's best brew pubs, Bushwakker's. We had an excellent evening, consumed altogether too much food and enjoyed a great capstone to the entire event.

This conference could not have happened without the able assistance of many people. Our local chapter board and volunteers (including but not limited to Leona Frank, Jaime Nykolaishen, Marian Vollans, Lee Ann Brown, Dolores Lorenz, Vern Griswold, Huntley O'Connor, Ambrose Reschny and Marc Kelly) were integral to this event's success. Our administrator Linda Ferguson was also a great help. Thank you all. I'd also like to thank Jill Forsythe and Diane Gaunt of CCI National for all the help as well. They helped to take care of a lot of the little details that are easily forgotten and I am extremely grateful.

Holding the conference was an event of personal growth for me. I had no idea what went into a successful event of this magnitude and I have a new appreciation for those who have done this in the past (and those will do it in the future).

I pass the baton to Jamie Bleay and the Vancouver Chapter as they will be hosting the CCI Spring Conference in May 2008.

Thank you to all who helped, all who attended and all who gave encouraging words. Your contributions did not go unnoticed.

*Jim MacKenzie, MBA, DAA, FCIP (Hons)
President, South Saskatchewan Chapter
Director, CCI National*



Condo Cases across Canada



ISSUE NO. 18

I have been asked, and it is my pleasure, to provide these brief summaries of recent court decisions across Canada, respecting condominium matters. I don't provide summaries of every decision rendered.

I select a handful of decisions that I hope readers will find interesting.

I hope readers enjoy this regular column of the CCI Review.

THE HOT TOPIC: : WHEN DOES MAINTENANCE INCLUDE A "CHANGE"?

Briggs v. Winnipeg Condominium Corp. No. 30 (February 14, 2007) (Manitoba Court of Queen's Bench)

Window replacement project required majority approval from owners, but not 80% approval (non substantial change)

The condominium corporation entered into a contract for replacement of the exterior windows and installation of new aluminum panels, at a total cost of just over \$4,000,000. One of the owners asserted that the project involved a substantial change requiring an 80% vote of the unit owners.

The Court said that the essential purpose of the project fell within the definition of "maintenance". The existing windows were ancient and obsolete and were in the process of wearing out. The Court said: "The only way to preserve and prevent a decline in the condition of the windows is to replace them."

The Court noted, however, that the window replacement project did involve some "changes". The Court said: "One difficulty in this case is that the windows are not being replaced precisely as they were and there are some changes." Some

of these changes were necessary in order to comply with new codes or standards. These were necessary aspects of the maintenance. The Court said: "[The windows] need to be replaced with better and more expensive windows in order to comply with the Building Code. There is no avoiding that. If [the condominium corporation] is to properly fulfill the statutory duty of maintenance that much is inevitable. However, I am not satisfied that all of the changes and improvements inevitably flow from the act of maintenance."

The Court accordingly found that certain changes went beyond "maintenance", and therefore required a vote of the owners. Those changes were as follows:

- change to tinted glass;
- change to the colour of the window panels;
- rigid insulation added as a backer for the panels; and
- new windows of a different type, style and quality.

("The number of panes is reduced; they are awning rather than sliding; they are dual rather than single pane; they have additional thermal features.")

The Court then considered whether or not these changes were "substantial" (requiring an 80% vote) or "non-substantial" (requiring a majority vote). The Court concluded that these were not "substantial" changes because the proposed work did not materially change the manner in which the common elements were used or enjoyed.

The Court accordingly ordered that the window replacement contract be approved by a majority vote of the unit owners.

[Editorial comment: I wonder why the Court ordered that the entire window replacement contract be subject to owner approval. It seems to me that the owners should only be called upon to approve the "changes" and the Board should otherwise be permitted to proceed with the purely "maintenance" aspects of the contract, without owner approval]

York Condominium Corp. No. 359 v. Solmica Chemical International Inc. (Ontario Superior Court) (May 4, 2005)

Window replacement project did not require owner involvement.

(Arbitrator's decision. Leave to appeal refused.)

One of the owners asserted that the Board did not have authority to replace the windows in the absence of a vote of the unit owners. The issue was whether the replacement of the windows was a repair or maintenance or, in the alternative, an addition, alteration or improvement. The issue was argued before an Arbitrator. The Arbitrator concluded that the window replacement fell within the mandate of the Board, and did not require owner involvement. Although the material used was not identical, it was reasonably close in quality to the original and therefore did not qualify as an "addition, alteration or improvement", pursuant to Section 97 (1) of the Condominium Act, 1998. In summary, the window replacement was considered to be purely maintenance.

One of the owners applied for leave to appeal the Arbitrator's Award. The Court refused the Application and the Arbitrator's Award was accordingly final.

[The one owner (Solmica) had refused to allow the windows of its unit to be replaced. The owner was required to allow the window replacement to proceed.]

ONTARIO CASES

Zafir v. York Condominium Corp. No. 632 (Superior Court) (February 23, 2007)

Before leaving for vacation, the owner turned off the shut-off valve on the pipe below the kitchen sink of the owners' unit (which all unit owners had been asked to do before leaving on vacation). While the owner was away, a leak emanated from the particular pipe, causing damage to the unit below. The condominium corporation had passed a By-law pursuant to Section 105(3) of the *Condominium Act*, 1998, which allowed the condominium corporation to add the cost of repairs, up to the deductible on the corporation's insurance policy, to the owner's common expenses where there was damage to another unit or common elements caused by an act or omission of the owner.

In this case, the Court found that there had been no "act or omission" on the part of the owner, and accordingly found that the deductible loss should not have

been added to the owner's common expenses (and that the resulting condominium lien therefore should not have been registered).

The Court also offered the opinion that the by-law was valid and therefore would have applied if there had been an act or omission.

London Condominium Corp. No. 13 v. Awaraji (Ontario Court of Appeal) (February 21, 2007)

Owners ordered to remove satellite dishes

The Court of Appeal upheld the lower Court's Order requiring the owners to remove their satellite dishes. The satellite dishes in question contravened the declaration, by-laws and rules of the condominium corporation.

The condominium corporation had passed a rule referring to the permitted common television cable system (involving one dish on each block of units). The Court noted that the rule was aimed at preserving a uniform appearance and quality in the condominium complex, which the Court said was "a general purpose that appears to comply with Section 58 of the *Condominium Act*". The owners had asserted that their particular satellite dishes were hidden from onlookers and accordingly had no impact upon the appearance of the community. They accordingly argued that the application of the rule in their case would not meet the permitted purposes for rules, under Section 58 of the *Condominium Act*, 1998. The Court rejected this argument, because the owners had not adduced sufficient evidence to support the argument.

[Editorial Comment: Since the satellite dishes in question were not part of a common television cable system, they clearly contravened the Declaration. So, it seems to me that the Court did not really need to be concerned at all about the validity of the Rule.]

Niagara North Condominium Corporation No. 125 v. Waddington (Ontario Court of Appeal) (March 16, 2007)

Condominium corporation's appeal respecting "no pets" provision dismissed

After the landlord was unsuccessful in attempting to enforce a "no pets" provision in the condominium declaration, the condominium corporation was denied the right to bring its own application against the tenant. [See *Condo Cases Across Canada* – Part 13.]

The condominium corporation appealed to the Ontario Court of Appeal. The Appeal was dismissed, and the lower Court decision was affirmed, by the Court of Appeal.

The Court of Appeal said that the doctrine of abuse of process prevented the condominium corporation from bringing its own application against the tenant after the landlord's application had failed (despite the fact that the landlord had chosen not to appeal).

York Region Condominium Corporation No. 772 v. Lombard Canada Limited (Superior Court) (February 13, 2007)

Contractor's insurance gave coverage for damage resulting from contractor's negligence

The condominium corporation obtained Judgment against the general contractor of the condominium project, for damages resulting from the contractor's defective work. The contractor had supplied a defective de-watering system, which resulted in voids beneath the footings, leading to serious structural damage to one of the condominium homes.

Having obtained Judgment against the contractor, the condominium corporation then asserted a claim under Section 132(1) of the *Insurance Act* against the contractor's comprehensive liability insurer (for recovery of any amount for which the insurer was obligated to indemnify the contractor).

The Court found that the contractor's comprehensive liability insurance policy did provide coverage for the amounts owed by the contractor to the condominium corporation, and accordingly awarded Judgment in favour of the condominium corporation against the insurer.

[Editorial Comment: There is now a long line of Court decisions about coverage for building defects under contractors' comprehensive liability insurance policies. Each case will depend, it seems,

upon the particular policy wording, and upon the nature of the particular defect and the related damage.]

Bahadoor v. York Condominium Corp. No. 82 (Superior Court) (February 13, 2007)

Administrator discharged and election of new Board confirmed

The Court had previously ordered that the appointment of the administrator be suspended and that the newly-elected Board take over administration of the condominium on an interim basis, subject to further reporting requirements and Court review. [See *Condo Cases Across Canada* – Part 17.] The further reports were provided and the Court found that the new Board had formulated a workable plan for the condominium corporation. The administrator was accordingly discharged and the election of the new Board of directors confirmed.

The Court also addressed various accounts of the administrator. The administrator's Motion for approval of its final report and for an order releasing it from all claims was adjourned.

Peel Standard Condominium Corp. No.721 v. Derveni (Superior Court) (March 30, 2007)

Owners ordered to remove walkway

The owners had installed a walkway without the consent of the condominium Board.

The Court said: "While there does not appear to be anything unsafe or unattractive about the walkway and while it may be very useful to unit owners, nevertheless it contravenes the *Declaration* and the *Act* [because consent of the Board was not obtained] and must be removed."

The owners were ordered to remove the concrete walkway and to restore the common elements to their original condition.

QUEBEC CASE

Gagné c. Syndicat de copropriété Condominium L'Escale (Superior Court of Quebec) (April 12, 2007)

Meeting procedures, although imperfect, found to be acceptable

Owner's claim for defamation against President dismissed.

Mrs. Gagné sued the Syndicat for defamation and to have the annual general meetings held between 2004 and 2007 cancelled (including cancellation of the decisions taken during those meetings). The Court looked into the procedures followed during the meetings and found that they fell short of the requirements imposed under the Civil Code of Quebec as well as the requirements set out in the declaration. The Court also noted, however, that this had been the case since the Syndicat was established in 1983 and that it had been done in good faith and with the assent of all co-owners, in an attempt to keep costs to a minimum. The plaintiff had participated willingly in these meetings and had in fact been secretary of the Syndicat. She had, until recently, never complained of the anomalies of procedure. The Court reviewed the evidence produced and came to the conclusion that the plaintiff was not able to overturn the procedures of the Syndicat, even if they fell short of the requirements of the Code and the declaration, because it would be of greater detriment to the Syndicat than benefit. Since no interests had been injured in the process, the Court declined to cancel the general meetings or to revoke any of the decisions made during those meetings.

With respect to the claim of defamation, the events complained of happened over the phone in a private conversation between the plaintiff and the president of the board. It was the plaintiff who had then broadcast these events at an annual meeting five years later. Not only was the claim outside the limitation period, it also failed to address the issue that defamation does not occur in a private relationship; the person making the defamatory statements must also broadcast such statements to an audience.

MANITOBA CASE

Reeves v. Globe (Manitoba Residential Tenancies Officer) (February 7, 2007)

Landlord's rule prohibiting smoking found to be reasonable and enforceable

A Manitoba Residential Tenancies Officer considered whether or not a landlord's rule prohibiting smoking complied with the requirements of the *Manitoba Residential Tenancies Act*.

The Residential Tenancies Officer held that the rule was properly designed to promote safety, comfort or welfare of persons working or residing in the residential complex, in that it was designed to prevent various ill-effects and risks of smoking and second-hand smoke. The Residential Tenancies Officer also said that the rule was fair because it did not require that existing tenants stop smoking. [Existing tenants were "grandfathered."] Furthermore, the rule was very clear, and new tenants would also be fully aware of the new rule before they entered into a tenancy.

The rule was accordingly found to be valid and enforceable under Manitoba's Residential Tenancies law.

[Editorial comment: Although this is a decision about a "no smoking" rule in the landlord and tenant context, it seems to me that many of the same factors would be considered in relation to such a rule passed by a condominium corporation or strata corporation in many jurisdictions across Canada. Condominium rules prohibiting smoking in the units may soon be put to the test.]

B.C. CASES

Browne v. Strata Plan 582 (Supreme Court) (February 14, 2007)

Strata Corporation authorized to levy special assessment

The building was experiencing water penetration due to defects in the envelope. Owners could not agree upon the necessary remediation. One independent expert recommended repairs estimated at about \$1.8 million. The Strata Corporation obtained a second opinion that questioned that approach and offered a less expensive alternative. The Strata Corporation did not want to be forced to proceed with the "\$1.8 million option".

Because of the disagreement, the owners had not given the necessary voting approval to any special assessment.

The Court did not decide on the necessary special assessment. Instead, the Court authorized the Strata Corporation to issue a special assessment in an amount “not exceeding” \$1.8 million. This would then allow the Strata Corporation to consider all of the expert reports and exercise its discretion about the appropriate repair strategy. The Court said: “In performing its obligation (to repair and maintain the common elements) the Strata Corporation must have regard to the observations and recommendations contained in both of the (expert reports).”

Pham v. Strata Plan NW 2003 (Supreme Court) (April 18, 2007)

Landlord responsible for damage caused by “grow op” operation carried out in landlord’s unit

A marijuana grow op operation, carried out in one of the apartments, caused significant damage to the building. After a number of notices to the landlord, the Strata Corporation carried out the necessary repairs, at a total cost of approximately \$106,000. The Strata Corporation then demanded payment from the landlord, and the landlord refused to pay.

The Court held as follows:

- The landlord was responsible for the damages. “The damage emanated from her apartment. Either she did it or she rented the apartment, contrary to the by-laws of the Strata Corporation, to tenants who caused the damage. She benefited from the work done by [the Strata Corporation].”
- The Strata Corporation’s insurance obligations did not affect the Court’s decision. The Court said: “There is no evidence that [the Strata Corporation] could have recovered anything by suing the insurance company.”
- The Strata Corporation had received a complaint and had given proper notice to the landlord, all in accordance with Section 135 of the *Strata Property Act*.

[Editorial Comment: The Court did not rule on the validity of the lien registered by the Strata Corporation.]

Smith v. Strata Plan LMS 1821 (Supreme Court) (March 23, 2007)

Court orders change to unit entitlements to reflect actual habitable areas

In this Strata Corporation, 30 of the total 78 units had basements, and the basements were finished, habitable areas. The Schedule of Unit Entitlements, submitted by the developer, purported to allocate unit entitlements based on the habitable area of each unit. However, the Schedule contained an error in that it did not include the basement areas of the 30 units that had basements.

The owners agreed that the Schedule required amendment, but could not agree on the appropriate amendment. Ultimately, a committee of owners proposed a new “formula” for allocating unit entitlements, which calculated each unit’s share based on 100% of the main floor area, 75% of the second floor area and 50% of any basement area. This formula was unanimously recommended by the committee as a compromise solution, and was then supported by about 90% of the owners.

An amendment to the Schedule required either the unanimous agreement of the owners or a court order pursuant to Section 246 of the *Strata Property Act*. Since unanimous approval had not been obtained, an application was made to Court. The question the Court was asked to decide, was as follows: Could the Court amend the Schedule of Unit Entitlements to reflect the formula recommended by the committee and accepted by about 90% of the owners? The Court’s answer was “no”. The Court said:

“The options open to the Court under Section 246(7) and (8) are to amend the Schedule to accurately reflect the habitable areas of the units or the leave it unamended. The Court has no jurisdiction under Section 246 to amend the Schedule on any other basis.”

The Court accordingly decided to amend the *Schedule of Unit Entitlements* to reflect the actual habitable areas of all of the units (i.e., to include the basements in the calculations).

Finally the Court said that Section 164 of

the *Strata Property Act* did not confer jurisdiction on the Court to amend the Schedule, because amendments to the Schedule are specifically addressed by Section 246 of the *Act*.

ALBERTA CASE

Graham v. Shannon Estates Villas Condominium Corp. (Court of Queen’s Bench) (March 27, 2007)

Board unreasonably refused to grant consent to owner’s proposed common element modification

One of the owners asked to install a stairway from his rear deck to the ground level, in order to allow a safety exit in the event that he was unable to use the front entrance to escape. The distance from deck to ground was approximately 1.5 meters.

The owner obtained a Court order allowing him to proceed with the proposed installation of the stairway. The owner then made an application for building permit, and received a building permit to proceed with his “stairway proposal”. Subsequently, the condominium corporation passed a new “stair policy”, stating that newly constructed stairs must be attached directly to the existing deck and be parallel to the owner’s unit. The President of the condominium corporation said that the new policy “was intended to ensure high-quality construction standards, consistency with other stairways in the complex and overall aesthetics of the condominium complex”. The owner’s stairway proposal was not completely consistent with the new stair policy.

The Court said that the new stair policy did not apply to this owner. The Court considered the owner’s design to be reasonably consistent with the other existing stairs, even though it might not be in strict compliance with the new policy. The Court accordingly held that the condominium corporation had unreasonably refused its consent, in this particular case, for purposes of Section 33(e) of the *Condominium Property Act*. The owner was authorized to proceed with his stairway proposal.

Toronto Chapter

The Toronto and Area CCI Chapter held both Basic and Advanced Course sessions in the spring of 2007. Attendance at both courses was strong, further indicating the high demand for director training in the Toronto area. Our thanks goes out to the numerous volunteer instructors participating in these courses.

CCI Toronto participated at Springfest on April 13th, where Board members, Tom Park, Vic Persaud and Bob Girard staffed a well-visited CCI-T exhibit booth. The educational seminar put together by CCI-T this year focused on the various Legislative Issues coming forth, which will affect Condominiums. Presenters at this session were Armand Conant, Warren Ragoonanan and Maria Dimakas.

The other highlight of the 2007 spring season was the CCI National semi-annual meetings and conference held this year in Regina. The Toronto and Area Chapter sent several Board members to attend the educational sessions and numerous networking opportunities the event offered. CAI, the US coun-

terpart to CCI also hosted a conference in the spring of 2007 – in Las Vegas, Nevada. CCI Toronto was fortunate to send several delegates who were able to bring back a wealth of information on the latest ideas, developments and trends in the US condominium market.

Lobbying efforts continue through CCI Toronto as we await the release of the Regulations to *Bill 21* – expected during the summer of 2007. Press releases and updates on these and other issues can be found on the Chapter website at www.cci-toronto.org.

Planning for the 11th Annual CCI/ACMO conference is in full swing. Mark your calendars now for this year's conference "Building Better Communities – Going Green" taking place on Friday November 2nd and Saturday November 3rd, 2007. Visit the conference website at www.condoconference.ca for full details or to register online.

Lynn Morrovat, Administrator, CCI-Toronto and Area Chapter

Huronia Chapter

Hello from CCI-Huronia. We are enjoying a very busy year and thrilled the snow has finally melted. With the recent completion of our six-night course and completion of several seminars we are gearing up for our final spring and early summer seminars.

Our President's Club continues to be a very successful venture with a sponsor covering the costs. The President's of local boards and director's have the unique opportunity to listen to one keynote speaker on a specific topic and then share questions, comments, ideas and experiences with the speaker and each other. The events are well attended, usually attracting more than 20 attendees at each event. The President's Club continues to be a unique educational venue for condominium Presidents. We are very grateful to Sonja Knauft and Jon Juffs for spearheading this successful program.

Our communications committee has revamped the format of our Newsletter and we are pleased to be back on track with regular publications.

The CCI 25th Anniversary is fast approaching and our special events committee is up to the challenge posed by Ron Danks of local advertising and announcements. We are combining this opportunity with our own membership drive for broader CCI exposure to the numerous condos popping up throughout the Huronia region.

We hope to see all of you at the 25th Anniversary in November.

Michele Farley, President, CCI-Huronia Chapter

Ottawa Chapter

Snow in the West and steaming hot in the East. What a Spring! Ottawa's membership is at a new high of 424 at this time.

We have had a very busy time over the past several months. John Peart and Jim Davidson brought their successful "Guns, Lawyers and Money" session to a packed room for the third year in a row. In March, CCI Ottawa hosted a luncheon for Ottawa's property managers with Janice Pynn as the guest speaker. It was very well attended and had very positive feedback.

Our two-day Directors Course (200) was again sold out in April and we have our November Directors Course almost completely pre-sold at this time. Ottawa expanded its board from seven to nine this year and we welcome Constance Hudak, a condominium owner and President, and Terry Markell from HUB International to our Board. The increased number of directors has also increased the positive dynamic around the board table.

John Peart, Education Director, CCI-Ottawa Chapter

chapter CHATTER

South Saskatchewan Chapter

Spring has sprung here in South Saskatchewan. Our membership committee has done an outstanding job of identifying the Condo properties who are not yet members, and dividing them into areas, and giving each of us one or two condo's to canvas into joining CCI, thus the task is not so daunting.

Thanks to Leona Frank, from Wascana Property Management, our newsletter is a great success. We are getting positive feedback from owners.

The Education Committee has had seminars for our Condo owners each month and we are happy to say that we are starting to have better numbers in attendance. The committee has worked hard at trying different ways with new marketing tools of bringing people in such as 'bring a guest get in half price'. We have started work on our fall conference and Annual General Meeting slated for October 2007.

Golden Horseshoe Chapter

In March, chapter representatives met with Burlington Mayor Cam Jackson and Councillors Rick Craven and Jack Dennison to discuss the property tax inequities condominiums in Burlington and across Ontario are facing. We outlined our concerns and how the chapter is exploring how services not normally provided to condominiums (fire hydrant and street light maintenance, storm sewer cleaning and catch basin larvicide applications) could be included in lieu of property tax reductions, as is happening in Brantford. We were encouraged by the reception we received and the staff report that the mayor proposed as a first step in understanding the issues. We look forward to working with the City of Burlington staff over the course of this year. Similar initiatives are being put forward to the Region of Halton.

The Spring started in great fashion with sold out Level 100 courses in Burlington and Kitchener with 135 and 80 attendees respectively. My sincere thanks to the various presenters who provided timely insights to our new condominium directors. The courses were very well received with excellent questions being asked of our panels. For next year the Board is moving to a day long Level 100 course program. The Board looks forward to presenting our Level 200 course in Cambridge on October 13 and 20 and in Burlington on October 20 and 27.

One of the chapter's biggest endeavours this year was the 25th Anniversary advertising feature that went into the Hamilton Spectator, Burlington Post, Kitchener Record and Guelph Mercury newspapers. With a combined readership of approximately 495,000, it was an excellent forum to highlight CCI, the

Our main bodies of board members and volunteers have worked hard to put together a great program for the spring national conference, which will have taken place by the time you read this. Our whole time has been consumed with making the conference a success so there is not much to report until next time.

In closing I hope to have met some of you at the Spring Conference and wish you a lovely summer.

Lee Ann Brown, Past President, CCI South Saskatchewan Chapter



chapter and our goals and achievements. Our sincere thanks to those companies that supported the project through advertising and to the contributing authors. Special mention goes to one of our chapter board members, Al Siaroff, who spent untold hours co-ordinating this project.

The board would like to welcome our newest board member, Robert Mullin who is a lawyer with the Smith Valeriote Law Firm LLP, in Guelph, Ontario.

Our June seminar, "Energy Matters" was another successful event that highlighted the changing legislation on energy conservation, smart metering and energy contracts. We heard opinions from the legal, property management, marketing and condominium board perspectives that helped put this complex topic into perspective. Thanks to our guest speakers.

A wrap up to the summer will be our Annual General Meeting and 25th Anniversary Gala Dinner scheduled for September 13th at the Royal Botanical Gardens in Burlington. We will be celebrating 25 years as part of CCI. We plan to look back on how we got started with speakers who were there at the beginning through to the present. I would encourage everyone to make plans to attend the event.

Our website www.ghccci.org has all the details on the upcoming events.

Kim Coulter, ACCI, President, CCI-Golden Horseshoe Chapter

Manitoba Chapter

We are in sight of the finish line for the 2006/2007 season! We successfully completed our three day Directors Course last weekend with 31 registrants. We also had several very successful Lunch & Learn sessions this spring. One, on the topic of Human Rights, was designed to spur interest in the upcoming Symposia. We must be doing something right - applications for new memberships for the upcoming year have started to come in at an unprecedented rate.

Our new and updated *Guidebook* has gone through the review and editing process and has been sent for printing. We will be launching it at our September AGM, in celebration of CCI's Silver Anniversary. We will be distributing close to 10,000 copies to our members and will have additional copies available for use in promoting CCI membership. *The Guidebook* is an entry-level introduction to the basics of Condominium law and procedures and is aimed at prospective Condominium buyers and existing Condominium owners who want to know more about how their corporation is run.

Currently, the hot topic in Manitoba is the provincial election being held on May 22, 2007. As always, CCI Manitoba is advocating for realty tax fairness for Condominium Owners. We have long felt that Condominiums are not fairly taxed (the only factor considered in assessing realty taxes in Manitoba is fair market value, with no recognition of the fact that Condominium ownership is usually more effective land use and allows for effi-

ciencies in the delivery of municipal services) and continue to engage politicians in a dialogue as to ways to achieve some relief. We are canvassing the three major political parties with a series of questions as to their plans and policies and hope to post their responses on our website so Manitoba's Condominium Owners will know where the parties stand.

Finally, as we prepare to wind down for the summer, we have put preliminary plans in place to hold our first-ever Directors Workshop outside of Winnipeg. Brandon, Manitoba's own "Second City", is just two hours down the Trans Canada Highway, but we have only a handful of members there. We have had Brandonites come into Winnipeg for some of our courses but in October, we hope to take our show on the road to see if we can spread the CCI word to the budding Condominium community

Rob Giesbrecht, President, CCI-Manitoba Chapter



Nova Scotia Chapter

We're feeling pretty satisfied with the way our Board has functioned this year. Our last of four instructional seminars has been held and attendees have been more than grateful for the role we play. Enthusiasm is contagious and our presenters this year have fulfilled their duties remarkably well.

Our newsletter is growing in size and the June issue will have ten pages for the first time. We have been able to generate a bit more income by the use of advertising inserts (no more that two per issue) and can proudly report we've achieved our goal to have the newsletter pay for itself.

Keeping in line with our commitment to be proactive for our membership, our newly formed advocacy committee is working on action to lobby for changes that will help owners of new condo developments with the problems they face with their developers after turnover. As well we are preparing a paper for submission to the NS government on the tax assessment process in Nova Scotia as it applies to condominium. That will be going to the review board very soon.

Our June newsletter will highlight the 25 Anniversary of CCI nationally, our annual meeting and looking for nominations for new members for the 2007-08 Board. Where does the time go!!

Well folks that's it for now, all the best.

Norma Cameron, President, CCI-Nova Scotia Chapter



chapter CHATTER

London & Area Chapter

Spring brings us the beauty of apple blossoms and the fragrance of magnolia trees. The condominium community comes alive with a start to cleaning up after the winter months. Maintenance crews are on hand to fulfill all of the planning the directors have done. Every day is a busy one and, to me, a good one.

The directors of the CCI Board of London & Area Chapter were on hand to meet with visitors to our booth at the recent Spring London Home & Garden Show, which was held at the Western Fairgrounds April 20th-22nd. It was a pleasure to meet and greet people involved in all aspects of condominium, from those who were looking at the condominium lifestyle for future consideration, others who already lived in condominium who were introduced to CCI for the first time (sad but true) and many others who live and work within the community who just stopped by to say hello and introduce themselves to us. It was a great time.

As usual, our annual seminar "There are no stupid questions!" was very well attended. Our legal experts Brian Bovan, Jeffrey Bell, Joe Hoffer and Jeffrey Phillips brought their expertise to our group. They addressed issues, including alteration agreements, enforcement of rules, liens and collections, and tenancy and human rights. The Q & A period that followed covered a wider field of issues and hopefully provided everyone with that much more knowledge than they arrived with. We took the opportunity to celebrate CCI's respective anniversaries – National's 25th and the Chapter's 15th with cake and fruit afterwards.

Vancouver Chapter

Despite the fact that Vancouver has a reputation for being laid-back and moving at a slower pace than some other regions across Canada, the fact remains that business is booming in BC, especially for the Strata industry. Some of the factors affecting us here on the west coast include:

1. Labour shortages playing havoc on condo construction and restoration. Not to mention the weather related delays with the rainy season finally ending in late April.
2. The implementation of Strata Management Licensing has been a giant leap forward, but this process has put pressure on the Managers who are sometimes struggling to meet the demands of the industry.
3. Litigation associated with Stratas sees no signs of slowing down.

We recognize that these issues are not exclusive to BC, but unfortunately the pressures they impose are becoming the norm instead of the exception. Despite all this our chapter continues to move forward thriving on the excitement of the industry.

In April we held our spring seminar on the topic of "Building Envelope Checklist for Strata Property Owners, and Contingency

It's been a terrific year of education and the education committee is looking forward to planning seminars for the upcoming year. The 2-day Condominium Course dates have been scheduled for Saturdays, September 29th and October 13th. Registration for the course is due no later than September 14th. Registration forms are available on our website or via an email to the Administrator ccisw@cci-sw.on.ca. We invite your suggestions and comments at all times.

We very much appreciate and thank all the members who made their membership renewal a priority.

Discussions by condominium directors at The Condominium Round Table Meetings continue on the second Wednesday of the month. They will take a hiatus in July and August as they tend to the maintenance issues of their respective condominium. Interested directors may contact the Administrator for more information or view the topics of discussion on our website www.cci-sw.on.ca. An RSVP is required as seating is limited.

May you all have a safe and most enjoyable summer! We look forward to seeing you at our future events, to participate in any way you might choose.

Trish Kaplan, Administrator, CCI-London & Area Chapter

Reserve Fund Planning", presented by Halsall Associates Limited. The seminar was well received by a mix of Strata Owners / Council Members and Strata Managers. In my opinion, if there were one thing I suggest we learn from this seminar it is this:

BC is not in a leaky condo crisis, but rather a funding crisis.

Current legislation in BC makes it prohibitive for Stratas to save the funds required to cover future maintenance and repair expenses. Yes we have had our share of unanticipated expenditures from poor design and construction that have resulted in huge repair costs passed on to Strata Owners, but our ignorance not to plan for the expenses we should be well aware of, is saddening. However, the silver lining is that some Stratas are taking the initiative and developing contingency reserve fund plans. They may not be contributing to the reserve funds to cover the cost of the expenses, but at least the Owners are made aware of what they own and the expenses that should be anticipated that come with it – that's half the battle.

Kevin Grasty, P.Eng., CCI-Vancouver Chapter

Windsor-Essex County Chapter

We have had a very successful year at CCI with record attendance at our seminars. Of particular interest was our comprehensive two-hour program that answered members' questions on how to approach the overall financial issues at the condominium that affect its long-term financial stability. This program also looked at what is a "reasonable" level of common fees; how to negotiate with your reserve fund planner to ensure adequate long-term financial stability; and why hiring qualified contractors is so important to your bottom line. In addition, budgeting and implementation techniques were reviewed by top professionals in the field. Our goal in bringing seminars to our members is to make the topics meaningful and practical. Over the past 25 years, CCI has been educating boards, owners and professionals involved in condominium living. By banding together, CCI has been able to bring to its members relevant information on the hot topics of the day. Stay tuned for more hot topic seminars from our Chapter planned for the upcoming CCI membership year.

Membership Renewals are due July 1, 2007. If you haven't renewed your membership yet, renew now to ensure timely delivery of educational materials. For more information on how to become a member of the CCI Windsor-Essex County

Newfoundland and Labrador Chapter

Hello from the East Coast where Spring has sprung despite the fact that the change of seasons is not always reflected by our thermometers. However as we say out here: "if you don't like the weather, wait five minutes and it will change".

One of the biggest Condominium issues in Newfoundland and Labrador continues to be reform of the Condominium Act. Our Chapter's submission regarding amendments to the Act was submitted to Government representatives this past March. So far we have had positive and encouraging feedback from Government and we look forward to working together to complete this very important project. An updated and comprehensive Act will bring about many changes to the local condominium industry. CCI-NL is committed to being at the forefront of this initiative.

Our efforts with St. John's City Council on the issue of duplication of expenses for services continues. Responses received thus far have not been satisfactory and we feel that this is an issue we must pursue for our members. We hope to have further updates in the future.

Our Chapter's Board of Directors has set a goal to double our membership within one year. To this end we have conducted a review of our condominium registry and have confirmed that

Chapter or to become more involved in our Chapter, please call 519-978-3237 or visit our website at www.cci.ca/Windsor. Membership has its benefits, including Mandatory Continuing Education (MCE) Credits for real estate professionals. Our local website and Chapter, known to condominium communities throughout Canada, can provide links to your business and we would encourage you to take advantage of this marketing service. There are great advertising opportunities for our business and professional members in our Directory and Newsletter circulations, as well.

We are excited about the upcoming 2007-2008 CCI membership year. It will be a busy year with a focus on lobbying efforts to ensure condominium owners' rights are protected. Education will continue to be a primary goal, with our updated website, newsletters and seminars.

Thanks to all of our Chapter Directors and Members for a successful year. We're looking forward to an exciting year ahead.

*Andrea M. Thielk, BA, LLB, JD, ACCI (Law)
President, CCI-Windsor-Essex County Chapter*

there are over 70 condominiums in the Province. A significant number of these developments are not yet members of CCI-NL. Our Membership Committee plans to contact each individually to provide information on CCI's work and hopefully to increase our numbers. Of course professional and corporate members are also welcome and we will be making contact with these groups as well.

I just returned from the semi-annual CCI National meeting and Symposium in Regina, Saskatchewan hosted by the South Saskatchewan Chapter. On behalf of the Newfoundland and Labrador Chapter I would like to extend our congratulations and appreciation to our hosts for planning an excellent event. Having hosted the 2004 Spring meeting and seminar we realize the amount of hard work and dedication required for such an event, especially for smaller chapters. The symposium on human rights and condominium living was very informative and will provide a good basis for educating our own members on these issues in our province.

We wish all of our CCI friends across Canada a safe and enjoyable Summer!

Geoff Penney, President, CCI-Newfoundland and Labrador Chapter

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CANADIAN CONDOMINIUM INSTITUTE 2007 SYMPOSIA PROGRAM
HUMAN RIGHTS ARE EVERYONE'S RESPONSIBILITY



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