

THE VOICE OF CONDOMINIUM

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Charlie Oliver

Message from the President

happy holidays

Winter

Welcome to a most exciting time!!! As we prepare for our 25th Anniversary year, we have a very full agenda. Creatively, we are re-positioning ourselves through a re-branding exercise. The CCI logo on the mast head of this publication has served us well for 24 years. As we move to our quarter century of service, we thought to signify it with a new look, a new feel.

In conjunction with this, we are continuing to enhance our website. Over the past two years, it has been in transformation and will continue down this road. We have added a very active Forum which is increasingly becoming a focal point for conversations on our sector. It is the place where everybody has a voice. Check it out!! Join in!! The library of legal cases continues to grow. We are seeking ways and means to make this a searchable database and once found, shall be implemented. As we move forward in this digital age, more and more of us will be accessing information through the web and it is our goal to ensure our website becomes the choice for the condominium industry.

Coming hot out of some exciting, vibrant sessions at our AGM, where we experienced the successful melding of ACMO, CCI-Toronto and ourselves, is the continuing need for and interest in education. It is blatantly apparent that, for our industry to manifest itself over the coming years, we need all the players in this forum to be at the top of their game. The only way to achieve this is through education and experience. The November sessions were fabulous in the knowledge provided from

a superb cast of professionals. Well received. Informative. Challenging.

Going forward, we, as CCI National, shall continue our strong focus on the need to promote education in all its forms. One of our goals this year is to seek and find one of the key professional associations in our arena and work with them to enhance education. For coming years, it is our intent to select a different body each year. Over time, and with a comprehensive and cohesive effort, current issues will be minimized as a result of this initiative. In this case, we fully agree, more is better!!!

Finally, it is our intent to 'reach out and touch somebody'!!! The constituency we represent comprise those who live, work and play in the condominium industry. Our access is by way of our local chapters. This was made abundantly clear at our Board and Executive meetings. This year, there shall be increased communication to the chapters. Last year, the Executive set about to start a program of liaising with Chapter Presidents. This will continue as well as regular communication from me as President, to each Chapter President. It is through this two-way dialogue, on an ongoing basis, that we can act and re-act properly to the changing challenges faced by our industry.

Communication. Education. Relationships.

Welcome to the precursor year to 25 years of continuous growth in an industry that today houses millions of Canadians!!!

Charlie Oliver, CCI National President

Seasons Greetings

The CCI National Board of Directors and staff wish to extend warm holiday wishes to all CCI members, Associates and Friends.

Kindly note that the CCI National Office will be closed for the holidays from Friday, December 22nd through January 1st. The office will re-open on Tuesday, January 2nd, 2007.



www.cci.ca

New Board Members

Kim Coulter

CCI-Golden Horseshoe Chapter



Kim Coulter is Principal of Coulter Building Consultants Ltd., Consulting Engineers & Building Scientists, based in Burlington Ontario. With specific expertise in building envelope performance, Mr. Coulter has over 28 years experience in the assessment and problem correction of multi-unit residential, commercial, institutional and recreational properties.

In 1993, Mr. Coulter was appointed by the Canadian Commission on Building and Fire Codes to sit on the National Building Code of Canada Standing Committee on the Building Envelope. This committee was responsible for the major rewriting of the 1995 and 2005 National Building Code section on building envelope design. In 2006, Mr. Coulter was reappointed to a fifth term. He is past chairman of the National Building Code of Canada Task Group on the Structural Requirements for Environmental Separators and Assemblies Exposed to the Exterior and is a member of the current task group.

Mr. Coulter has presented seminars on condominium and engineering issues on behalf of the Canadian Condominium Institute, University of Toronto (Continuing Education) and property management firms. This has included Reserve Fund Studies, Technical Audits, Water and Buildings, and Masonry Rehabilitation.

Mr. Coulter has written several articles on engineering issues as they apply to condominiums for numerous publications including The Toronto Star Condo Living Section, Multi-Unit Report, Canadian Property Management, CM Condominium Manager Magazine and Condo News of the Golden Horseshoe Chapter of CCI.

Mr. Coulter has been on the board of directors of the Golden Horseshoe Chapter of the Canadian Condominium Institute since 1999 and has been the chapter president for the past five years. He is also president of the board of directors at his own condominium corporation where he resides in Burlington.

Bill Jeffray

CCI-South Alberta Chapter



Mr. Jeffray has been involved in the Calgary insurance industry since 1972. He is an Executive Vice President of Renfrew Insurance Ltd. and manages a large insurance portfolio covering a broad range of Condominium Corporations and Commercial Real Estate clients. He has been a member of CCI South Alberta Chapter for many years and has been a Director for the past two years.

Geoffrey Penney

CCI-Newfoundland and Labrador Chapter



I am from Mount Pearl, Newfoundland and Labrador. I hold a Bachelor of Arts (B.A. 1995) degree from Memorial University of Newfoundland and a Bachelor of Laws (L.L.B. 1998) degree from Dalhousie University.

I am an associate lawyer with the law firm of White, Ottenheimer & Baker in St. John's. My practice includes various aspects of condominium law.

Currently I am the President of the Newfoundland and Labrador Chapter of CCI (position held for the last two years) and I am the Vice-chair of the Legislation Subcommittee of the Newfoundland and Labrador Chapter of the CCI.

November Board Report

By Jamie Bleay, CCI Vice President

As my last official task as CCI National Secretary it is my pleasure to report to you on our most recent (and successful) CCI National Board Meetings held on November 3 and 4, 2006. These meetings are held at the same time of year as the joint ACMO/CCI conference and trade show is held. It is wonderful to be able to feed off of the energy of that conference which I understand had a record turnout this year. Well done to ACMO and CCI Toronto and Area for all of your hard work in making the conference so popular! On behalf of CCI National, I would also like to thank the Toronto Chapter for its hospitality on Thursday night at the Granite Club in Toronto. All in attendance gained a new appreciation for Bob Gardiner and his musical musings! Thanks Bob!

The National Board held day long meetings on November 3, 2006. Peter Leong, with his usual efficiency as Chairperson, kept the Board on target and on task. There were many things discussed at the Board Meeting with the highlights being, in my view, the following:

1. The plans to celebrate the 25th Anniversary of CCI which is scheduled to be held on Saturday, November 3, 2007 at the Doubletree Hotel and Convention Centre;
2. The creation of a new logo for CCI which will be launched on July 1, 2007 to coincide with the beginning of the 25th Anniversary of CCI. The Executive will be finalizing the new logo for CCI within the next few months after which a new logo package will be sent to each Chapter;
3. Ongoing work to improve both the quality and user-friendliness of the web-site;
4. The production and dissemination of the National newsletter in digital form which would enable it to be used as an



insert by Chapters with their own newsletter or to be used as a template for those Chapters that do not have newsletters;

5. A complete review, by the Constitution Committee, of all Chapter bylaws and of the membership categories used by the Chapters; and

6. The Human Rights Symposium to be held in Regina in May, 2007 and again in Toronto in November, 2007.

Peter Harris, the CCI Treasurer, reported on the financial health of CCI and the importance of timely remittances and reporting by the Chapters to CCI National. He noted that National had not received all the chapter financial information by the September deadline. This information is important to National and it was stressed, once again, that Chapters work with their Administrators and Treasurers to get information and remittances to National. The Treasurer also noted that the \$10,000 contingency reserve had been moved into a segregated account. Lastly, he reported that the Budget should be on target for the 2006 – 2007 year.

The Board Meeting was followed by a continuation of the CCI National Board Clinic on the topic of legal and legislative

issues across the country. Thank you to Ron Danks, Pat Cassidy and Rob Giesbrecht for making this a very informative session.

All of the Committees met on Thursday afternoon to discuss, face to face, the fruits of their labour over the course of the year and to strategize on each of their mandates for this year.

The AGM took place on Friday, November 3, 2006 and in military like fashion, Peter Leong managed to go through the agenda in just over 45 minutes! Way to go Peter! Ten Board members were elected at the AGM and they were:

Kim Coulter (Golden Horseshoe)

Patsy Ernst (Nova Scotia)

Rob Giesbrecht (Manitoba)

Peter Harris (Toronto)

Deborah Howes (North Alberta)

Bill Jeffray (South Alberta)

Geoff Penney (Newfoundland)

Don Peter (London)

Janice Pynn (Toronto)

Evelyn Thompson (South Alberta)



Just to show you how committed your National Board members are to CCI, we met at 7:30 a.m. for another National Board Meeting. Janice Pynn, from CCI Toronto, was named as Secretary for the current year. Well done Janice! Your Board, after hearing from the various Committees that had met on November 2, 2006, re-committed itself to focusing its energy on giving back to the Chapters and working to improve the viability of our current Chapters.

On behalf of the National Board, we urge the Chapters and their Boards to identify areas of need, if any, and communicate those needs to the National Board. As the elected body for CCI, the National Board wants you to know that it is there for the Chapters! All you have to do is ask!

Thank you again to CCI Toronto and area and ACMO for all the hard work that went into a very successful conference that was enjoyed by CCI members from all across the Country. We will see you again next year in Toronto! Don't forget to mark your calendars for the May 2007 CCI National Mid Year Meeting in Regina.



L-R: Peter Leong receives his outgoing CCI National Chairman's plaque from John Peart, National President.



Takao Shibata (left) receives the CCI National In Appreciation Plaque, for Michel Charlebois, who was unable to attend, from Peter Leong, CCI National Chair.



Brendan Gregg, London Chapter, receives his ACCI from CCI National President, John Peart.



CCI National AGM Head Table (L-R): National Executive – Peter Harris (Treasurer), Jamie Bleay (Vice-President), Charlie Oliver (President-Elect), Peter Leong (Chair), and John Peart [standing], President.



Retiring National Board Members: John Peart presents In Appreciation Plaques to Jim Warren, South Alberta (in his absence received by Evelyn Thompson) and Ray Wilson, Golden Horseshoe Chapter.



CCI National Awards Banquet

Thank you to our CCI National Awards Dinner Sponsors:

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CCI Vancouver Chapter,
Cochrane Engineering Ltd.,
CCI Golden Horseshoe Chapter



Lorne Young Chapter of the Year - Congratulations to London & Area Chapter - this year's winner!

L-R: John Peart, National President presents to Trish Kaplan (Administrator, CCI London Chapter), Don Peter (CCI London President), and Bob Skeaff, Huronia Chapter (last year's winners and this year's judges).



One of this year's lovely raffle prizes was a painting donated by High Clouds Resolution Inc., which was won by Marva Carter (left), President of CCI South Alberta. Painting was done by Bernice White (right, former CCI National Director who presented the painting to the lucky winner.



Penman Smith Newsletter of the Year: Congratulations to CCI-Toronto - 2006 Winner!
L-R: John Peart, National President and Kim Coulter (President of Golden Horseshoe Chapter, winner of the 2005 Penman Smith Award, and judges for this year's competition) present to Mario Deo, Toronto Newsletter Editor and Janice Pynn, CCI-Toronto Chapter President.

CCI National Awards Banquet

CCI's 25th Anniversary Prize Draw Winners

In honour of CCI's upcoming 25th anniversary, 2007-2008, the following lucky winners won free CCI/ACMO 2007 Conference Registration, Hotel Accommodation, Complimentary Banquet!



Lucky winner, Janine Hout from Saint-Laurent, QC, receives her prize certificate from CCI National Chair, Peter Leong.



Ian MacLellan, lucky winner from Halifax, NS, receives his prize certificate from CCI National President, John Peart.



Awards

CCI Distinguished Service

The Distinguished Service Award was created to honour individuals who have made an outstanding contribution to the Canadian Condominium Institute or the condominium community, either at the chapter or national level. It is a national honorary designation to be awarded to those deserving individuals who, by their volunteer work or other achievements, have brought distinction to CCI, exemplify the standards that CCI promotes and service as a positive role model for others.

Trish Kaplan



Trish Kaplan accepts her DSA Award from Don Peter (left) (National Director and CCI London Chapter President) and John Peart (CCI National President)

Trish came into the position of administrator of the London and Area Chapter of the Canadian Condominium Institute and revitalized both the office and the chapter. London and Area CCI had been growing steadily and the volunteer Board members and supporters were working very hard to keep education, newsletters and all of the many functions of a busy local chapter on track. It was hard slogging and, although rewarding, not a lot of fun. Then along came Trish. She is a true professional – highly skilled, organized, committed, and creative. She was exactly what we all needed. The chapter took on new life. And through her always upbeat, incessant pursuit of the goals of CCI, she encouraged many others to come on board.

Our newsletters gain accolades. Trish writes most of the material and puts them together. Our seminars and courses are well attended and run beautifully. Some people who have talked to Trish on the phone come out just to meet her. She is a part of every committee and every event. She has become the heart of our local organization and we appreciate her top notch, above and beyond effort on our behalf. She encourages dispirited directors, helps them find the advice they need and makes sure they come out to get educated. She also makes time to serve on her condo board and other service Boards – she tells them all about CCI.

All of us in London and area are extremely grateful to have this dynamo at the heart of our organization and want to express our gratitude by seeing her receive this well-deserved award.

Roxie Koch



Marva Carter (Left) CCI North Alberta President and CCI-N President John Peart present the DSA Award to Roxie Koch

Roxie Koch is a condominium owner and a director of her own condominium. She has, for over ten years, served as the treasurer for the Woodvale Village Condominium Corporation in Edmonton. Roxie is dedicated to improving the lives of the owners and residents in her community. She has attended numerous condominium education events, both in Alberta and nationally, to bring more information back to her corporation and board.

Roxie is also a dedicated volunteer for CCI North Alberta Chapter. She has been a member of CCI, through her condominium corporation, since 1995. She served on the NAC Board for four years, serving terms as both President and Chair. During that time, the Chapter was experiencing some organizational challenges, and Roxie stayed on course to bring all views to the table and ensure the business of the Chapter continued and the interests of the members prevailed. Roxie volunteered at many Chapter functions and educational events during her time on the Board. Recently, Roxie stepped forward again, as a true volunteer, to record minutes at the NAC AGM.

In her non-condominium life, Roxie is a legal assistant with an Edmonton insurance law firm.

CCI Fellowship

The CCI Fellowship was created to recognize and honour professional associates of CCI whose meritorious service to the Institute or to the condominium industry best exemplifies the standards that we expect of our professional members.

Marc Bateman, B.A., CPM, CMOC, ARM, ACCI



Peter Leong, CCI-N Chair (Left) and Evelyn Thompson (National Director and CCI S. Alberta Director) present Marc Bateman with his FCCI.

The President and Broker of Acclaim Condominium Managers, Marc Bateman has 22 years of industry experience and has specialized in Condominium. He also has extensive experience with the management of Commercial and Residential Rental Properties. Marc was an integral member of the Alberta Gov't Minister's Working Committee that developed the 2000 Province of *Alberta Condominium Property Act*. He also served three terms as President, and two terms as Vice President on the CCI-South Alberta Chapter's Board of Directors. He has been on the SAB Chapter Board for almost a decade and during that time also served on the CCI's National Board for three years.

Further industry involvement includes serving as Co-Chair of the Editorial Committee that developed the educational materials, namely the Condominium Management 100, 200 and 300 Level Courses on behalf of the CCI. He also served as a member of the Education Committee, Property Tax and Specialty Licensing Committees on behalf of CCI. He has sat on the REIC Calgary Chapter CMOC Committee and was chair of the REIC National ARM Committee. Marc has been involved with our teaching program and mentoring on behalf of CCI for more than 12 years. Marc also sat on the Board with the Institute of Real Estate Management – Canada Council and is currently a Director with CCI – South AB Chapter.

Karen Reynolds, ACCI, RCM, AIHM, CMOC, ARP



Ron Danks (Left: National Director and Past President Golden Horseshoe Chapter) and John Peart, CCI-N President present Karen Reynolds with her FCCI.

Karen Reynolds became involved with condominium management in 1988, when she took over management of a condominium in her hometown of Brantford. Pretty soon word spread and other condominiums approached her to act for them. In 1997, she was invited by Ray Wilson of Wilson Blanchard Management, to join his firm and take on additional condos in the Brantford area. In 2001, Karen was appointed to the position of Director of Property Management for WB and is responsible for supervising the affairs of WB's offices and managers in Hamilton, Brantford, Kitchener and St. Catharines. Karen also served as a board member for a Brantford non-profit for a number of years.

It wasn't too long after joining WB that she became involved with the Golden Horseshoe Chapter of CCI, joining us in 1997. Karen has taken on many tasks for the GHC over the years; everything from manning the registration desk at seminars to giving speeches and stuffing envelopes. However, Karen's most significant contribution has been the development and expansion of our award winning chapter newsletter. First as assistant editor to the late Pen Smith and then chief editor, Karen has taken our newsletter from a drab photocopied collection of articles to a focussed glossy magazine that rivals anything you can find in the magazine racks at you local Chapters. Her intelligence, good humour and friendly smile make it a pleasure to work with her.

In 1999, Karen earned her ACCI for Property Management. Karen is also a member and active supporter of ACMO since 1997. She earned her RCM in 1997, and currently sits on ACMO's Regional Committee.

Karen has continued her professional development with further designations; Accredited Member of the Institute of Housing Management, Certified Reserve Planner Executive and Certified Manager of Condominiums.

Karen is also involved with the National Board of CCI. She sits on both the Membership Committee and the Communications Committee and is responsible for editing our National Newsletter and we are sure you have all seen how it has improved over the past few years.

Karen is a tireless supporter of CCI and never misses an opportunity to promote it and its principles to condominium boards, property managers and everyone else in the condominium community she comes into contact with. We at the Golden Horseshoe Chapter can think of no one who better deserves to become a Fellow of the Canadian Condominium Institute.

CCI Fellowship

James M. Davidson, CCI



David Duncan (left) accepted, on behalf of Jim Davidson who was unable to attend, from National President John Peart.

Jim Davidson graduated from Queen's University in 1982 and joined Nelligan O'Brien Payne (then Nelligan Power) following his call to the Ontario Bar in 1984. More than twenty years later, as a senior partner and leader of the firm's Condominium Law Practice Group, Jim has to his credit countless reported and unreported decisions that have helped to shape condominium law today.

Jim authored a number of condominium documents that have become common place in condominium administration today. These include Canada's first condominium loan agreement, the first insurance deductible by-law and the first common elements modifications by-law, all well in advance of the new *Condominium Act*.

Understanding the need to educate condominium owners, board members and managers, Jim developed – *Condo Law* – what some have called, the first official legal newsletter in Canada. This publication continues today as one of the leading condominium law publications in Canada.

Jim and his group at Nelligan O'Brien Payne, also continue to develop educational primers and information sessions to enable condominiums and their managers to stay abreast of any new legal issues that confront them. He has lectured extensively on condominium law for many years. This includes lectures at events organized by CCI, ACMO, The Law Society of Upper Canada, The Ontario Bar Admission Course, the Canadian Bar Association, Canadians for Properly Built Homes, and various organizations of insurance adjusters.

Jim is actively involved in CCI both locally and nationally and places tremendous value on the friendships that he has formed through CCI and the support that CCI has given both to him personally, and to others in the firm's condominium group.

He is past director of the National Board of CCI, a current director of the Ottawa Chapter of CCI, and an Associate of the CCI. Jim served on the editorial board for the *Condominium Law Letter*, and is currently editor of *Condo Cases Across Canada*. He was the Ottawa representative on the CCI/ACMO Joint Legislative Review Committee (dealing with the new *Condominium Act*).

Jim is second to none in his understanding of client service and unfailing dedication to the delivery of outstanding legal services. In addition to his professional accomplishments and contributions to the condominium industry, Jim is highly regarded for his outstanding personality and genuine concern for others. He has been described as a wonderful speaker and storyteller, highly skilled lawyer, compassionate friend and colleague, an excellent mentor, advisor and listener.

Through his leadership, Nelligan O'Brien Payne's Condominium Law Group has grown to one of the largest in the country. He is a leader extraordinaire, and spends countless hours of his own time sharing his ideas and his knowledge – helping others not only in their understanding of condo law but in their writing and speaking skills, and the importance of always remaining reasonable in the face of the most unreasonable opponents.

Jim is an avid paddler, cyclist and curler, and resides in Ottawa with his partner Anna Pitmen, and three children.

John Oakes, MA, CPM, RCM, ACCI



John has been involved in the management of condominiums and rental buildings on a full-time basis for the past 30 years.

He has served as President and Director of ACMO, and Director and member of the Institute of Real Estate Management (Toronto Chapter), and the National Board of CCI. He lectured for many years in the two-year Property Management Program at George Brown College, has served on the Property Management Advisory Committee of the College and was Chairman of the Legislative Review Committee that reviewed Bill 81 for ACMO. John is a regular lecturer for CCI in the Director's Basic Course and has taught Condominium Law Course for ACMO for the past 4 years.

John currently holds the position of President of Brookfield Residential Services Ltd. Which manages 45,000 units in 245 condominium corporations and 42 shared use or recreational facilities.

L-R: Peter Leong, National President and Janice Pynn, CCI Toronto President present John Oakes with his FCCI.

CCI Fellowship

Susan Size, CMOC, ACCI



Barry Scott (left) (CCI London Director) presents FCCI to Susan Size with John Peart, CCI-N President.

Susan Size is a partner (for over 20 years) of Thorne Property Management Ltd., the most sought after property management firm in London, primarily because of her most personal service to the owners of the properties she manages. Her code of ethics is exemplary and she is very well thought of and admired in the condominium community, not only by those she serves, but also by her colleagues in the profession of property management and condominium management.

As well, Susan avails herself to provide assistance to directors of corporations that are board managed, doing her utmost to guide them wherever possible (with no expectations). She is often known to give support to business colleagues. Susan works hard and takes pride in her work, all of it carried out in a quiet and distinguished way. She is always quick to offer encouragement wherever needed, and to say "thank you for a job well

done". She is articulate, confident, direct and creative.

Susan's involvement with the chapter has been ongoing and most dedicated since she joined as a professional member in 1992 and received her Associate of the CCI shortly thereafter. She was instrumental in assisting with the formation of the chapter by actively promoting membership and sharing the vision and benefits of CCI, which she unhesitatingly continues to this day as a director of the London CCI Board.

Susan enthusiastically and personally invites directors of corporations (most often by making that very important phone call, and many of them) that she manages to all the local seminars, condominium course, and all other events of the chapters. She contributes in all areas of the chapter, including writing newsletter articles, reviewing other writers' articles, presenting at seminars whenever asked (which is often), and teaching at the condominium course. And, she does it all without a second thought when she is asked to participate. She actively promotes CCI to trades, professionals and directors that she comes into contact with.

The London & Area Chapter was exceptionally well served by Susan Size during her term as Chapter President (2002-2004).

She is devoted to her family and is a tireless worker who is able to prioritize. She has a most positive outlook and we, in the condominium community, are most fortunate to be on the receiving end of her dedication and support.

It is with great pride that we nominate Susan Size, a most valued member, and ardent fan of CCI and of the London & Area Chapter, as a Fellow of the Canadian Condominium Institute. She is most deserving of this recognition.

Emmanuel Mirth, QC, ACCI



Deborah Howes (left) (CCI National Director and N. Alberta Director) accepts FCCI for Emmanuel Mirth from John Peart, CCI-N President and Marva Carter, CCI N. Alberta President.

Emmanuel "Sonny" Mirth graduated from the University of Alberta and was admitted to the Alberta Bar in 1966 (about the time of our first condominium legislation in Alberta and Canada). He was one of the first ACCI members in the NAC, receiving his ACCI on May 31, 1983. In 1986 Sonny was appointed Queen's Counsel. Sonny practices with the Edmonton law firm Reynolds Mirth Richards & Farmer.

Sonny's practice focuses on property and contract law including property development, financing, sales, purchases, leasing, preparation and analysis of mortgages, debentures and other security documents, condominiums, mortgages and other security remedies and actions, builders' liens and landlord and tenant matters. He has appeared in all levels of the courts of Alberta and in the Supreme Court of Canada and has served on arbitration panels and legislative boards.

Sonny Mirth has been of service to CCI whenever we have called upon him. He is an entertaining and informative speaker at many of the NAC events. He contributes articles to InSite and keeps us abreast of legislative activity.

For many years he has issued regular written reports on current real estate and lending law, which have been widely distributed to lending institutions and members of the legal profession. He has published articles and case comments in the Canadian Bar Review, the Alberta Law Reports, the Canadian Condominium Institute, and the Alberta Law Review on mortgage renewals, loan interest, builders' liens, leases, personal property security, security remedies and condominium law.

His contributions, including to the Legislative Committees on revising the *Condominium Act*, have been material in the *Alberta Condominium Property Act* being one of the leading acts in Canada. He has a knowledge of the *Act* that is unequalled by many, including a background going back to the *Act's* beginnings from the *New South Wales, Australia Act*.

Emmanuel "Sonny" Mirth always has time for condominiums and, for example, when handling a turnover meeting, takes the time to explain the principles of condominium. Sonny's manner is humble and gentlemanly and one always comes away from a meeting with him having learned something.

How can I be a Great Condominium Director?

Why should you want to be a Condominium Director?

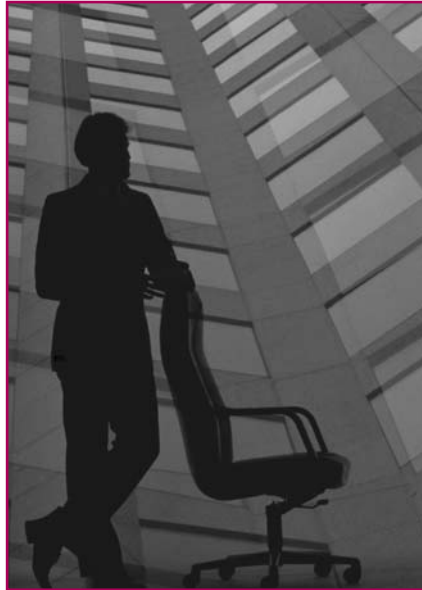
By Don Kramer, Q.C., ACCI, FCCI

Why should you want to be a Condominium Director? The investment you have in your Condominium Unit will more than likely be the largest financial investment of your life. But your investment is not only in your unit, it is also in the common elements of the Condominium Corporation (a Syndicate of co-ownership in Québec and a Strata Condominium Corporation in British Columbia). By putting yourself in a position on the Board of Directors, you can ensure that the common property will be maintained to the fullest extent. This will enable you to protect your investments, and give you some direct control over the quality of lifestyle you and your family will enjoy.

Am I Qualified to be a Condominium Director?

In some jurisdictions, the Condominium legislation contains certain statutory minimum qualifications for a Condominium Director. For example, in Ontario, Condominium Directors must be at least 18 years of age and cannot be included in an undischarged bankrupt or mentally incompetent. In Québec, it states at article 327 of the *Civil Code*, that a minor, bankrupt, dependent adult or a person prohibited by the court, may not sit on the Board. Furthermore, the By-laws of the Condominium Corporation may contain further provisions with respect to the qualification of Condominium Directors (e.g. whether or not a Condominium Director must be an unit owner).

You need not legally have any previous experience in being a Condominium Director, or any experience in any field for that matter. However, it is recommended that a Condominium Director, especially those with no previous experience, attend at least one course, seminar, lecture or



series of lectures on being a Condominium Director, such as Condominium Management 100, 200 or 300 Course offered by the Canadian Condominium Institute.

If you do not know how to read a financial statement and you want to become a Condominium Director, then you ought to learn this important management skill.

What do the Condominium Directors Do?

Generally speaking, the Condominium Directors, on behalf of the Condominium Corporation carry out the different legal obligations of the Condominium Corporation. If the Corporation is the body, the Directors are the mind.

What are the obligations of the Condominium Directors?

Condominium legislation varies from province to province across Canada, as do the provisions of each Corporation's

Condominium Documents. Accordingly, in order to determine the exact obligations of any Corporation, specific reference must be made to the *Provincial Condominium Act* (in Québec it is the *Civil Code*), the *By-laws of the Condominium Corporation*, the *Condominium Plan* and if applicable, the *Declaration and Rules*.

The following are obligations which are probably common to all, or nearly all Condominium Corporations and syndicates of co-ownership.

- Determining the estimated expenses in any fiscal year of the Condominium Corporation and collecting those expenses from the unit owners;
- Paying all properly incurred expenses of the Condominium Corporation;
- Obtaining and maintaining proper insurance on the common property as fixed by legislation;
- Maintaining and repairing the units and/or the common property or elements;
- Maintaining an adequate reserve fund;
- Calling and holding Annual General Meetings;
- Effecting compliance by the unit owners with relevant legislation and Condominium Documentation;
- Providing appropriate accounting and financial information

How well do I have to know and understand the Legislation and Documentation?

Condominium Directors should be familiar enough with the *Act* or the *Civil Code* and the documentation so that they have a general idea as to the subject matters covered by them. Most particularly, they should understand the rights and duties that are set out in them.

Especially important is the word “shall” when it is used in the Condominium legislation and By-laws. It means that someone has the obligation to do something, and, as the Condominium Director, you ought to know who in your Corporation has an obligation to do what and to whom.

With respect to your Condominium documentation, remember the words of Will Rogers who said, “The minute you read something you can’t understand you can be sure it was drawn up by a lawyer”.

You should know the answers to the following questions:

- How can the condominium documentation be amended, created or repealed?
- Are there restrictions on the use of units and/or the common property?
- Who has the obligation to repair what?
- Are there any parts of the common property over which certain unit owners have exclusive use to the exclusion of other unit owners?
- What are the unit boundaries - i.e. what is the dividing line between the units and the common property?

Is there a proper “What attitude” for Condominium Directors to have?

The Condominium Directors must run the affairs of the Condominium Corporation like a business, and each member must have a professional attitude. However, there are two important differences between a Condominium Corporation and a normal business corporation:

- The Condominium Corporation is a non-profit corporation.
- A syndicate of co-ownership is neither a profit or non profit organization; it is an expense society.
- The Condominium Directors of the Condominium Corporation must always remember that they are dealing with people’s homes, lives and families. Therefore, the Condominium Directors must always be cognizant to balance the business aspects of any decision with the social and political aspects of the decision.

Although the Condominium Directors must always choose a legal alternative to any issue, often-times any given situation will produce a number of legal options, some of which will be more socially and politically acceptable.

What the Condominium Directors want to avoid is the development of a “we/ they” attitude between themselves and the other unit owners, which appears to be adversarial.

Part of having a professional attitude is learning how to delegate the responsibility for managing the affairs of the Condominium Corporation, while retaining the responsibility for following-up on the duties assigned. Remember:

- Run meetings, professionally and efficiently, with an agenda.
- Meetings are not social events.
- Prior to each meeting an informal agenda should be circulated among the Condominium Directors, and it should be followed.



How can I avoid aggravation?

The answer to this question is simply that you can’t! However, you can minimize and control the aggravation you will face.

Can I avoid getting into trouble?

Many Condominium Acts have standards for the conduct expected of Condominium Directors. For example, in Ontario, Condominium Directors have a legal duty to act honestly and in good faith. In Alberta, there is also such obligation. However, the common law makes these obligations implicit.

In addition, the *Québec Civil Code* also requires Condominium Directors to act with prudence, diligence, and loyalty. Acting honestly is easy to understand, but the term good faith is quite vague. Some examples of bad faith would be:

- Closing your eyes to breaches of duties by unit owners as well as Condominium Directors;
- Not acting when problems arise;
- Not informing yourself of the way the Condominium Corporation operates;
- Not attending Board meetings on a regular basis.

As a Condominium Director you also have a duty not to be negligent. Generally speaking, you will be said to be negligent if your conduct falls below that which could be said to be reasonably expected by you or a person in your position. (What would the proverbial “reasonable man” have done as compared to what you did?) If you fail to act in such a reasonable way, then you may be said to be negligent.

If someone suffers a material injury (financial, personal or to property) which is a close or a direct result of your negligence, and that person has done nothing to contribute to such injury. Examples of what might be negligence are failing to:

- collect condominium fees;
- maintain and repair the common property;
- have sufficient monies in the reserve fund or an adequate Reserve Fund Plan;
- have sufficient insurance coverage;
- account or report as required;
- keep proper records.

How about my signature on documents? Before you sign a cheque, make sure the work you are paying for is done. Ask to see an invoice. Make sure the work is complete in a good and workmanlike manner. If it is not, do not sign the cheque. If you do, and the work is not satisfactory, whom do you think the Corporation is going to look to for compensation?

Before you sign an *Estoppel* or *Status Certificate* read it over. If it does not make sense or contains incorrect information, don’t sign it. If you do not understand it, ask someone who does to explain it to you. [In Québec there is no specific *Estoppel* or *Status Certificate* requirement, however, each Syndicate keeps a register, at the disposal of the co-owners, containing the name and address of each co-owner and each lessee along with the *Declaration of Co-Ownership*, the Contracts to which it is a party, a copy of the *Cadastral Plan*, the plans and specifi-

cations of the project (immovable) and all other documents relating to the immovable and the Syndicate. The register will also include the minutes of the meetings of the co-owners, as well as the Board of Directors, along with the Financial Statements.]

Read the Board Minutes before you sign them. If they do not reflect what was decided upon, do not sign them. If the minutes do not reflect that you voted against a particular motion, do not sign them until the Minutes are amended accordingly. Put your concerns in writing if you face resistance. Consider keeping copies of everything you have signed.

What records should be kept?

Make sure that the Condominium Corporation keeps adequate and up-to-date records of:

- Minutes of Annual General Meeting;
- Minutes of Board Meetings;
- Owners' complaints;
- All correspondence;
- Bank records, ledgers and books of accounts;
- Names and addresses of unit owners and mortgages.



Any final advice?

Sure! Ask lots of questions. Don't be satisfied until you get an answer. You have many resource people at your disposal, such as the manager, lawyer, insurer, notary (Québec), auditor and former Condominium Directors.

The Corporation must purchase and maintain Directors and Officers liability insurance. Make sure that it does!

Do not allow yourself to get into a conflict of interest situation. If you ever find yourself directly or indirectly having an interest in any contract or transaction to which the Corporation is going to be party to, make sure that you disclose such interest as soon as possible. Disclose the nature and extent of your interest, and do not vote on anything that has to do with that particular matter.

Consider attending the Canadian Condominium Institute CM100, 200 or 300 Courses. This could perhaps be the most important step that you may take to achieve the objective of being a great Condominium Director.

Attached, for your convenience, is a list of information on the National Chapter and the various Provincial Chapters of CCI.

*Respectfully submitted
Donald J. Kramer, Q.C.*

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The Child's Case

Social Host Liability & Condominiums

By Denise Lash, ACCI ,FCCI

Drinking and driving

The dangers are widely known but the problem persists. Its something we all need to be conscious of when attending events where alcohol may be served. Accidents caused by impaired drivers can have devastating consequences on all involved. Recently, the Supreme Court of Canada weighed in on one such case and the decision may have important implications for condominium residents.

The events giving rise to the case were tragic. A couple hosted a New Year's Eve party at their house. It was a "BYOB" event— bring your own booze. One of the guests drank excessively. The hosts were not aware he was impaired, nor was there evidence that they had served him drinks. Shortly after midnight, the guest left the party and was in a head-on collision with another vehicle carrying four people. One of those passengers was killed and the other three were seriously injured. Of those three passengers, Zoe Childs, was left paralyzed from the waist down. The guest was convicted of various criminal offences and received a sentence of ten years. Ms. Childs sued the guest, as well as the two hosts of the party. The Supreme Court denied Ms. Childs' claim against the two hosts, deciding that as a general rule, the host of a private party where alcohol is served (referred to as "social host" in legal terms) is not liable to a member of the public for injuries caused by a guest, unless the host was actively involved in creating or contributing to the event that caused the injury (the Court was clear that simply hosting a party where alcohol is served was insufficient in this regard).

Why is this decision significant for condominium boards and residents? Think about all of the social gatherings that occur almost on a daily basis in condominium communities. The parties organized by the condominium board for its residents during the holiday season, the summer barbeques where there may be guests invited who live outside of the condominium or simply a few neighbours

getting together for some evening cocktails. What are the potential implications for the board and the residents involved when alcohol starts to be consumed?

The Supreme Court's decision means that as a general rule, social hosts, such as condominium corporations and residents, will not be held responsible for the actions of their guests once they leave the party. This conclusion seems fair and reasonable. The Supreme Court recognized the importance of guests being held accountable for their own actions and not forcing social hosts to bear those consequences. The Court found that social hosts are generally not expected to monitor their guests' drinking, nor do they have an effective means for doing so. In contrast, the Supreme Court has previously recognized that commercial hosts (bars, restaurants, taverns), who operate within a highly regulated environment but nonetheless have an incentive to encourage their patrons to drink, are under a duty to ensure that they monitor the consumption of their patrons and may be held liable for injuries suffered by members of the public caused by impaired patrons.

However, it is important to note that in the Childs case the Supreme Court stated that it was not deciding the issue of whether a social host who continues to serve an already visibly intoxicated guest should be found liable for injuries caused by the guest to members of the public. This important distinction from the circumstances in Childs will remain unresolved until an appeal involving those facts makes its way to the Supreme Court. In the United States, some states have imposed liability on social hosts in those circumstances. Regardless of how that question is answered in Canada, we should all continue to act responsibly whenever we are in social situations where alcohol may be served.

*Denise Lash ACCI, FCCI
Miller Thomson
Toronto*

Party Rooms and Alcohol

The Supreme Court of Canada recently determined that a host of a social event in their home is not responsible for the subsequent actions of an intoxicated guest. However, the court did leave it open to further review. (for a more detailed review of the case please see the article by Denise Lash). In light of the Supreme Court decision, it may be worthwhile for condominium corporations to review their policies and procedures for the use of in-house party rooms. Things to consider include:

- **Liquor Laws:** check with your local liquor board to determine what rules apply to the consumption of alcohol in the social areas of the condominium, (note that in some provinces there are different rules for social rooms that are located in stand alone recreation areas such as a Club House);
- **Post Rules:** ensure that the basic rules regarding the consumption of alcohol are posted in the areas where drinking may occur;
- **Social Host Agreement:** create an agreement to be used when an owner wants to reserve a party room for a special event, (e.g. their 25th wedding anniversary). The agreement should include a statement that the host will observe local liquor laws. More importantly it should include an indemnity in which the host assumes full responsibility for any costs or damages that corporation or its board may incur as a result of the party and specifically as a result of the intoxication of a guest, (have this agreement prepared by the condominium's lawyer);
- **Insurance:** make sure your insurance policy covers the condominium for claims that may arise out of the use of the party room either by the condominium or by one of its residents when alcohol is served;
- **Police:** No one expects you to inspect every party to ensure compliance with liquor laws, however, if you or a staff member becomes aware that things are getting out of hand and the host is incapable or unwilling to intervene, consider whether it would be prudent to call the police.

Following these five simple steps will not eliminate the possibility that the condominium will be sued but they should significantly reduce the chances of the suit being successful. Now relax, have a beer ... but don't drive.

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Condo Cases across Canada

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.

By James Davidson, LL.B., ACCI, FCCI
Nelligan O'Brien Payne, Ottawa



THE HOT TOPIC: COURTS DO HAVE THE JURISDICTION TO ORDER SECTIONING IN B.C.

Chow v. The Owners, Strata Plan LMS 1277 (Supreme Court of B.C.) (February 28, 2006)

In this case, the strata corporation consisted of 17 townhouse strata lots and 33 apartment-style strata lots. There was a dispute between the owners of the townhouses and the apartments respecting cost-sharing. The townhouse owners made application under section 164 of the *Strata Property Act* for an order to create sections to represent the different interests of the apartment and townhouse owners.

The Court was satisfied that there was significant unfairness to the townhouse owners, and ordered the requested sectioning. The Court said that the unfairness could not reasonably be addressed without sectioning. The Court specifically declined to follow the findings in the case of *Large v. Strata Plan 601* (in which the Court had held that the Court did not have inherent jurisdiction to make such sectioning orders). In the *Chow* case, the Court said that the ordering of sectioning does not fall under the "inherent jurisdiction" of the Court, but rather falls under the specific jurisdiction set out in section 164 of the *Strata Property Act* (to rectify significant unfairness within a Strata Corporation).

Ontario Cases

York Condominium Corporation No. 136 vs. Roth (August 25, 2006)

Court refuses to order sale of unit of unruly owner

The condominium corporation sought an order for the sale of the owner's unit, and an order restraining the owner from interfering with the operation of the condominium corporation and its Board of Directors. The Court was not prepared, in this case, to order a sale of the unit. However, the Court did make the following orders:

- An order that the owner was to provide annually to the condominium corporation, in advance, a series of post-dated cheques;
- An order that the owner cease and desist from his "uncivil, improper and illegal conduct that violates the *Condominium Act* or the by-laws and rules of the condominium corporation".

[Editorial Note: I was interested to note that the Court did not consider the question of whether or not mandatory mediation applied to either of these claims for relief.]

York Region Vacant Land Condominium Corporation No. 968 v. Schickedanz Brothers Limited (Ontario Court of Appeal) (September 25, 2006)

In a common elements condominium corporation, a common expense sharing formula that allows potlts to avoid contributions until they reach a certain level of development is not oppressive or prejudicial

This case dealt with common expense sharing in a common elements condominium corporation.

[A common elements condominium corporation contains common elements (in this case, a ring road) but no units. Parcels of land are "tied" to the common elements condominium corporation and these parcels are called "potlts". The potlts are responsible for the common expenses of the corporation.] In this case, the potlts of the common elements condominium corporation included developed as well as undeveloped (or yet to be developed) lands. The developed potlts included two vacant land condominium corporations. The vacant land condominium corporations objected to the cost-sharing formula in the Declaration for the common elements condominium corporation. They claimed that the formula was oppressive. The Declaration created a bifurcated expense formula which had the effect of saddling the developed lands with higher common expenses pending development of the other potlts.

The Court noted that this formula clearly favoured the interests of Schickedanz (which held the undeveloped potlts) at the expense of the other potlts. However, the Court went on to say: "but in our view, it does not necessarily follow that this conduct was either oppressive or highly prejudicial. This formula was created before the unit holders [in the vacant land condominium corporations] purchased their property [ie. was fully disclosed to purchasers] and since the impugned provisions of the Declaration do not violate the *Act*, there can be no grounds for finding that Schickedanz acted oppressively."

Sauve v. Paglione (Small Claims Court) (September 7, 2006)

Small claims court properly authorized by Condominium Act to order production of records

The owner wished to organize a requisitioned meeting. For this purpose, the owner requested access to the corporation's record of owners' names and addresses. The corporation refused, citing privacy law.

The Court began by ruling that the requested record (the list of owners' names and addresses) does not fall within the exceptions set out in section 55(4) of the *Condominium Act*, 1998, and that the owner was accordingly entitled to examine that record.

The Court went on to consider whether or not the Small Claims Court truly has authority to order production of records as indicated in section 55(10) of the *Act*. The Court held that it can order production of records (i.e. the Small Claims Court can make this sort of "mandatory injunction order") in that section 55(10) of the *Act* is permitted by section 96(3) of the *Courts of Justice Act*.

The Court said, however, that it would not order production of the record until it had determined that the record had been withheld without reasonable excuse in accordance with Section 55 (10). This question would have to be decided at a trial.

Metropolitan Toronto Condominium Corporation No. 562 v. Froom (Ontario Court of Appeal) (August 18, 2006)

Dispute subject to mandatory mediation and arbitration

This was a dispute relating to the application of the condominium's pet rules. There was a question as to whether or not a release provided in 2003 was of relevance to the owner's failure to comply with the pet rules. The Court stated as follows:

"In our view, the interpretation of the 2003 Release and the compliance issue could not be separated, and together should have been submitted to the mediation and arbitration of the *Condominium Act* before the (condominium corporation) resorted to the Court."

Baliwalla v. York Condominium Corporation No. 438 (Small Claims Court) (May 31, 2006)

Special assessment too high

After levying a special assessment for certain restoration work, the condominium corporation discovered that the actual cost of the restoration work would be much lower. The Court said that the condominium corporation should not have transferred the special assessment funds into the reserve fund until the actual costs of the restoration had been confirmed. The condominium corporation was ordered to repay to the plaintiff owner the difference between the owner's share of the levied special assessment and a "correct" special assessment.

Little v. Metropolitan Toronto Condominium Corporation No. 50 (August 15, 2006)

A case about how the reserve fund can be used and about the 2/3 vote required for substantial changes

This case dealt with two issues:

- 1) Use of the reserve fund for certain additions/changes to the property;
- 2) The required procedures for obtaining a 2/3 vote for substantial changes.

The Court said that some types of additions or changes can properly be paid out of the reserve fund. In this case, the following expenses were approved as reserve fund expenses.

- Replacement of a 15-year-old security system with a modern system, including updated features such as new cameras and digital technology to record images;
- Replacement of old exercise equipment with modern equipment;
- Replacement of the existing canvas canopy with a modern canopy made of glass and granite;
- Addition of eavestroughs and a hand-capped access;
- A portion of the costs for lobby renovations (the Board determined that the other portion of the costs constituted an improvement to be funded by way of operating surplus and a special assessment); and
- Design fees.

[Editorial Comment: The Court essentially confirmed that additions or changes can, in some cases, qualify as "major repair or replacements".]

With respect to the lobby renovations, the Board of the condominium corporation determined that a vote of owners was required. But, instead of holding a meeting duly called for the purpose of such a vote in accordance with section 97(5) of the *Act*, the Board sought ordinary approval at the AGM, and then gathered additional proxies following the AGM. Through this process, the Board gathered proxies of 2/3 of the owners, and determined that they were then entitled to proceed.

The Court held that, notwithstanding the fact that the Board had conducted itself in a manner that contravened section 97(5) of the *Act*, the Court would not issue an order for compliance. The Court declined such an order based on the following factors:

1. The changes were fully disclosed;
2. The required number of owners (2/3) did approve the renovations;
3. The decision at the AGM to delay the vote and solicit proxies was taken in good faith; and
4. The renovations were carried out in a fiscally responsible way, and created no deficiency in the reserve fund or the corporation's finances.

[Editorial Comment: So, the Court essentially decided that the imperfect procedures, followed by the Board in this case, were nevertheless "acceptable".]

Rita D'Alessandro v. Carleton Condominium Corporation No. 43 and Fitzsimmons Realty Services Inc. (September 29, 2006)

If a condominium corporation has no standard unit description, none of the units contain any "improvements"

A leak in a hot water pipe caused damage to the owner's hardwood flooring (which had been installed in place of the original carpeting)

The condominium corporation had not passed a "standard unit by-law", in order to establish a standard unit description. As a result, the Court held that the hard-

wood flooring did not constitute an "improvement". The Court therefore held that the condominium corporation was responsible to repair the hardwood flooring.

[Editorial Comment: This case was decided under section 89 of the Condominium Act 1998 (relating to uninsured damage). In my view, the case should perhaps have been decided under section 99 of the Act (relating to insured damage). However, the key feature of the decision, in any event, was that improvements do not exist unless the corporation has created standard unit descriptions.]

British Columbia Cases

Strata Plan KA 1019 v. Keiran (August 2, 2006)

Owner responsible for loss falling within deductible on Strata Corporation's insurance policy

Water damage was caused to the defendant's strata unit by the failure of a coupling within the wall of the unit. There was no negligence and there was no common property damage. The damage was determined to relate to a loss insured under the strata corporation's insurance policy. However, the loss fell below the \$10,000 deductible on the policy.

Although the by-laws of the strata corporation require that the corporation arrange insurance covering this type of loss, the by-laws do not impose any maximum deductible. The Court said: "presumably the council has decided on the amount of \$10,000 or the insurers have imposed it". The Court accordingly held that it was proper for the corporation to negotiate such a deductible.

Since this was damage to the strata unit, the strata lot owner was responsible for the damage not covered by the corporation's insurance (i.e., falling within the deductible). The Court found, however, that the owner's insurance policy provided coverage for this loss. Therefore, the Court held that the owner's insurer should cover all of the loss apart from the \$500 deductible on the owner's insurance policy. The owner was required to pay that \$500 deductible.

Hutka v. Aitchison (July 31, 2006)

Current owner entitled to special assessment refund

Owners had paid a special assessment (into a special fund). One of the strata lots was then sold. After the sale had been completed, the strata corporation issued a refund (to all owners) of a portion of the special assessment. The question was: Who should receive the refund for the particular strata lot? The previous owner or the current owner? The agreement of purchase and sale was silent on the issue.

The Court said that the current owner was entitled to the refund, in the absence of any agreement to the contrary. The risks of any benefit or loss relating to the building defects, which were the subject of the special assessment, fell upon the current owners, not the past owners. So, the current owners should be entitled to any refund.

Alberta Cases

Leo Regehr, Elfie Regehr and Evelyn Schmidt v. Camrose Crown Care Corporation (April 26, 2006)

Voting rights determined by Condominium Property Act

The voting rights in a condominium are determined under section 26(2) of the *Condominium Property Act*. By virtue of section 80(1) of the *Act*, occupancy agreements between the plaintiff and the defendant could not change those voting rights.



934859 Alberta Ltd. v. Condominium Corporation No. 031 2180 (July 28, 2006)

Condominium corporation failed to allocate expenses fairly



In this case, the by-laws of the condominium corporation allow the corporation to allocate expenses, costs or charges in an equitable manner determined by the Board, if the allocation would be inequitable on the basis of unit factors. The applicant owner asked for an order declaring that the condominium corporation had conducted itself improperly, as defined by section 67(1) of the *Condominium Property Act*, or had conducted the business and affairs of the corporation in an oppressive or unfairly prejudicial manner, in that the Board had failed to make an equitable allocation of expenses. The Court agreed with the applicant, and granted the order. The Court ordered the Board to reallocate the costs of utilities and also to charge only the second floor owners with janitorial expenses and the expenses for security.

Note, however, that the Court also said that in general, structural repairs of common property, and also maintenance of the elevator, are important to the entire building and should therefore be shared by all owners based upon unit factors.

Murkute v. Owners Condominium Plan 8210034 (Alberta Court of Appeal) (October 30, 2006)

Slip and fall claim dismissed

The condominium corporation is the occupier of the common property and is accordingly liable for any damage resulting from failure to take reasonable steps to keep the common property reasonably safe. In this case, however, the condominium corporation had not been negligent in the discharge of these duties. The plaintiff's slip and fall claim was dismissed.

Toronto Chapter

Fall 2006 was an exciting time for CCI Toronto. Preparations for the 10th Annual CCI/ACMO joint conference, held November 3rd and 4th called for much of our time and efforts – but certainly paid off with a well attended and super-informative conference. Thanks go out to all of the speakers and moderators who contributed so generously with their time and expertise.

The Toronto Condo Show was held the following weekend, November 10th – 12th where CCI-Toronto shared an exhibit booth with CCI National to inform and educate new condo owners and purchasers on the role and activities of the Institute. Turn out was excellent and thanks are offered to the many volunteers from the Toronto Chapter and National Board who helped to staff the booth over the three-day period.

On November 23rd, the Chapter held its Annual General Meeting at the North York Novotel. The turn out was good, and members had the opportunity to network with the CCI Board of Directors as well as other members at a Wine and Cheese Reception that followed the meeting. The annual award for the 'Condominium Newsletter of the Year' was presented to MTCC 595 for their publication, "The Manhattan", and recognition was also provided to this year's top Ambassadors in CCI-Toronto's membership recruitment program.

Two courses are already being planned for early 2007. The 'Condo 101' course will be offered in January 2007 and will be followed by the six night Basic course in late February. Exact dates are still to be determined, but those interested should check the Chapter website at www.cci-toronto.org for further details as they become available.

Chapter members should also check the newly launched "members only" section of the website where they will find complete archived issues of the CondoVoice magazine as well as an online version of the Professional and Trades Services directory. Additional features will be added, so check back often!

Lynn Morrovat, CCI-Toronto and Area Chapter Administrator

Huronia Chapter

The weather was perfect for our September AGM / Cruise that attracted approximately 100 would-be sailors. The Huronia Board is pleased to have several directors return for another term and welcomes newcomer, Shari Davidson. Speaking of yearly events, our second annual planning session was held in late October and was heralded a great success; all Board members attended and were eager to participate. Officers and Committees were established, last year's activities were reviewed followed by the groundwork for '06 – '07 with membership education continuing to be the top priority. CCI – Huronia was well represented at the ACMO/CCI Conference. In addition to Board members attending the seminars, Michele Farley was kept busy with National Board meetings; Bob Skeaff had the honour of presenting London & Area with the Lorne Young Award, and Jon Juffs was a speaker at one of the Saturday seminars. Huronia is very excited about its plans for what will surely be a banner year.

Bob Skeaff, Huronia Chapter

North Saskatchewan Chapter

We continue to work on growing our chapter and being the "Voice of Condominium in North Saskatchewan". We have been a very busy chapter over the calendar year. We currently have 65 members, consider that 7 years ago we had 14 members!

Over the past year we have given several seminars, I am pleased to report that we had attendance of between 80 -130 for these events. Our seminars covered such topics as:

- Corporate Governance – part of developing series
- By-laws – Review, Revision and Enforcement
- Director's Forum with Moderators

We continue to be very enthusiastic about our blend of Board members. We have some new ideas coupled with the continuity resultant from long standing members. We are still looking for some other Board members to round out the Board and our committees. Our current Board is made up of:

Ms. Kimberley Park - Vice President/Education Committee Director
Ms. Elaine Pegg – Treasurer
Ms. Aaron Norum – Assistant Treasurer/Membership Committee Director
Ms. Lexi Jamieson – Secretary
Ms. Arleen Nicholls – Director at Large
Mr. Tony Lazurko – Membership Committee Director
Mr. Naheed Bardai – Legislative Committee Director
Ms. Gail Armstrong – Membership Committee Director
Mr. Don Adams – Education Committee Director
Ms. Lynne Clark – Education Committee Director
Mr. Chetan Thakore - President.

We have been very active on the newsletter front, our quarterly newsletter has been re-formatted and we now reach 2,600+ units across Saskatoon and Northern Saskatchewan. The success of our newsletter has been attributable to our cooperative efforts, but in particular our former Newsletter Editor – Ms. Arleen Nicholls. Arleen has just done a fabulous job! We must thank her in a public forum. Unfortunately, we are losing Arleen from this post, although she will remain on the local Chapter Board, she is unable to continue to serve as Newsletter Editor. However, I am pleased to report we have found a very qualified replacement, and as soon as we can cement our agreement with this individual we will make an announcement.

Our committees continue to be active, focusing on growing our membership and expanding our educational offerings. We are currently planning our next seminar for November 22, 2006 which will be an advanced Director's Forum.

I would be re-miss not to credit the full Board which has been cohesive and diligent in its efforts to maintain/grow the Chapter in the face of various challenges. We continue to hope to have a more active membership base in the future.

Chetan Thakore, President, North Saskatchewan

CHAPTER CHATTER

London & Area Chapter

There has been a beehive of activity in corporations across the city during the past summer and fall months. Maintenance tasks have been accomplished, a second Reserve Fund Study has been done and directors have planned for virtually all eventualities, we hope. On behalf of condominium owners across the city and area, we thank the directors who have worked tirelessly to make your corporation the best it can be. We urge you all to take a little time to thank them personally for their commitment and dedication on your behalf.

The CCI London & Area Chapter Annual General Meeting took place on September 26th, 2006 and with it the election of directors to our board. We welcome Susan Size of Thorne Property Management Ltd. who was returned to the board and we welcome new directors Tammie Ross, CIP of Stevenson & Hunt Insurance Brokers Ltd., and Jeffrey Bell, LL.B., of Cohen Highley, LLP. Along with our current roster of directors, we look forward to a very productive term of office for these directors.

Our guest speaker David A. Leckie, P. Eng., Director of Roads & Transportation for the City of London brought out many members who have challenges within their condominium with parking enforcement issues. David was able to provide information about the city's response to these challenges. A number of members have volunteered to sit on a committee to meet with city officials of that department to discuss condominium needs.

The 2-day Condominium Course that took place Saturday, October 14th and 28th was a great success and our registrants were eager and enthusiastic participants. To our Instructors Barry Scott, Tammie Ross, Sean Baker, Don Dickenson, Jason Timmermans, Joe Hoffer, Fraser Grant and Susan Size – you are the best and we thank you for your expertise and the time you gave us to be better equipped to handle the challenges of day-to-day operations in our condominium. A contribution to the Children's Health Foundation

was made in their honour.

Congratulations to Brendan Gregg for attaining his ACCI, to Susan Size who was honoured with her FCCI and to Trish Kaplan who was also honoured with the Distinguished Service Award. To all the members of the Chapter – hey we received the coveted Lorne Young "Chapter of the Year Award". Congratulations to all.

November 21st, 2006 was a must for all members of our community. Barry Scott provided an exceptional seminar "A Primer in Corporate Procedure – don't get caught by problems with legal technicalities". What an eye opener that was!

Disclosure and Status Certificates are the topic of the January 23rd, 2007 Seminar. Definitely, corporations must take special care when issuing these documents and requires special information when requesting them. And on March 27th we will have a panel of experts to address all types of maintenance issues in the condominium.

All events will take place at the Mocha Shrine Centre, 468 Colborne Street in London. Reservations are highly recommended. Call the Administrator at 519-453-0672 or E-mail ccisw@cci-sw.on.ca.

The Condominium Round Table, is an excellent opportunity for directors to meet and discuss issues that affect the daily operations of their condominium. The directors meet the second Wednesday of the month (with some exceptions) at 1:00 p.m. at the Mocha Shrine Centre. Seating is limited for this meeting, so please RSVP in advance. See our website for a listing of discussion topics.

Until we meet again be well and enjoy. As always, we welcome your suggestions and comments.

Trish Kaplan, Administrator, CCI-London & Area Chapter

Ottawa & Area Chapter

This is being written on November 16, 2006. Ottawa is running its semi annual Directors Course this weekend. For the past several years, we have presented the Directors Course twice each year. Each course is filled to capacity with a waiting list. There is no exception this time either.

We had a very successful Annual General Meeting on October 20 with John Oakes of Brookfield Management as our guest speaker. John spoke about smart metering in Ontario. Having heard John several days later at the Annual ACMO/CCI conference, we were pleased that he took the time to give us a preview of his talk.

Ottawa also expanded its number of Board members from seven to nine this October. This was recently approved by CCI National. We plan on using a committee structure more this year and the greater number of Board members will make that easier.

We are about to reach 400 members shortly and are creating initiatives to increase our number of members at the trade or sponsor category over the next several months. Our Winter programs, including our ever popular "Lawyers, Guns and Money" are now in place as are our Directors Club dates for 2007.

John Peart, CCI - Ottawa & Area Chapter

Manitoba Chapter

We are off to a rousing start to the 2006/07 CCI year as we kicked off the season in September with a new format for our Annual General Meeting. For the first time, we combined our AGM with an education session and followed it up with a Wine and Cheese reception. We don't know whether the attraction was the free update on new legislation that just came into effect September 1 or the offer of refreshments, but attendance was at an all time high - we had about 80 people there! We are definitely going to try to repeat the success next year. We are happy to welcome the new directors to CCI Manitoba's Board.

For CCI's upcoming 25th Anniversary celebrations, CCI Manitoba plans to update and re-issue its popular Guidebook. Aimed at first time Condominium Owners and would be buyers, the Guidebook was very well-received when it was first released in 1995. For 2007, we plan to make it even better and we hope to deliver a complementary copy to each of our members (and this means each owner of a unit in any of our Condominium Corporation members). We will also be making the new Guidebook available for purchase, especially by real estate agents who have used past versions to help educate their Condominium Buyers.

As for education, we will be running our three day Directors Course in the Spring and will have several of our popular Lunch and Learn noonday sessions in the New Year. As usual it promises to be a busy year for CCI here in Manitoba.

Rob Giesbrecht, President, Manitoba Chapter

Vancouver Chapter

You know its fall in Vancouver when the weatherman says we will get more rain today than Palm Springs will get all year! Oh well, all the better for our board members to buckle down and get to work. Our chapter has been quite busy since our last report. We have been busy with membership renewals and our annual membership drive. Things are looking good so far but we want to try and achieve a membership threshold that will allow us to hire a part-time Administrator.

We recently held our Annual General Meeting in conjunction with a very informative seminar on Insurance. The seminar was well-received by those in attendance and featured the following speakers:

Ken Cameron, Chief Executive Officer of the Homeowner Protection Office, who discussed the requirements for home warranty insurance on new home construction and building envelope renovations in British Columbia;

Andrew Hernandez, a Client Services Executive at BFL Canada, who discussed what insurers mean when they refer to replacement value, how this affected insurance coverage and how to make sure that you are insured to full replacement value; and

Paul Duchaine, formerly with BFL Canada, who discussed the mechanical aspects of the claims process including the role of the broker as a consultant and advisor and how, once a claim is reported, strata council, property managers, adjusters, project managers and unit owners all have a role to play in ensuring a fair, equitable and timely conclusion to the claim.

Our Chapter also held its election for new directors for 2006/2007. We had three new members elected to the board and we look forward to working together as a team to tackle the various initiatives and tasks for 2006/2007. Our board of directors for 2006/2007 is:

Jamie Bleay – President;
Christina Garson – Vice President and Secretary
Stanley Dong – Treasurer;
Karel Palla;
Stephen Hayward;
Kevin Grasty; and
Andrew Chan

Our new board is already working hard to promote the next CCI Vancouver Seminar which will be held on February 10, 2007. The topic of the Seminar will be on building envelope issues and will be presented by Halsall Engineers & Consultants.

Our Chapter membership grew by approximately 15% last year. Our board is committed to doing all that we can to increase membership by at least that much if not more for this year!

Jamie Bleay – CCI Vancouver President - 2006/2007

North Alberta Chapter

2006-2007 promises to be a very exciting year for the North Alberta Chapter of Canadian Condominium Institute. We are celebrating our 25th anniversary along with CCI National.

We are currently strategizing as to events timing.

Education continues to be our key motivator as the Condominium Industry is booming and there is a need to educate the first time home buyers as they are buying blind and are not aware of the benefits or disadvantages of Condominium living or lifestyle.

- Our most recent CM100 course was very well attended with over 60 attendees and it bodes well for our future events like:
- Evening Seminars which consist of Legal cases, Train the Trainer, So you want to be a Director and Hot Topics.
- Luncheons which consist of Fall Arrest & Travel Restraint, Arbitration and Mediation, and others to be announced later.
- Core Courses CM100, CM200 and CM300.

We have implemented the outreach program to Grande Prairie, Fort Murray and Red Deer but there is a need to extend the services even further as Alberta is booming economically and as a result so too is the need for Condominium Education.

With our new volunteers, we are looking forward to revamping both the Website and our Magazine and to boost Education program.

Membership is our top priority and a great drive is in the works to gain 50 new condominium corporation members this year and Industry related professionals by another 50 new members.

The North Alberta Chapter has much to be excited about in this year and the future looks great.

Marva Carter, President, CCI North Alberta Chapter

South Saskatchewan Chapter

The geese are flocking and the snow is beginning to fall, Christmas is just around the corner. Our Chapter has just had our AGM and fall conference. Deborah Howes was one of the guest speakers, who gave us a very entertaining insight on how to deal with difficult people and to make sure that we were not the difficult person.

The hit of the conference had to be the panel of condo owners who had to give a problem in their corporation and what solution they came up with to solve the problem. It was a lively debate with questions from the floor with all sorts of answers. The participation from all was great and it was hard to adjourn the conference.

Our new Board was elected at this meeting and for the first time we have a full compliment of volunteers, a thanks goes out to our former broad members who campaigned condo owners and our business members for volunteers to participate on our various committees.

Lee Ann Brown, Past President, CCI-South Saskatchewan Chapter

CHAPTER CHATTER

Nova Scotia Chapter

Hello to all from Nova Scotia, how nice it was to combine business and pleasure at the recent fall ACMO CCI conference in Toronto. It was my first time, I met so many nice people, it was full of wonderful programs and the trade show was a great experience as well. I love to be able to put a face to the names we are all so used to seeing in email and national newsletter issues. My fellow companions from NS Chapter, Patsy Ernst, Pat Cassidy, Lisa Power and Joanne Hamilton took me in hand and I didn't miss out on a thing!! I especially enjoyed the sessions that had a connection to condominium real estate, as that's my profession. Don Bassindale put on a great one.

In our local news, our chapter had our 'Preparing for Arbitration and Small Claims Court' seminar and the next one planned is 'How to Hold a Meeting The Right Way' for November 29th. Our presenter will be an expert on parliamentary procedures and even though registration is a little low at the moment, we hope it will pick up.

The 'Open Forum' at CCI -NS recent annual meeting with guest condo experts was a great success. The topic that received the most attention was how new condo corps could hold their developers accountable for the deficiencies that inevitably show up the first couple of years of operation. Some good ideas were put forward. We were told that in Quebec, builders are required to be licensed and must pay into a fund each year. If a development has deficiencies, the builder will fix them or the fund will and the next year the errant builder will pay a higher contribution to the fund. It is in the developer's best interest to fix the mistakes to avoid the penalty of a higher payment.

One of the biggest challenges ahead for us this year is increasing the chapter's membership. There are in excess of 250 condo corporations in NS with only a small percentage of them members. Joining CCI is the best place for new condo developments to get the education and help they need.

Norma Cameron, President – CCI-Nova Scotia Chapter

Windsor-Essex County Chapter

We are gearing up for the celebration of the 25th Anniversary of CCI in 2007. To commemorate the 25th year of CCI, we will be promoting education by disseminating information through seminars, newsletters and our website regarding current issues involving condominium living.

In response to member demand, CCI Windsor presented our "Ask the Expert Show - There Are No Stupid Questions!", this Fall 2006 immediately following our Annual General Meeting. These experts fielded questions regarding all aspects of condominium living. * Real Estate Professionals receive MCE Credits for attending our seminars; these credits add up quickly!

The 2006-2007 membership drive is on! Let us help you keep informed and up-to-date concerning condominium matters. For more information on how to become a member of the CCI Windsor-Essex County 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.

Our Directors' Club is an innovative addition to our CCI membership. Local Directors from various condominiums throughout Essex County meet informally to discuss the issues concerning their particular condominium. Ideas and solutions are shared, often resulting in creative and inexpensive solutions. Most importantly, friendships are formed.

Windsor-Essex County condominium development is on the rise. 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. Please call 519-978-3237 to secure this advantage.

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

South Alberta Chapter

Greetings from Calgary, Alberta! As the President of the Joint/Education Committee, I am always amazed at how the members of the committee really pull together and continue to work hard for the South Alberta Chapter. Our new administrator has been in place for a few months now, and she continues to WOW the committee with her dedication and service to CCI.

With her efforts it has made it easy for us as a committee to focus our attention on bringing more education and awareness to Members, Non-Members, and the public alike.

We continue to hold monthly luncheons which focus on bringing updated and current information on the condominium industry and products to the Membership. A growing economy and increasing number of Property Managers entering the industry has allowed us the opportunity to look at doubling the

Condominium Management courses offered throughout the year as opposed to offering the courses just once a year.

I'm extremely impressed with our Marketing Committee and how they have banded together and come up with some very exciting and promising new ideas on increasing the membership numbers of CCI South Alberta Chapter.

The South Alberta Chapter has been blessed with a great working committee, wonderful Members and speakers who continue to support our efforts and dedicate their time on a volunteer basis to help educate the public.

CCI South Alberta is looking forward to an exciting new year.

*Maria Bartolotti, President, Education/Joint Committee
CCI-South Alberta Chapter*

CHAPTER CHATTER

Newfoundland and Labrador Chapter

Hello from the Rock!! Well the chill in the air and the frost on the ground means that Autumn is certainly upon us. Old man Winter will not be far behind.

In the last few months our Chapter continued to be active on several fronts. In August we hosted our semi-annual Information Seminar for our members. Our special guest speakers were Deborah Howes and Pat Cassidy who were in town for the National meeting of the Canadian Bar Association. We were fortunate to have Deborah and Pat take time out of their busy schedules to speak to our members and answer questions on a variety of topics. Seminars of this nature are offered twice per year and are always well attended. We have had very positive feedback from our members who find these seminars quite informative.

Although we have had limited success in our efforts with St. John's City Council on the issue of duplication of expenses for services, we are not ready to give up on this yet. Our work in this area will continue.

Our initial submission to Government for the reform of the Newfoundland and Labrador Condominium Act is nearing completion. We hope to have our submission in the hands of Government Representatives in November and then move to the review and public consultation phase. An updated and comprehensive Condominium Act is certainly an exciting prospect for our members, but one which will take time and great effort to imple-

ment. CCI-NL is committed to being at the forefront of this initiative. With the tremendous support and guidance already demonstrated to us by other Chapters, we are sure we will complete this project.

On a final note, I was fortunate enough to have attended the Joint CCI/ACMO Conference and CCI National AGM in Toronto in early November. It was certainly nice to see so many familiar faces from other Chapters across the country and to meet some new friends along the way. Nationally, CCI has assembled the most knowledgeable and sociable cast of people any organization could hope for. The seminars and exhibitions were excellent and will certainly provide our local Chapter with information and guidance, especially in terms of legislative reform.

At the National AGM, Newfoundland's own, Mr. Charlie Oliver, became President of the National Board of Directors. On behalf of our local Chapter, I would like to extend our congratulations to Charlie on this great accomplishment. Charlie offers a great deal of knowledge and experience to CCI and a positive spirit that is second to none!

Also at the AGM, I myself was elected to the National Board of Directors. I hope my involvement will not only assist CCI nationally, but also our local chapter.

Geoff Penney, President CCI-NL

Golden Horseshoe Chapter

I would like to welcome our new chapter Board members, Judy Dawe of Cowan Insurance Brokers and Michael Clifton of McCarter Grespan Beynon and Thompson.

The chapter conducted its Level 200 course in Burlington on October 21st and 28th to 75 attendees. I would like to thank our guest speakers for the Cambridge and Burlington courses; Ray Wilson, Craig Robson, Richard Elia, Mark Sheddon and Kevin Shaw for their assistance.

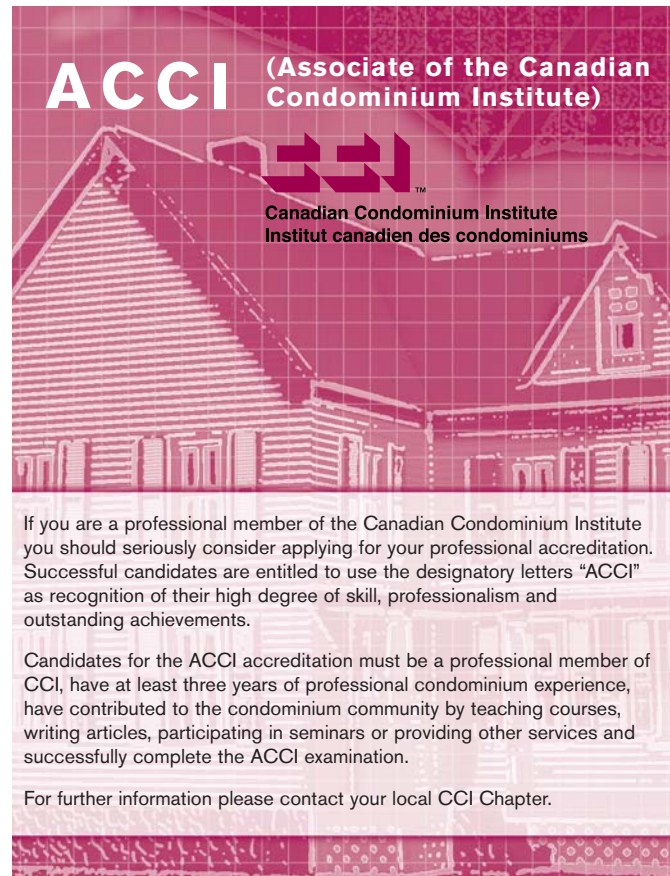
The Chapter was pleased to again provide financial support and a gift basket to the CCI/ACMO Conference and Awards Dinner held in November. At the awards dinner, one of our board members, Karen Reynolds received her FCCI designation for service to CCI and the condominium community.

The chapter is well underway in the planning of a special advertising and promotional insert for 2007 that will be distributed in the major newspapers servicing our region.

The chapter is also planning a special luncheon for our ACCI holders to be held in 2007.

Our Level 100 course is scheduled for Burlington on April 21st and in Kitchener on April 28th, 2007.

Kim Coulter, ACCI, Chapter President



ACCI (Associate of the Canadian Condominium Institute)

Canadian Condominium Institute
Institut canadien des condominiums

If you are a professional member of the Canadian Condominium Institute you should seriously consider applying for your professional accreditation. Successful candidates are entitled to use the designatory letters "ACCI" as recognition of their high degree of skill, professionalism and outstanding achievements.

Candidates for the ACCI accreditation must be a professional member of CCI, have at least three years of professional condominium experience, have contributed to the condominium community by teaching courses, writing articles, participating in seminars or providing other services and successfully complete the ACCI examination.

For further information please contact your local CCI Chapter.

MARK YOUR CALENDARS NOW!!



Canadian Condominium Institute

2007 SYMPOSIA PROGRAM

HUMAN RIGHTS ARE EVERYONE'S RESPONSIBILITY



Condominiums and Human Rights

A Symposium on human rights issues as they affect condominiums.
Where have we been and where are we going? Impact on day-to-day administration.
Dealing with a human rights complaint or claim.

Friday, May 25, 2007

Ramada Hotel Regina

1818 Victoria Avenue, Regina, Saskatchewan

Wednesday, October 31, 2007

Doubletree International Plaza Hotel

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One Format

Full Day Event – 9:00 a.m. to 3:30 p.m.

Two morning presentations

Lunch with Keynote Speaker

Two afternoon presentations

Separate question and discussion sessions in both the morning and the afternoon.

Two Different but Similar Programs

Presentations, debate and discussion, at each venue, on issues of both national and local concern with speakers prominent and well respected, both national and locally, for their positions with Human Rights Commissions and Tribunals; as legal advocates on Human Rights and Condominium issues; as practitioners before Human Rights tribunals; and as practitioners in the Condominium industry.

We expect knowledgeable and spirited presentations with much healthy debate.

Watch the CCI-National website for further registration information