

CONDO TAXES:

You Are Paying More Than A Fair Share

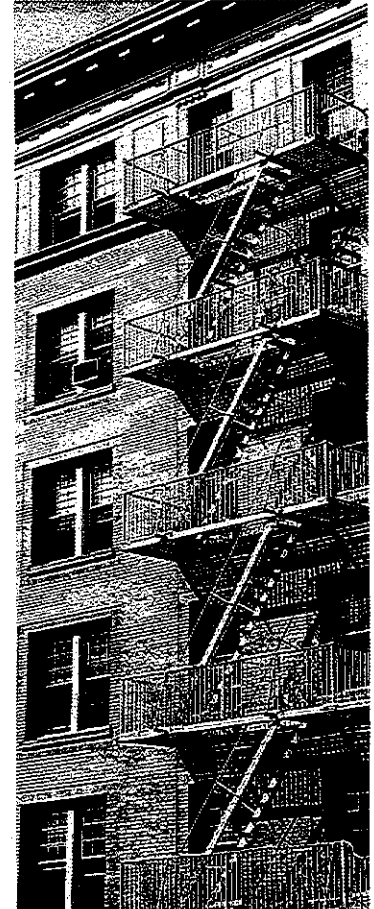
CCI Manitoba is proud to announce that we have engaged the services of Paul Hesse (a lawyer with Pitblado LLP) to prepare a position brief that can be used to argue the point that the method of calculating property tax for condominiums is currently not a fair method of assessing property tax.

In order to make this appeal a success we are asking for owners to step up and help. If we are going to be successful, we must send a clear message to the government that condominium owners and CCI are united in their fight to bring about change and insist on a fair property tax system.

You will find a very informative article by Paul Hesse on page 4. Once you have read this article, please consider helping out with the property tax fairness campaign. Please call Paul Hesse at 204-956-3561 or email him at hesse@pitblado.com

On behalf of the Board of Directors of CCI Manitoba I would like to thank you for taking the time to consider helping us in achieving property tax fairness.

Brenda Brydges, ACCI
Chair - CCI Property Tax Committee
President, Brydges Property Management



INTERESTED IN THE PROPERTY TAX ISSUE? FIND OUT MORE ABOUT OUR PLANS

Contact Paul Hesse at 204-956-3561
or email hesse@pitblado.com

CCI is entering a new level of lobbying and it is important that all condominium owners get involved!



CCI GET INVOLVED!

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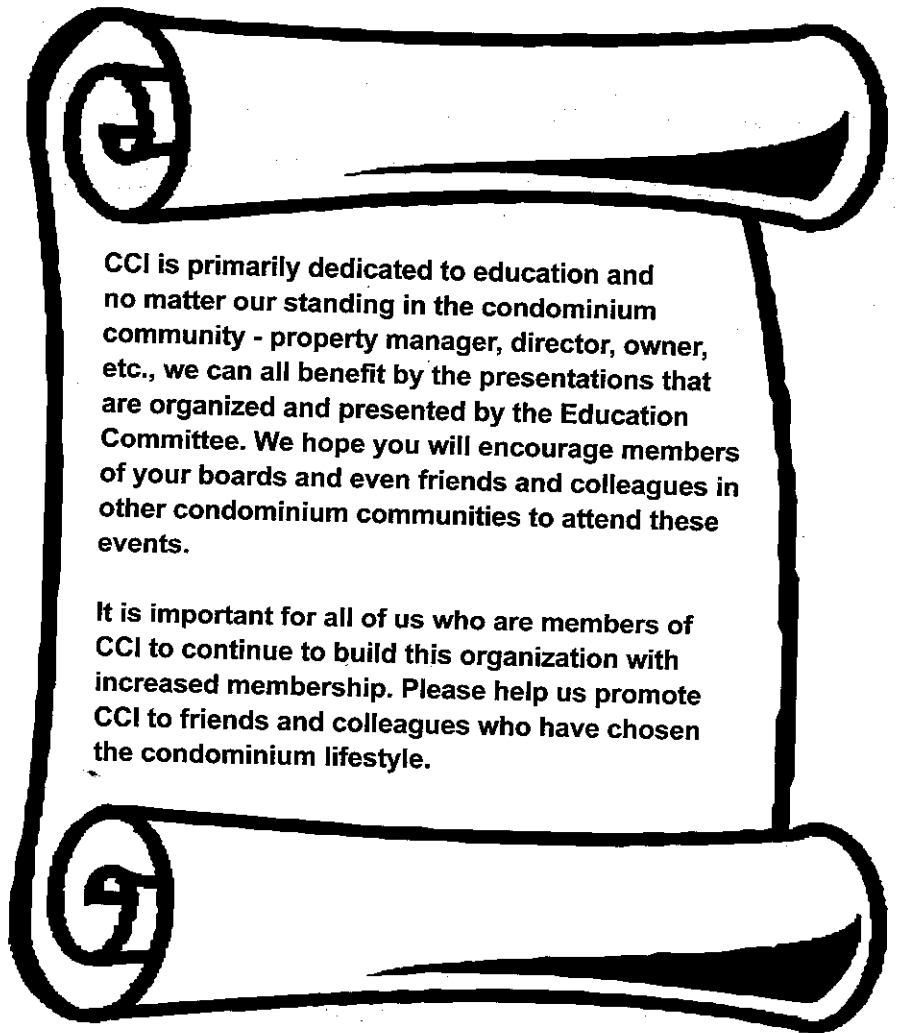
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CCI

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condominiums**

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CCI is primarily dedicated to education and no matter our standing in the condominium community - property manager, director, owner, etc., we can all benefit by the presentations that are organized and presented by the Education Committee. We hope you will encourage members of your boards and even friends and colleagues in other condominium communities to attend these events.

It is important for all of us who are members of CCI to continue to build this organization with increased membership. Please help us promote CCI to friends and colleagues who have chosen the condominium lifestyle.

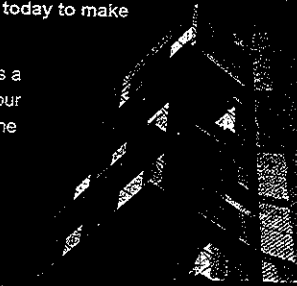
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President's Message*Jane Lecours, Stevenson Management Services Ltd.*

*Jane Lecours, Stevenson
Management Services Ltd.,
CCI Manitoba President*

It looks like spring is on its way, the days are getting longer and the weather is finally starting to warm up. It has been a long cold and snowy winter and I am sure everyone is anxious for it to end. Unfortunately with the milder weather and the amount of snow to melt we are looking at the possibility of some flooding this year. We currently hope this isn't the case as we still have people trying to recover from the last one.

CCI is still waiting for the regulations to be finalized for the new *Condominium Act* and for it to be proclaimed in order for our Education Committee to be able to schedule sessions on the new *Act*. I do know that the government is currently developing the regulations and various statutory forms required under the *Act*. Hopefully they will have them finalized shortly.

In the meantime the Education Committee are very active with their popular Lunch & Learn sessions. The April 25th session is entitled CCI Condominium Property Tax Campaign and Paul Hesse will be the speaker. Paul's article on this campaign appeared on page four of this issue.

This campaign will be managed and coordinated by Paul Hesse of Pitblado LLP on behalf of CCI Manitoba. He will be working closely with our Property Tax Committee, chaired by Brenda Brydges of Brydges Property Management. If silence deems consent, then I urge you to get involved and become the voice of change. Let us

fee to fund the Property Tax Campaign. We anticipate that invoices will be going out sometime in late April or early May.

In our last issue of the *News & Views* there were two articles that we neglected to mention the names of the authors:

- The article entitled Cell Towers On Condos And the CRA was authored by Rob Giesbrecht of Pitblado LLP, ACCI, FCCI and a CCI Past President and was re-ran from a previous issue.
- The other article entitled Water Damage also ran previously and had been prepared from literature by Aviva Canada Inc. www.avivacanada.com.

Now that the Winnipeg Jets are back in action, I am pleased to advise that the ticket vouchers won at the October AGM have been put to use. Dave Curti and Kim Arnold both won a pair of tickets to a Jets game, courtesy of Stevenson Management Services Ltd.. Both have recently attended a Jets game. Congratulations Dave & Kim.



By Paul Hesse, Property Tax Committee

Property taxes are rising. Both municipalities and school boards are increasing your property taxes faster than inflation.

The Winnipeg School Division has, for example, proposed a 6.8% tax hike this year. Last year, that division increased rates by 7.8%. Other divisions are also calling for tax hikes. The Brandon School Division, as another example, is proposing an 8.5% increase.

The City of Brandon increased its property taxes by an average of 4.9% last year, while the City of Winnipeg increased its property taxes by an average of 3.5% last year and by 3.9% this year.

Not all property types are treated equally. Residential properties will see a relative increase in their share of property taxes, while businesses will see a relative decrease. This is a result of residential properties increasing in value faster than commercial properties.

In addition, condominiums are taxed at a higher rate than recreational properties and farms. So, your proportional increase in property taxes will be greater than owners of those properties.

It is time for a real discussion about property tax fairness. The provincial government divides different properties into different classes. Commercial properties, farms, recreational properties, apartments, single family homes and condominiums are all different classes and are all taxed at a given "portion" determined by the province.

Recreational properties pay a portion of 10% of the fair market value of the property. Condominiums used to pay a portion of 32.7% and now pay 45%. Single family houses used to be taxed at a 48.6% portion and now pay 45%. So, condominium owners have seen the biggest increases in property taxes over the last 15 years because of the provincial "portion" rules. Now with property taxes increasing, condominium owners face even greater pain.

Is that fair when condominiums are generally more efficient and cost-effective for government than single

family homes? Is that fair when condominiums offer environmental advantages? Is it fair that property taxes per person are much higher for condominiums than for single family homes? Is it fair that condominium owners pay 4 times the tax rate of recreational properties?

CCI-Manitoba has started a tax fairness campaign. We are currently updating our research and preparing materials to get the message out about tax fairness.

We are looking for volunteers who are willing to make a few phone calls, send a few emails or drop some information in the mail slots of your building as part of our property tax fairness campaign. It will not take much of your time, but your help will be of great value.

If you would like to help with the property tax fairness campaign, please call Paul Hesse at (204) 956-3561 or email him at hesse@pitblado.com

Thank you in advance for your help in achieving property tax fairness.

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The following is part of a presentation given by Paul Hesse March 5th at CCI's President's Forum.

BACKGROUND

- Property Taxes are based on the: Portioned Assesses Value x Mill Rate

PORTION

- In Manitoba, the Portion paid by condominiums increased from 32.7% to 45.0% over ten (10) years.
- Over the same ten (10) year period, the Portion paid by single family homes decreased from 48.6% to 45.0% and the Portion paid by multi-family rentals decreased from 73.2% to 45.0%.
- Condominiums pay a Portion of 45.0%.
- Recreational properties pay a Portion of 10.0%.
- Farms pay a Portion of 26.0%.

SHARE OF PROPERTY TAXES PAID BY CONDO OWNERS HAS INCREASED

- As a result, the share of property taxes paid by condo owners in Manitoba has increased, while single family homeowners and rental property owners have benefited from relative reductions.

IS THAT FAIR?

- Should Recreational Properties pay tax at 10% of assessed value, a rate less than ¼ the tax rate paid by condo owners?
- Generally, condo owners pay for some services usually provided by municipalities, including:
 - Residential sidewalk maintenance
 - Lighting
 - Some snow removal
- The Province has a history of reducing taxes where fewer services are received (eg St. Germaine/Vermette).
- On average, fewer people live in a condominium than in a house of equal value.
- Property taxes per resident are generally higher in condominiums than in single family homes or in rental properties.

- Municipalities benefit from higher densities and lower per person construction and servicing costs for streets, sewers, sidewalks, parks etc. associated with higher densities. *Is that Fair?*
- Environmental benefits from higher densities.
- Generally, condo owners cost municipalities less:
 - one garbage pickup vs. fifty
 - one recycling pickup vs. fifty
- Fewer metres/kilometres of roads, sidewalks, water and sewer lines to maintain.

WHAT CAN BE DONE?

- Condominiums and Co-ops are already in a class by themselves as Residential 3 properties under *The Municipal Assessment Act Regulation*.
- Changes to the Portioned Value can be made without any new legislation.
- Provincial Cabinet has the power to change the Portioned Value.
- Cabinet could also set a range which a municipality could vary by By-law.

WHAT HAS BEEN HAPPENING?

- Funding for the Property Tax Fairness Campaign has been approved by CCI Manitoba.
- A student researcher is actively working on updating the research and writing a paper.
- Paul Hesse has spoken on this topic on CJOB radio (Richard Cloutier) and the Bold Ideas Conference by the Winnipeg Chamber of Commerce.
- An article was prepared for this newsletter (cover story).
- A flyer is being prepared and will be printed and distributed.
- Presentation by Paul Hesse at CC's March 5th President's Forum and request for contact person in each building in order to reduce mailing costs.

OWNERS' CODE OF ETHICS

Owners are encouraged to participate democratically and ethically in the Corporation's affairs using the following guidelines:

- a) Important decisions and recommendations are often made at owners' meetings which may substantially affect the value of your unit as well as the appearance and quality of lifestyle at your condominium. It is strongly recommended that owners attend these meetings instead of signing a proxy form and delegating their votes to a third party. Only owners who attend the meeting have a chance to find out what is going on, participate in discussions, raise any concerns, assess directorial candidates and exercise their own wisdom to elect qualified people to the board of directors.
- b) Since the board of directors is solely responsible to make the vast majority of decisions for the Corporation, owners should carefully select capable candidates to be elected as directors. Recognize the contributions of volunteer directors who have the skills, qualifications, experience and commitment to protect the owners' best interests, enhance unit value, supervise management of the Corporation's affairs in a financially responsible manner and promote a harmonious atmosphere in the condominium community. Ask candidates who promise cost savings to explain in detail their cost-saving justifications. Which existing services will they cut, how can they practically accomplish that, and how will reduction or elimination of such services affect you? Ask candidates if they will comply with the Directors' Code of Ethics. Prefer candidates who have completed the Condominium Courses presented by the Canadian Condominium Institute, particularly candidates who have had at least three years' experience as a director.
- c) Directorial candidates must comply with their statutory standard of care, diligence and skill and their duty to act honestly and in good faith. Directors must undertake necessary maintenance and repairs of the Corporation's common elements and assets and ensure proper funding of the Corporation's reserve fund, in addition to numerous other duties. Common expense increases are inevitable as buildings age and will save owners the risk of special assessments and increased maintenance and repair costs in the future. Owners should support directors who establish realistic budgets and a forward-looking funding plan, even if they call for necessary common expense increases to avoid special assessments.
- d) If you must be represented at the meeting by proxy, only appoint as your proxy holder a person you know, respect and trust to protect your interests and act wisely on the spot. If a candidate is attempting to get elected by defaming existing directors, don't give your proxy away – instead, go to the meeting so you can act judiciously and hear all sides of the story before voting.
- e) If you choose a candidate by proxy instead of attending at an election meeting, you will lose the opportunity to assess the abilities of candidates nominated from the floor. Consider amending your proxy form with one of these alternatives: (a) clearly print, in your own hand, the name of any candidate you wish to be elected as a director (or initial your choice of any candidate(s) already listed in the proxy) – do not allow any other person to select on your behalf the candidate(s) to be elected as a director; (b) restrict your proxy form for specified purposes only, such as "to be used only to vote for (or against) the by-law"; or (c) insert and initial the words "for quorum purposes only".
- f) Do not be swayed by undocumented allegations made during proxy solicitations or in newsletters. In a democracy, legitimate criticisms can be expressed without malice where a critic has undertaken the due diligence to ascertain the accuracy of negative statements. Before accepting the validity of accusations, unfounded conjecture, innuendo or other techniques of fear-mongering, owners should question the accuracy of such statements and the use of those techniques. If you feel a candidate is making self-serving accusations against another candidate in order to get himself elected, examine the accuracy and reliability of the accusations.
- g) Before criticising others or accusing others of defamation, bear in mind that, at law, any defamer who originates, repeats or publishes to any third party a libellous (written) or slanderous (oral) statement or a rumour which is erroneous and defames the reputation of an identifiable person is personally liable for monetary damages. A defamer can only defend a defamation claim by proving one of three defences: (a) JUSTIFICATION (i.e. proving the truth of the allegation); (b) QUALIFIED PRIVILEGE (where a person has a special duty to make such a statement bona fide and in good faith (even if the statement is wrong), if the defamer can prove no malice is present); or (c) FAIR COMMENT (where a defamer makes an erroneous defamatory statement while rendering a bona fide opinion based upon true facts after conducting due diligence, if the defamer can prove no malice is present).
- h) Owners should participate in owners' meetings by speaking clearly, while refraining from shouting, speaking in an aggressive or hostile manner, interrupting others who are speaking, monopolizing the discussion or displaying a lack of consideration for others. Genuine disagreements, questions and concerns should be expressed politely and at their appropriate time in the meeting agenda. Instructions of the meeting chair must be followed.
- i) Support your board of directors and appreciate the complexities facing property managers. Act reasonably at all times in your dealings with the board of directors and the property manager.

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Do you have complaints about your Board. Have you been thinking of letting your name stand for election to the Board but are unsure of what being a director of a condominium corporation is all about? GET INVOLVED!

By Jane Lecours, Stevenson Management Services Ltd.



MANY CONDOMINIUM CORPORATIONS ARE NOW PLANNING THEIR ANNUAL GENERAL MEETING

One of the main items of business dealt with at the Annual General Meeting is the election of corporation members to the Board of Directors.

It is important to understand how a condominium corporation is created in order to properly understand the responsibilities of its Board of Directors.

Condominium corporations are unlike any other corporations. This is due to the fact that the condominium corporation is a creation of *The Condominium Act*.

As a creation of *The Condominium Act*, a condominium corporation and its directors must look to the *Act*, the condominium Declaration and the By-laws to determine the duties, responsibilities and powers of its directors.

WHAT DOES THE BOARD OF DIRECTORS OF A CONDOMINIUM CORPORATION DO?

The Condominium Act states:

- Section 11(1) requires the affairs of the condominium corporation to be managed by the Board of Directors.
- Section 11(2) stipulates that, "The Board of Directors shall hold meetings, perform functions, elect officers, and carry out duties as provided in the Declaration or By-laws".

The object of the condominium corporation is to manage the property of the owners of the units in the condominium project. Its responsibilities are to control, manage and administer the common elements; that is to say, those portions of the property which are generally used in common by the owners.

COMMON BOARD OBLIGATIONS

The following obligations are probably most common to nearly all condominium corporations:

- Determining the estimated expenses in any fiscal year and collecting monies to cover those expenses from the unit owners;
- Paying all properly incurred expenses for the corporation;
- Obtaining and maintaining insurance on the common elements (and on the units) in the appropriate amounts;
- Maintaining and repairing the units and/or the common elements;
- Maintaining an adequate Reserve Fund;
- Calling and holding an Annual General Meeting;
- Maintaining the records of the corporation, including records of unit owners and mortgagees, minutes of all meetings etc.;
- Effecting compliance by the unit owners with the relevant condominium corporation documentation.

WHAT ARE THE RESPONSIBILITIES OF THE INDIVIDUAL BOARD MEMBERS?

In addition to the responsibilities set out for directors in the *Act*, the organizational By-laws of each corporation provide specific duties for each of the officers. A candidate for officer should be aware of the provisions in the By-laws with respect to the specific office and the responsibility the position entails.

These responsibilities are necessary ones of direction, but not necessarily ones of physically completing each task. That is to say, a person can properly fulfill the duties of the office by taking reasonable and appropriate steps to ensure that the tasks for which they are responsible have been appropriately and reasonably assigned or delegated.

The basic responsibilities for the individual officers of the corporation are established in the By-laws and normally provide for the following officers:

President is charged with the general organization of the conduct of the affairs of the Corporation and shall preside at all Board and unit owner meetings.

Vice President shall, in the absence of the President, exercise the powers and performs the duties of the President.

Secretary shall keep the Minutes of all proceedings of all meetings, attend to giving and serving of all notices to the Board or owners and keep accurate records, except those kept by the Treasurer.

Treasurer shall keep the books of the Corporation in accordance with good accounting practices and in accordance with the By-laws.

Although the duties of the officers may be delegated to a management company, the responsibility to fulfill the duties always remains with the Board.

THE PRESIDENT AND VICE PRESIDENT

The most important job that a President can fulfill is to maintain the conduct of a well organized Board meeting. The job description is to preside at meetings.

Accordingly, the President should ensure that:

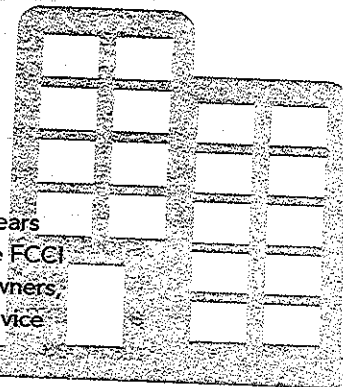
- the issue before the meeting was clearly defined;
- other issues were not introduced when an issue was discussed;
- all members had an opportunity to speak to the issue and;
- the discussions are summarized and concluded with the consensus of opinion.

Everything noted above deals with communication. Most importantly, a statement at the end of a discussion which blends seemingly contrary opinions into a course of action and therefore, properly empowers the management company to fulfill the desire of the Board, is of paramount importance. In short, the real job of the President is to ensure that the meeting is run in an orderly fashion.

ability.



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Rules for ensuring fair and proper conduct of all participants

The following Meeting Rules of Conduct should be followed by all participants at our Condominium Corporation's meetings of owners:

with individual concerns. Focus on suggestions for the board's consideration which benefit the Corporation as a whole.

- 1) **Welcome!** Owners are encouraged to attend and speak at owner's meetings.
- 2) **Recognition** Raise your hand or line up at the microphone (if provided) and wait to be recognized by the Chair. Please speak in turn and do not interrupt other speakers.
- 3) **Name & Unit** Begin by clearly stating your name and unit number once the Chair has recognized you. Please speak loud and clear so all in the room can hear you.
- 4) **Relevancy** Comments should be relevant, concise and restricted to current Agenda items.
- 5) **Be Concise** Please take the floor for no more than two suggestions/questions at a time, and speak no more than three times during the meeting, for a total maximum of two minutes in each case. Let others have their turn.
- 6) **Conduct** Please govern your conduct in accordance with normal standards of good behaviour, decorum and integrity. Please respect your fellow unit owners and the Chair. Please avoid defamatory statements, interruptions, shouting and disruptions. In order to persuade others to your views, avoid antagonistic confrontations and diatribes.
- 7) **Unit Issues** Unit-specific issues should be discussed on a separate occasion with the property manager, or by a letter to the board of directors, rather than wasting everyone's time
- 8) **Procedure** The Chair shall impartially maintain the fair and proper conduct of the meeting and will decide all issues pertaining to registration, quorum, notice, proxies, ballots, votes, meeting procedure, order, and timing, subject to the Condominium Act, the Corporation's By-laws and Rules of Order.
- 9) **Suggestions** During the "Other Business" portion of the Agenda, the board welcomes your constructive suggestions to improve the Corporation and reduce costs. Often the board will be unable to respond on the spot, but suggestions will be deliberated at a subsequent board meeting, subject to financial and legal constraints. Owners are entitled to vote only with respect to specified agenda items. Address unit-specific concerns in a letter to the manager rather than tying-up other owners' time.
- 10) **Removal** The Chair may require any disruptive owner who has been called out of order twice to leave the meeting.

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CCI THE ROLE OF THE CONDO BOARD OF DIRECTORS

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Management <ul style="list-style-type: none"> • Policy • Procedures 	<ul style="list-style-type: none"> • Sets • Approves • Delegates 	<ul style="list-style-type: none"> • Recommendations • Implementations
By-laws & Rules	<ul style="list-style-type: none"> • Sets • Approves 	<ul style="list-style-type: none"> • Recommendations • Enforcement
Enforcement <ul style="list-style-type: none"> • Act • Declaration • By-laws 	<ul style="list-style-type: none"> • Authority • Delegates to Property Management 	<ul style="list-style-type: none"> • Carries Out Enforcement Based on Policy and Procedures Previously Approved
Budget	<ul style="list-style-type: none"> • Reviews • Approves 	<ul style="list-style-type: none"> • Prepares • Recommends • Sends to Owners After Approval
Quotes <ul style="list-style-type: none"> • Maintenance & Repair • Contracts • Insurance • Appraisal • Reserve Fund Study • Employees of Corporation 	<ul style="list-style-type: none"> • Approval 	<ul style="list-style-type: none"> • Obtains • Prepare Analysis • Makes Recommendations • Implements Board Decisions • Monitors Performance • Reports to Board on Completion
Meetings - Owners	<ul style="list-style-type: none"> • Calls • Sets Agenda • Conducts 	<ul style="list-style-type: none"> • Arranges Premises • Sends Notices • Registers Owners

2013 LUNCH & LEARN PROGRAM

FORMAT/DATE

TOPIC

LOCATION

REGISTRATION

<p>Thursday Lunch & Learn March 21, 2013 11:30am - 1:30pm</p>	<p>Managing Future Condominium Expense</p>	<p>Canad Inns 1450 St. Matthews Ave. Ambassador L</p>	<p>Members \$25 plus meal Non-members \$50 plus meal</p>
<p><i>Note: Topic has changed from previously advertised. Insurance Issues rescheduled to Fall 2013.</i></p>			
<p>Thursday Lunch & Learn April 25, 2013 11:30am - 1:30pm</p>	<p>Property Tax Review Initiative</p>	<p>Canad Inns 1450 St. Matthews Ave. Ambassador L</p>	<p>Members \$25 plus meal Non-members \$50 plus meal</p>
<p><i>Note: Topic has changed from previously advertised. Reserve Fund Planning moved to March 2013.</i></p>			
<p>Thursday Lunch & Learn May 30, 2013 11:30am - 1:30pm</p>	<p>Condo Budgets & Financial Management</p>	<p>Canad Inns 1450 St. Matthews Ave. Ambassador L</p>	<p>Members \$25 plus meal Non-members \$50 plus meal</p>

To register, email to ccimanitoba@cci.ca or call 204-794-1134. Registration form and detailed information will be emailed to you. Complete form and email back or mail your completed registration as indicated on the form.

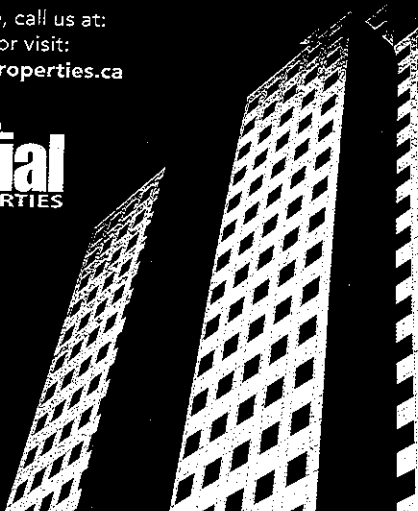
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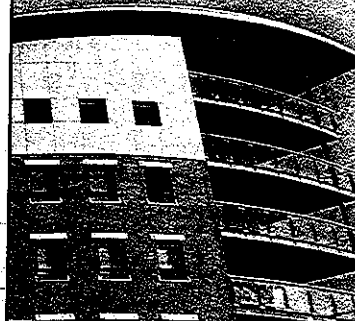
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You have your family, your friends, maybe a partner or a spouse and then you move into your condo. WELCOME TO YOUR NEW FAMILY!

By Denise Lash, B.Sc., LL., ACCI, FCCI

Reprinted from the Spring 2005 Edition of the condo voice



The Condo Relationship - the board members, the property manager, your neighbour or that resident in Suite 202.

You can't avoid these relationships, just like you can't simply ignore your relationships at work or home. Condominium residents live in close proximity to one another and use common facilities. This creates interpersonal relationships, whether you want them or not.

It also means that owners must realize that they may have to give up a certain degree of freedom of choice to promote the "common good" and foster those relationships.

The Board of Directors runs the "business" of the condominium corporation. This is a "difficult people" focused business, which is filled with strong emotion at its core. Whether it is the Board members themselves, the Property Manager or their interaction with the Board, or with the owners or the owners at large, the relationships in a condominium corporation are very personality-intensive.

Teamwork and hard work are essential and the responsibility usually rests with the Board of Directors and property management in relating effectively to all owners. Owners on the other hand, have to do their part to make the relationships work.

Remember that Board members are temporary and usually unpaid volunteers with various experiences.

CONDO THERAPY TIPS FOR IMPROVING YOUR CONDO RELATIONS

- **Be Supportive** - Support your Board members and join a committee. Get to know your Board.
- **Be Proactive** - If you have something to say, deal with it before the Annual General Meeting and provide some constructive suggestions.
- **Be Accessible** - Find out how you voice your complaints or suggestions. If you don't know, then I am sure that others don't as well. Boards should be conveying this information to their residents.
- **Be Attentive** - Who responds to residents concerns and how timely is the response?
- **Be Reliable With Responses** - When the response is timely is it also effective?
- **Be Courteous** - This applies to every person in the condo relationship, including the Property Manager, Board member and the Residents.

On your case.



Mickey Rosenberg



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