



## Now is the time to increase our educational energy



The summer of 2000 has been far from 'lazy and hazy' as many of our members are knee deep in legislative changes. Ontario and Alberta are anticipating Proclamation of their new Acts this Fall. Nova Scotia's new Act was proclaimed on February 16th, 2000, in its final form. A central theme of these new legislative efforts is the requirement of Reserve Fund Studies for new and existing condominium corporations. CCI will be involved in tracking this theme to ensure that the reality of implementation mirrors the benefits expected from the theory of this planning tool.

Nova Scotia has been an interesting case study in making Reserve Fund Studies mandatory and the resultant market impact. I am of the very strong opinion that this will strengthen and expand the condominium market. In the short term there are market repercussions, as all participants become better educated and more critical in their condo purchase decisions. Nova Scotia is seeing corporations that have been poorly managed, poorly maintained, and possessing inadequate reserves, receiving poor acceptance by prospective purchasers. Whereas well managed, well maintained and well funded corporations are selling well and becoming viewed as a premium product. In my opinion this class distinction in condominiums will continue in Nova Scotia for three to five years. The end result will bring equality to all condos at a higher and stronger level of economic health than enjoyed prior to mandatory studies. However, the transition will unavoidably bring short term pain and possibly questions of liability for a certain percentage of those involved in the industry. My hope is that this percentage and the pain will be minor.

These legislative changes would not have occurred without the presence and lobbying pressure of CCI. Congratulations to all involved but – our role is not over as the need for education in the condominium community has never been greater. CCI is the best provider of condominium education in Canada and now is

the time to increase our educational energy. Our members need to be updated and as we approach the Fall what better time to begin. My challenge to the Chapters is to not restrict your education to CCI members but expand your efforts to include real estate brokers and agents, lawyers, engineers, architects, developers, insurance brokers, lenders and any party the least bit involved in condominiums. I feel that these parties have a duty to become educated in this area of increasingly more complicated specialty knowledge and that failure to do so will harm our industry and possibly result in personal liability for those who remain unaware of the legislative changes. There is no question that time will cure the industry courtesy of our new legislation – but why wait? CCI must take the lead in educating all concerned parties immediately to quicken the cure and alleviate the potential pain.

As the end of summer looms, CCI is off to an exciting 2000/2001 season. The Annual Meeting and joint CCI/AMCO Conference is scheduled for November in Toronto. We will then be off to Kelowna for the Semi-Annual Meeting in April which will cement our Atlantic to Pacific presence. I hope to see all of you at these events.

Enjoy the last days of summer and I offer a wish that the increased pace of the Fall arrives gently in your lives.

PAT CASSIDY, *President*

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## Atlantic Chapter

# Nova Scotia Condominium Act Amendment Highlights

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Jo-Ann Hamilton, B. Comm, C.C.I. (Hon's)  
Deputy Registrar of Condominiums (Nova Scotia)

Bill 64, an Act to Amend the Condominium Act (Nova Scotia) received assent from the Lieutenant Governor on December 3, 1998. Proclamation of the Bill was completed in two stages. The portions of the Bill that did not require supporting regulations were proclaimed on February 3, 1999. The balance of the Bill and the supporting regulations came into force on February 16, 2000. The following are some of the highlights of the amendments:

- Bylaws must now be submitted with the declaration and description as a registration requirement.
- The declaration can now divide the units into classes with various percentages of rights and responsibilities and a corporation can make more than one set of bylaws with a specification as to which class of units they apply.
- The vote to amend the declaration has been reduced from unit owners representing 100% of the common elements to 80%. The registrar may also amend a declaration without the consent of unit owners representing 80% of the common elements in order to correct grammatical, clerical, typographical or mathematical errors.
- The powers of the corporation have been expanded to include the ability to acquire property, borrow money, mortgage property, granting easements and leases, making capital expenditures, consolidate units and levy special assessments.
- Two or more adjacent units that are included in the property may be consolidated into one unit. Where the units are consolidated, the percentage allocations for voting rights, contributions to the common elements expenses and ownership of the common elements are also consolidated.
- The quorum for conducting a meeting is lowered from units owners representing 33 1/3% of the common elements to 30%.
- There are new rules for the selection of the Board. Where the declarant continues to own units in the corporation, he is entitled to proportionate representation on the Board. In other words, the declarant can appoint that number of individuals on the Board that is proportional to the percentage of units he continues to own in the corporation. If the resulting number is not a whole number, the number is rounded down to the lower number. The balance of the board positions are voted on by the other members of the corporation.
- There are new restrictions as to who can serve on Boards. The vote for the removal of a board member is now accomplished by the majority of the members at a meeting called for that purpose based on one vote per member. New disclosure requirements are stipulated with respect to conflict of interest for directors.
- The percentage required to amend or make bylaws has been lowered from unit owners representing 66 2/3% of the common elements to 60%.
- Mortgage lenders are restricted from voting unless they are mortgagees in possession.
- The consent required to terminate the governance of the property under the Act is increased to 100%.
- Compliance with the Act, regulations, declaration, bylaws and rules is extended to include occupants (tenants).
- The types of dwellings that may be placed/erected on Bare Land condominiums has been expanded.
- Clarification is provided with respect to the preparation and filing of financial statements and specification is made as to new information that must be included.
- The amalgamation of two or more corporations is now possible by a vote of 80% of the owners of the units in each of the amalgamating corporations, the creation of specified disclosure documents and the filing of the prescribed documents.
- Reserve fund studies are now required to be performed by all existing corporations of ten or more units and, for new condominium developments, must be submitted as part of the registration process. A comprehensive study must be performed every ten years with an update at year five or at any time that there is a significant change in the assets of the corporation. The studies can be prepared by professional engineers licensed to practice in Nova Scotia or by reserve fund analysts certified by the Canadian Condominium Institute (yet to be established). The study must be filed with the Registrar of Condominiums within 30 days of completion. All required corporations must have their first study filed no later than February 16, 2002. The information, opinion, manner and form of the study are set out in the regulations.
- A new arbitration process is established. All matters between a corporation and a unit owner, a property manager, any other corporation, or the occupier of a unit, or between an owner of a unit and the occupier of another unit, or two or more owners of units or a board of directors and a unit owner relating to condominiums (with the exception of the termination of the governance of the property under the Act) can be addressed through the arbitration process.
- The Registry of Condominiums has the ability to fine those corporations that fail to file a copy of the annual statement/auditor's report or the reserve fund study after a formal notice has been sent requiring the corporation to do so. The regulations make provision for the waiving of the fine under the specified conditions.

If you would like further information regarding the changes, the Nova Scotia Condominium Act, Bill 64 and the amended regulations may be found on the Nova Scotia Government website – <http://www.gov.ns.ca> or you may contact the Nova Scotia Registry of Condominiums at (902) 424-5580.

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## *Atlantic Chapter*

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### **Annual Meeting Event**

As we turn the page into September, the first event on the Atlantic Chapter's calendar is our Annual General Meeting, moved to the Fall time slot. It is 7:00 p.m., Wednesday, September 27, at The Carlyle, 6095 Coburg Road, Halifax. Members will have an opportunity for open discussion with the newly elected board of directors following the business meeting. A "wine and cheese" social will close out the evening. This is one of the few occasions where continuing and new members get a chance to meet, and we look forward to greeting them.

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## *Golden Horseshoe Chapter*

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The hard work of each member of the Golden Horseshoe Board certainly paid off considering the huge success of Condominium 2000 – Community Living in the New Millennium Conference held in Hamilton in June. Hundreds of representatives from property management companies, corporation board members and others with an interest in condominium lifestyles from across the country attended and were treated to topics ranging from basic day to day issues to issues regarding how the new legislation will affect corporations from a legal and/or financial standpoint.

A great deal of satisfaction also came from the success of the Trade Show which was held in conjunction with the Conference. We were fortunate to attract a wide variety of exhibitors and are grateful for the support interest they displayed in CCI.

It is with mixed feelings that we accept the resignation of Don Luke from the Golden Horseshoe

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## **A.C.C.I.**

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### **(Associate of the Canadian Condominium Institute)**

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 "A.C.C.I." as recognition of their high degree of skill, professionalism and outstanding achievements.

Candidates for the A.C.C.I. 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 A.C.C.I. examination.

For further information please contact your local CCI Chapter.

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Board. Don has been a committed board member for several years and his efforts will certainly be missed, however, we are also excited since he and his wife have retired to their condo in BC, and we expect Don will waste no time in focusing his talents on starting up a chapter there. Good Luck Don!

After a relaxing summer, our Board will be busy again planning for and offering our fall directors course. Dates and locations have yet to be set but we are planning a more advanced course to be held over several consecutive weeks.

Our annual meeting will also be held in the fall and we will be looking to fill three board positions. We hope to attract new board members from the St. Catherines and Kitchener/Waterloo areas as membership continues to increase in these vicinities and their contribution could complete representation from across the Golden Horseshoe.

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## Toronto Chapter

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Updated and revised to reflect the new Condominium Act, CCI-Toronto is offering the ultimate condominium learning program – **The Condominium Course** – at which the industry's top professionals provide practical, hands-on guidance and specialized management skills to enhance the condominium lifestyle. To register for either the Basic Course (four evenings beginning on Wednesday, September 27th) or the Advanced Course (seven evenings beginning on Wednesday, January 17th), phone the CCI-T office at (416) 491-6216.

The Toronto Chapter has also joined forces with the Toronto Real Estate Board to launch a half-day seminar designed specifically for real estate practitioners. Entitled "**Condominium – What is it?**", the seminar is scheduled for 9:00 a.m. on Thursday, October 5th at the TREB Auditorium located at 1400 Don Mills Road in Toronto (between Lawrence Avenue East and York Mills Road). Realtors attending this three-hour seminar receive mandatory

continuing education credits, MCE's.

Realtors will benefit from attaining a clearer understanding of condominium living in order to provide knowledgeable guidance to prospective buyers. Subjects such as:

Realtors interested in receiving more information on this CCI-Toronto/TREB seminar are invited to phone TREB and (416) 443-8108. CCI-Toronto extends its appreciation to Jonathan Fine, ACCI, FCCI, LL.B. of Fine & Deo for his assistance in developing and presenting this seminar on its behalf.

The Toronto Chapter, in June, was pleased to award the designation of "Associate of the Canadian Condominium Institute" (ACCI) to three deserving individuals. Ms. Liliana Soengas of Brookfield Management, Mrs. Dave Hicks of Arcadia Group Management and Mr. William Thompson of Malvern Condominium Property Management all were successfully examined by CCI.

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## Manitoba Chapter

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# Property tax Focus

The Manitoba Chapter continues to focus on the issue of treatment of condominiums under the current property tax system. To date lobbying efforts to affect political change have not been successful. The Property Tax Committee of the CCI Manitoba Chapter along with representatives of the Concerned Condominium Owners of Winnipeg (CCOW) have been interviewing communication consultants to move forward with a media campaign to raise the profile of condominium property tax concerns.

Views of the authors expressed in any articles are not necessarily the view of the National Canadian Condominium Institute

## BC Update

### Two items of interest...

First, the new legislation, the *Strata Property Act* of B.C., became law on July 1st. It is not perfect but, overall, it is an excellent statute. Well written, logical and comprehensive, it will provide a firm statutory foundation for the administration of thousands of strata corporations. ("Strata" is a word taken from New South Wales, Australia in 1966 when the BC government was searching for a statute it could emulate.)

There are some "downsides" to the new *Strata Property Act*. It is going to be expensive. Very expensive. I predict that the effect of administration to comply with the many exhaustive requirements will cause the owners' condo fees to increase by 10 to 15 percent. Management company fees alone will account for at least five percent as the day-to-day responsibilities (never mind the liabilities) will increase significantly. The government, naturally, downplays this cost impact suggesting that the changes are not that onerous. They are in a bit of a bind here. On the one hand, the new legislation is far reaching and progressive, for which the politicians should take credit. On the other hand, there's "going to be hell to pay" once the hundreds of thousands of condo owners realize what's hit them.

The second item of interest deals with "leaky condos" – the now infamous buzz words that identifies B.C. in condo terms. Despite all that has happened, not much has changed in terms of the product. The government introduced legislation effective July 1, 1999 to mandate third party warranties ("2, 5, 10", meaning two years on labour and materials, 5 years on water ingress and 10 years on structural) on new construction.

Unfortunately, there is not much new construction that is being built with building permits taken out after July 1, 1999. Virtually all of the new construction since that date is with permits issued before July 1, 1999. Bottom line? The same construction is still going up, and there are no third party warranties.

The government, through its crown corporation, the Homeowner Protection Office, has introduced a third party warranty program for existing leaky condo remediation, effective September 30, 2000. This program intends to licence remediation contractors and provide an effective warranty for leaky condo repairs to existing strata corporations, of which there are hundreds of buildings – perhaps thousands. It is an excellent concept although, once again, it will be costly for the condo owners because, at the end of the day, it will be they who end up paying for the premiums. At this time the four or five private warranty firms have not yet developed their premium structures and it will be "a scramble" to have them ready for September 30th. Right now it looks like it will be about \$1,000 per unit but it may be more once the details are worked out.

The effect of all this is the continuation of depressed market prices for condos. To put it more positively, there are some excellent bargains to be found in B.C. Condo corporations which have been properly repaired are better than new – literally, not just figuratively. Yet the prices remain low. So if you live anywhere east of Kelowna, come on out to B.C. – a fabulous place to live!

Gerry Fanaken, President, Vancouver Condominium Services Ltd.

# Healthy Wealthy & Wise

ACMO/CCI Condominium Conference 2000

**November 17-18, 2000**

International Plaza Hotel, Toronto, ON

**Mark your calendars now!**

Watch the CCI-T website for more information in the near future.

[www.ccitoronto.org](http://www.ccitoronto.org)

# Elevator Maintenance

## How Much Value are You Getting?

### Some Questions to Ask Your Current Elevator Company.

By Lisa Konnry, Otis Canada, Inc.

Elevators are critical and costly elements in any condominium complex, and when they aren't working efficiently and smoothly you have to wonder – is your investment being protected?

It is necessary to have the right service provider to not only ensure the highest quality of elevator operation, but also to avoid the need for a complete controller upgrade. Service of this calibre is not common in the industry, so researching your choice of provider is essential.

The following are six questions you can ask your elevator maintenance company to determine if you are getting the investment protection you need.

#### **1. When was the last time you did a "proactive repair," and what was it?**

Scheduled maintenance, based on elevator use, means that elevator companies provide the service that's necessary, when it's needed.

The latest step in the microprocessor-based service revolution is the ability to monitor a unit's operation continuously and respond to any glitch or impending problem instantaneously. Software can tap into an elevator controller and driver unit, spot unusual elevator behavior, and contact headquarters, which sends an examiner to the building before a shutdown occurs.

The examiner, using a hand-held computer, can use the database to review the report. This way, problem diagnosis is easier and faster, as the examiner works on the right component with the right tools. The problem is solved – in many cases before the customer even notices a problem.

Does your service provider have the tools to do this?

#### **2. What method do you use to determine when an elevator component needs to be replaced?**

Automated trip counters provide an opportunity to fine-tune maintenance. Elevator-usage data can be collected from an automated counter installed on each car's controller. The counter records the number of trips, or elevator "starts," each elevator makes, in the same way that your car records mileage on its odometer.

An elevator trip is defined as a car's opening and closing its doors on one floor and moving to another floor. Since component life is related to elevator use, accurate elevator-usage information is a key predictive-maintenance factor.

Without the use of counters, there is no way to have a precise record of the number of elevator trips made since the last preventive maintenance inspection. If a service contractor does not replace a component until the component is at the end of its life cycle, tenants may be inconvenienced by breakdowns and unexpected shutdowns. With accurate elevator-usage data, however, examiners can better anticipate equipment shutdowns and schedule appropriate maintenance tasks.

#### **3. Do you have documented standardized procedures?**

An effective maintenance-management system uses annual quality audits, ensuring that tasks are repeated and consistently performed by all examiners, regardless of the number of years of each examiner's maintenance experience. Standardized work procedures are based on engineered, certified best methods and on constant analysis and audits of the work performed.

If there's a better way to do a procedure, every examiner is informed through a formal publication known as a Technical Information Publication, or TIP, that there is a new standard work practice. The TIP includes a description of any new parts or tools, as well. This way, customers get the most productive and effective service from every member of the team.

#### **4. Do I have access to planned maintenance activities, existing callback rates and maintenance procedures completed?**

Using the Internet, leading manufacturers can communicate all aspects of their elevators' operation to their customers. Information such as the latest maintenance performed, callback data and elevator usage are all available.

#### **5. How do I know my elevator is operating the way it was designed to operate and that the quality is not deteriorating?**

Hand-held terminals can be used to tap into a database of individual elevator performance, service history and component life expectancy.

For routine maintenance, the examiner will access the database to find out what service has been scheduled. As the task is completed, the examiner records the completed task and the computer updates the database. The next time the elevator requires maintenance, scheduled or unscheduled, up-to-date information about its service history will be immediately accessible through the hand-held computer.

Computers help eliminate manual planning and paperwork, too. Based on usage data, the examiner can now deter-

mine which service procedures to perform, and when. If elevator usage should change, the database will indicate adjustments to the maintenance schedule, so that service is provided only at the appropriate time.

In addition, hand-held computers can be used to predict spare-parts needs. Some elevator companies compile kits that include parts and tools that examiners will need for specific maintenance procedures. These kits mean that elevator downtime for routine maintenance is minimized as the examiner shows up at the job site ready to begin the scheduled procedure.

#### 6. What means do you use to communicate with your maintenance examiner?

Communication is the key to efficient predictive maintenance. The best examiners are equipped with hand-held comput-

ers to transmit and receive elevator data. State-of-the-art communications technology allows examiners to use their hand-held computers to communicate with their office.

When a customer calls to report a problem, the dispatcher sends a message to the route examiner via the hand-held terminal. The message includes the problem locations; it also identifies the problem as an emergency – such as a trapped passenger – or an equipment-servicing need. The examiner can go directly to the building without having to stop to call the communication centre for more information. Examiners can save an average of 40 minutes a day by not having to search for telephones. That's 40 minutes more time each day to concentrate on maintaining your elevators.

Another benefit of a maintenance management system is more accurate and timely reporting of information about

elevators' service histories, as well as the maintenance activities planned for the future. With the detailed information available on a database, customers can address tenants' concerns more knowledgeably.

Using technology, customers themselves can review this data and work as partners with the service team. This partnership will help customers address tenant needs and ensure themselves the maximum value for their maintenance collar.

A properly implemented maintenance management system means customers can reap the benefits of higher productivity; maximum up time; highest-quality, customized service; and accurate current and future servicing information – in short, higher returns on their maintenance investment and delaying significantly the large capital outlay associated with premature modernization.

# Expectations

In my 20 years of Condominium Management experience, the most significant question I am asked is not "How long the bricks or mortar will last?" but, rather "What is the most important factor in managing a successful Condominium Corporation?". My response is, "Corporations who have a clear vision of what they want their communities to be and achieve are the most successful". Because plans, no matter how logical or precise they are, seldom work well if they are not supported by the Condominium Owners.

We all have expectations. We expect things from ourselves, our families, our employers, our politicians, etc. Living in a Condominium community is the same. Owners expect things from the corporation, their neighbors and the board of directors. Common expectations are:

- owners respect each other and listen to each other's opinion
- it is a safe place to live
- it is clean and tidy
- it is a welcoming place
- their requests are dealt with quickly

- their Corporation is well managed

The way expectations are addressed will influence an Owner's willingness to be involved in the community. If an Owner's expectations are met, it is likely they will play an active and positive role in supporting the community. However, if their expectations are not met, it is likely they will withdraw from not only participation, but from the community in time. Although it is critical that a Corporation create and implement sound administrative, financial and operational policies and procedures. It is equally critical that Owners expectations are incorporated into these policies and procedures to ensure the success of the Corporation.

A vision statement states what Owners believe in and what they want to achieve. It talks about where they want to be in the future, and it defines plans for change. It helps the Owners remain focused on their objectives and provides a guide for the Board of Directors in the decision making process. It is important that the vision statement be kept visible to remind Owners of the common goals of

the community. It also serves as a very useful marketing tool to attract like minded prospective Owners to the community.

Corporations can help Owners develop a vision statement after helping them identify expectations. Vision statements are a natural follow-up to an exercise which identifies expectations. A vision statement can be developed at any stage of a community cycle since it provides a solid base on which to build. An established Corporation can also find it useful to review the existing vision statement on a regular basis to help remain focused on the community's objectives.

It is proven that Condominium Corporations who include a vision statement as part of their educational program operate more smoothly and successfully. This has been effective in balancing the need of the Corporation to conduct its business while considering the ideas of the owners.

Laurie J. Smith, CPM®  
Concord Properties Management Ltd.