



review

THE VOICE OF CONDOMINIUM

The newsletter of The Canadian Condominium Institute/Institut canadien des condominiums

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Membership has its Benefits



Peter Leong
CCI National President

As I start my term as President, I look forward to an exciting, challenging and rewarding time for CCI this year. We have a great group of dedicated individuals who have been volunteering their precious time and working hard on the National Board and/or one of the many committees. Their efforts continue to enhance this organization. For exam-

ple, a new Risk Management Protocol that will benefit condominiums and strata corporations across Canada will be rolled out in the new year. The ability to acquire proper and affordable insurance is a major concern to many Boards and property managers and we are confident this protocol will go a long way in helping the condominium industry.

Some provinces are looking at changes to their respective condominium legislation and CCI is actively involved. Saskatchewan is close to enacting their new legislation created in 2003. The regulations for their new Act are likely to be introduced early in 2005 and this will set the wheels in motion. There are a number of changes that will enhance consumer protection including the requirement for mandatory reserve fund studies. The North Saskatchewan and South Saskatchewan CCI chapters and CCI National have been working closely with the provincial government to outline any concerns where the proposed legislation may adversely affect the creation and administration of condominiums. The CCI chapters in Manitoba and Ontario are also looking at ways to improve the condominium legislation in their respective provinces.

Our National Executive is an incredible group of individuals from across the country. Deborah Howes from Edmonton returns as our Chairperson. She is very well organized and keeps our national board meetings orderly and on time! Peter Harris (a Torontonian) continues as our National Treasurer. He keeps us in line with what we have available to spend. John Peart is our new Vice-President. John is insightful and provides an excellent perspective from the Nation's capital. Charlie Oliver (from the "Rock") is our new Secretary. Charlie is the "entrepreneur" in our group and is a man of action. I look forward to working with this dynamic group and the National Board as we continue to enhance the national services and initiatives that the Canadian Condominium Institute provides to our chapters and members.

This year, one representative from the CCI National Executive will continue the tradition of making at least one visit to each of our 15 chapters across Canada. CCI National provides support to our chapters whether it involves chapter clinics, promoting and participating in seminars and conferences, best practices, lobbying government or promoting our other objectives. I have already visited the South Saskatchewan Chapter this past October. The President of this Chapter, Ambrose Reschny, and his group put on a splendid AGM, Conference and Trade Show in Regina that attracted well over 130 participants. A job well done! We commend the many volunteers at the chapter level for their dedication and hard work. Our chapters

face many challenges (whether they are new or well-established) and CCI National is committed to provide whatever support is needed.

One of my mandates this year will be to look at ways we can increase our membership across the country. There is strength in numbers and we want to be as strong as possible to service our members and the industry as best as we can. Whether you are a condominium or strata corporation, professional, business or individual, membership in CCI has its benefits.

For the condominium director or unit owner, a host of valuable membership benefits are available which include:

- Receiving special membership rates when you register for CCI sponsored condominium courses, seminars and other events. The Basic Condominium Course is a great way to "educate" newly elected condominium directors on what they need to know, whether it is legislation, budgeting, building maintenance, reserve fund studies or running a meeting...just to name a few.
- Receiving chapter and national newsletters with up-to-date information, news and events that could affect or benefit your condominium.
- Accessing experts in the field of condominium.
- Taking advantage of discounts when attending the CCI/ACMO Annual Conference.....see the latest ideas and newest products at the trade show.
- Networking with industry leaders and other condominium directors.....CCI's events present excellent networking opportunities.
- Supporting CCI's lobbying efforts for better reforms to government on behalf of all condominium owners.

For professionals or trades servicing the condominium industry, membership benefits include the following:

- Expanding your business profile among the "who's who" of the condominium industry.
- Networking with business leaders.
- Learning from the experience of leading professional colleagues and access to a wealth of contacts and reference materials published by CCI.
- Sharing information with other suppliers to the condo industry....including professionals from the areas of condominium law, property management, accounting, engineering, reserve fund study provider, alternate dispute resolution, real estate and insurance.
- Becoming a valuable industry resource by lending your expertise as an author of articles in CCI's newsletter and as a CCI course instructor.
- Increasing your business recognition and stature by qualifying to obtain the ACCI (Associate of Canadian Condominium Institute) professional designation.

CCI National will be looking at creative ways to help our chapters bring in new members and keep the ones we already have. You can help us, too. If you have a neighbouring condominium project or know a professional who is not a member of CCI, let them know who we are, what we can do for them and how they can benefit from our services. Let's get the word out...CCI - The Voice of Condominium!

Peter Leong

CCI National – 2004 Annual Conference Report

The CCI National Annual General Meeting, Semi-Annual Board Meeting and related committee meetings were all held in Toronto from November 4 to November 6, 2004. Again this year, the meetings took place at the International Plaza Hotel in Toronto in conjunction with the 8th Annual CCI-ACMO Conference

The 8th Annual CCI-ACMO Conference was a great success with ever more attendees and exhibitors. The content of the sessions over the two days was excellent with topical material and knowledgeable speakers. Congratulations to the organizers from ACMO and CCI who logged countless hours to make the Conference a seamless and exciting event.

The CCI National Annual General Meeting was held in the late afternoon of November 5 after the second day of board and committee meetings. At the AGM, Gerrit Roosenboom, CCI President, gave an overview of CCI National's successes and initiatives over the past year and representatives from all of the fifteen CCI chapters across Canada summarized their chapter activities. It was clearly a very busy year for CCI across Canada. Eight directors were elected to fill the vacancies on the CCI National Board. Six of those elected were incumbents with Larry Holmes (London) and Jim Warren (South Alberta) filling the remaining seats.

The annual CCI National Awards Dinner was held after the AGM on November 5 and drew a full house. At the Dinner, CCI honoured a number of individuals in the condominium community with the FCCI (Fellow of the Canadian Condominium Institute) designation and the DSA (Distinguished Service Award) recognizing their outstanding accomplishments and contributions to the condominium community. FCCI honourees were: Fran Graf (Ottawa), William Kerr (North Alberta), Denise Lash (Toronto), and Barry Scott (London). DSA Honorees were: Patsy Ernst (Nova Scotia), Laverne Garrow (North Alberta), Evelyn Jonsescu (South Saskatchewan) and Steve Willerding (Toronto).

CCI Toronto was awarded the Chapter of the

Year Award and the North Alberta Chapter received the Penman Smith Award for the most outstanding newsletter. Again this year, the Dinner's participants raised funds from raffles/draws held throughout the Dinner. The funds were later donated to Habitat for Humanity by CCI National.

The National Board's Semi Annual meeting and committee meetings took place on November 4, 5 and 6 and were very productive. On the first day of the meetings, the Risk Management Protocol (RMP) was rolled out for the directors. The RMP was a culmination of several years of joint effort between CCI National and Applied Risk Management Systems Inc of Alberta. The purpose of the RMP is to allow individual condominium corporations to assess and mitigate their own areas of risk through a series of risk reduction strategies which are unique to the individual corporation. All of these strategies are contained in a kit which is being offered for sale through the Condominium Protocol Centre, an arm of Applied Risk Management Systems Inc. Training sessions in the use of the RMP are planned for early in 2005. This is an exciting initiative and more will be said about it in this issue and elsewhere.

As part of meetings, the Board met with government representatives to discuss the current state of condominium legislation and administrative issues on a province by province basis. This was the second annual set of meetings of this type. Valuable information was shared by both sides and CCI

intends to intensify these interactions on the Provincial level as well as the Federal level over future months.

During these meeting as well, the National Board finalized the committee structure which will be spearheading the First Annual Insurance Symposium. The Symposium will be held on May 25, 2005 in Toronto and will be the first time that academics, insurance executives and professionals involved in the insurance industry will be meeting to discuss how the insurance industry can adequately meet the insurance needs of condominiums throughout Canada.

The Communications Committee announced that new upgrades are being made to the CCI Website which will allow more content as well as an even easier access to and navigation through the site. The Constitution Committee has undertaken the task of reviewing the CCI bylaws with a view to streamlining the current Board structure.

The 2005 CCI Spring Conference and Semi Annual Meeting will be held on May 26 to 28 and will be hosted this year by the Huronia Chapter. From initial teasers, the Conference should be well organized. Warm and cloud free weather is anticipated and we look forward to seeing you there.

John Peart
CCI National Secretary

Holiday Greetings



On behalf of everyone at the National Office, we wish all of our readers a wonderful Holiday Season and a Healthy and Successful 2005!

CCI National

Awards Banquet

Fellow of the Canadian Condominium Institute



Fran Graf receives her FCCI from National President Gerrit Roosenboom and National Secretary and Ottawa Chapter President, John Peart.



Roxie Koch, N. Alberta President receives the FCCI certificate on behalf of William Kerr, unable to attend, from Gerrit Roosenboom



Denise Lash (centre) receives her FCCI from Janice Pynn, Toronto Chapter President, and Gerrit Roosenboom.

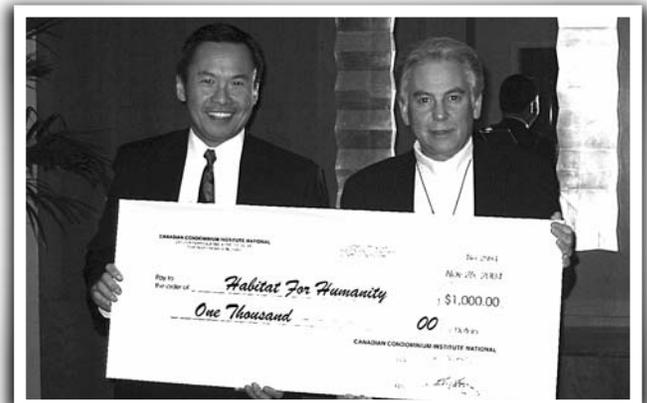


Barry Scott (centre) receives his FCCI from Gerrit Roosenboom and Don Peter (right) London Chapter President.

Donations to Habitat for Humanity



Janice Pynn and her CCI "sales team" selling 50/50 draw tickets at the CCI National Awards Banquet.



Peter Leong, CCI National President donates the proceeds of the 50/50 draw to Father Michael Burgess of Habitat for Humanity. [Thank you to Ron Danks, winner of the 50/50 draw who donated his winnings as well.]



Distinguished Service Award Recipients



Patsy Ernst receives her DSA from National President Gerrit Roosenboom and Pat Cassidy, Nova Scotia Chapter.



Ambrose Reschney (right) receives the award on behalf of Evelyn Jonescu, unable to attend, from Gerrit Roosenboom.



Laverne Garrow, N. Alberta Chapter Administrator, receives her DSA from Gerrit Roosenboom and National Chair, Deborah Howes.



Steve Willerding receives his DSA from Gerrit Roosenboom and Toronto Chapter Past President Bob Gardiner.

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Annual General Meeting

November 5, 2004

Retiring National Directors



Deborah Howes, National Chair presents plaques of appreciation to outgoing National Board members. LH: S. Alberta's President Evelyn Thompson accepts on behalf of Lauretta Kaechele (not available to attend); and presents to Barry Scott (RH presentation).



Deborah Howes presents the Outgoing Chairman's Plaque to Ron Danks.

Winner of the Lorne Young Chapter of the Year Award



CCI Toronto Chapter

L-R: Bob Girard, Bob Gardiner, Janice Pynn, Gerrit Rosenboom (National President, presenter), John Warren, Denise Lash, Vic Persaud, Gina Cody, Armand Conant, Steve Willerding.

Winner of the Penman Smith Best Newsletter of the Year

North Alberta Chapter

L-R: Janice Pynn (President of Toronto Chapter, last year's winner) and Gerrit Rosenboom, National President (right) present to: Lucien Roy, Sandi Cooper, Roxie Koch, Marva Carter and Laverne Garrow.



Meet the Press

It's four o'clock on a Sunday afternoon when your doorbell rings. You open it and find yourself staring into a video camera. A reporter from a local television station identifies herself and asks if you are the president of your condominium corporation. Then she asks you if it is true that the board is trying to force a family with a young disabled child out of the community. Your mind goes blank for a few seconds and then it hits you that she must be talking about the new family that just moved in who have a disabled child.

You stammer a reply that, of course, you are not trying to force anyone out. She then counters by asking, then why are you forcing them to remove their wheel chair ramp when you know that is the only way that the child can get in and out of the house. Again, you deny it. She then insinuates that you are lying and waives a letter in your face saying she has proof that the corporation threatened the owners with a court action to remove the ramp. (You have been asking them for months to submit a request for permission to install a wheel chair ramp they built on the common elements. The board fully intends to grant consent subject to some minor modifications to the structure but had to resort to a lawyer's letter as they have completely ignored your attempts to communicate with them). At this point you get, understandably, a little angry and blurt out that if those idiots had just acted reasonably, there wouldn't have been any problem.

Guess what, you just guaranteed that you're the lead story on tonight's news.

You may not want it to happen, but there may come a time when you will have to deal with your local press. The very rules and restrictions that make condominium living a safe and pleasant environment for most individuals sometimes appear to be overly restrictive and unfair to others. All it takes is for emotions to get in the way of common sense and you will have a drama which the local media would just love to report.

Think it can't happen to you? One Ontario condominium recently found itself accused of being un-Canadian in the lead story on the local TV station's evening news. Why?....

because they asked the parents of a young child to not let him play road hockey on the common element street in front of their unit after several near misses with cars entering the condominium from a busy city street.

Such stories sometime take on momentum that can rocket them all away to the national news. Several years ago a family in a Florida community association constructed a very intricate tree house in their backyard for their six year old son who was suffering from leukemia. The home owners association, in response to complaints from neighbours about the size and location of the tree house tried to work with the home owners for over a year to have them lower it so that the adjoining homeowners would have no reason to complain. No one ever indicated that it had to be removed entirely. The homeowners eventually took their sad story to the local press. When contacted, the board took a "no comment" approach which resulted in a somewhat one sided story in the local newspaper. Within three days it was headline news on CNN and other major television networks across the United States.

Most reporters do act responsibly and try to get both sides of the story. However, you must remember that they are working to deadlines on a daily basis and will not be able to wait two or three days for a formal response from the corporation. They may just go with what they have got, especially if it is a particularly juicy story. While you may never have to speak to a member of the media, condominium corporations should consider the possibility. The following may help you to get prepared:

Media Contact: Think about designating a specific person who will handle all media inquiries on behalf of the condominium corporation. This individual does not necessarily have to be the president or the property manager, but should be someone from the board so that they can speak with authority. Make sure the person that is your contact can be "contacted" meaning they should be generally available both at home and work. If the person you are considering is often out of town on business, spends much of the year

on vacation, or works late hours you should find someone else. Preferably, the individual would be articulate and used to public speaking. In some cases you may wish to have the corporation's solicitor respond, especially if it relates to ongoing litigation. If you do, make sure you call the solicitor immediately to let him or her know what is going on and that they can expect a call from the press. If you are involved in a dispute that is becoming more and more bitter, you should consider preparing a written statement in anticipation of that telephone call or camera news team calling.

Be Truthful: Always tell the truth and do not embellish your side of the story. Answer only the questions that are given to you. If you do not know an answer to a question say so and indicate that you will try to find an answer and get back to the individual. Do not be afraid to tell your side of the story. If a reporter is waiving that letter under your nose that your corporation's lawyer sent to the homeowner, point out that letter was only sent after the board or management had contacted this homeowner with the issue on 3 or 4 or whatever number of occasions. Describe any other efforts that the corporation has made to try and resolve the issue. Remind them that there is such a thing as the condominium act that requires certain things be done or not done. Finally, if it is appropriate in the circumstances, don't hesitate to point out that all of the other homeowners are abiding by the rules.

Respond in a Timely Fashion: Remember that reporters work to very strict deadlines. You have to respond to them as quickly as you can. If you feel you need some time to compose your thoughts, (especially when the reporter wants to tape your answer) tell them that you simply need time to consult with another board member or the property manager and that you will get back to the person in a few minutes. Get their phone number and make sure that you do call them back. If you honestly do not know the answer to the question, be helpful and refer the reporter to another board member, the property manager, the corporation's solicitor, or some other association that can get the infor-

mation they need. If it is possible, let that person know immediately that they may get a call from the press, so that they can compose their thoughts on the matter.

Don't Get Mad: No matter how annoyed you are at being questioned, or how bizarre and absurd the questions are, keep your cool. Shouting at, or threatening, a reporter will almost guarantee that you will be on the news and more or less destroy any credibility the corporation may have. The reporter is not the bad guy, so there is no need to antagonize him or her by being offensive. That will only fuel suspicions that the board is "bullying" the homeowner at the centre of the controversy. Be personable and answer questions to the best of your ability. Being evasive or hesitating overly long in responding, may cause the reporter to be suspicious that you are trying to hide something from them.

Be Positive: Turn a negative accusation into a positive response. If the reporter says something like, "is it true that your trying to drive kids out of this community", (because you just told that homeowner to not let their child play ball hockey on the road) respond by saying something to the effect of, "many of us have children and we are just trying to keep them safe."

Be Brief: Keep your answers short and stick to the facts. Do not discuss information relating to the owner in question that does not relate to the situation at hand. Be cautious when you are faced with a reporter who remains silent after you have finished answering the question. He or she may be trying to get you to fill that gap by elaborating on your answer. Do not hesitate to correct the reporter, politely, if they have the wrong information.

Avoid Giving Personal Opinions: Always assume that everything you say will be "on the record". If you say something like, "off the record I think that the whole thing started when his wife left him. Apparently he was hitting the bottle quite a bit" not only will that affect the credibility of the condominium's position, but it may also be libellous. Remember at all times you are speaking for the condominium corporation and not yourself.

Us and Them: Try to avoid using language that sounds like you have already drawn a

line in the sand and there is no going back. Instead of saying, " we told them to do this", say "we have been trying to work together with Mr and Mrs Smith on this issue for some time now".

Revenge is Never Sweet: After you have been interviewed, you may find yourself becoming more and more annoyed, even angry, with both the reporter and the homeowner. You may feel like calling the newspaper reporter or his or her editor to give them a piece of your mind.. DON'T DO IT. It will only make things worse in the long run. Never take out your anger on the homeowner in question. That will only add more fuel to the fire.

Press Release: In many situations you will find that your story will be forgotten within 24 hours. However, some situations of a more significant nature may become the focus of the press for a longer time period. In that case, you might consider issuing a formal press release stating the corporation's position. That release should be approved by the board and reviewed by management to ensure its accuracy. In matters of litigation, (or potential litigation) the corporation's solicitor should review it to ensure its contents will not prejudice the corporation's position. The contents of the release should be truthful, succinct and stick to the facts. Use the same release for any person in the media who contacts you, so that you can be sure that the same information is going out to all parties. Try to keep the release to one page only. When you issue it, give the name of a contact person that a member of the media can follow up with if necessary.

Body Language: Body language can influence an interview, especially if you are being taped for television. Avoid exaggerated gestures and aggressive behaviour. Try to relax. If you are standing, lean slightly forward so that you appear interested in what is being discussed. If you are sitting, sit up straight and appear relaxed. If you are being filmed, try to look right into the camera when you are making a significant point, otherwise, look at the reporter. When appropriate, try to smile but not to the extent that you give the impression that you think the whole interview is a joke.

Let Sleeping Dogs Lie: Despite your best efforts, there may be occasions when a story



gets reported that is so one sided that you consider asking for a retraction, or even an apology. Think carefully before you do. The news moves fast and what was a feature story last night will be ancient history by the time today's six o'clock news rolls around or tomorrow's paper comes out. Demanding a retraction or an apology may draw more attention to the issue and keep it "newsworthy" much longer than it normally would be. However, it may be prudent to issue a statement to your owners. They more than anyone will be the most upset about the issue. When doing this, consider the comments above regarding news releases and remember that there is a good possibility that internal release may end up in the hand of that same reporter.

Perhaps the best way of avoiding dealing with the press is to not allow a newsworthy dispute to arise in the first place. Communicate frequently and openly with your unit owners. Show respect to your owners by actively listening to their concerns. Recognize that as times change, so do the attitudes and needs of your community. That rule you created to prohibit six foot satellite dishes 15 years ago may not be necessary today. When a dispute does arise, consider voluntary mediation before resorting to the more formal remedies available under the condominium act. If you create a harmonious community, your only dealings with the press may be one of those all too infrequent, "good news stories".

Ron Danks, B.A.,(Hons) L.L.B. , ACCI, FCCI, is a partner with the Hamilton and Burlington business law firm of Simpson, Wigle LLP, Past President of the Golden Horseshoe Chapter of the Canadian Condominium Institute and is Past Chair of the National Board of Directors for CCI.

Windsor-Essex County Chapter

Bruce Rand, Troy Humber, Bill Norris and Debbie Bechard were all elected to the Board of Directors at our Annual General Meeting on September 30, 2004. The AGM was followed by the seminar, "How to be a Great Director" which reviewed the many important issues regarding Directors including what the duties of a Director are, how Directors protect themselves and reduce liability, how to work with a condominium manager, and case law affecting Condominium Directors. It was an eye-opening session for all those in attendance.

Some of our members attended the CCI London Course – Level 200, which consisted of two full day sessions in London. The travel from Windsor was offset by the convenience provided by two Saturday classes over the former seven evenings schedule. All of our members are entitled to attend the courses and programmes at the other Chapters throughout Canada at the special member rate.

A field of professionals in the many areas relating to Condominium Living lined up to take part in our annual "Ask the Expert" seminar. The panel of experts included, Larry Holmes – Property Management; John Kataila – Reserve Fund/Capital Planning; Gordon Lee – Accounting; JoAnne

Muegge – Real Estate; Bruce Rand – Insurance; and Andrea Thielk – Law. The casual question and answer format of this event made for an interesting and enjoyable evening.

Great seminars are being planned for the Spring – so stay tuned.

Our local website is capable of providing link-ups to business members who wish to take advantage of this service. We also have great advertising opportunities for our business members in our Directory and Newsletter circulations.

Our 2004-2005 membership drive is on. Chapter membership is on the rise consistent with the increase of condominium developments in the area. For more information on how you can 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

We are looking forward to a successful 2005. Best wishes for a joyous holiday season.

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

Huronia Chapter

People, not events, are the driving force in the success of the Huronia Chapter. Instead of telling you about our future events, let me tell you about—Howard Walker and Gerrit Roosenboom—two of our founders. They have helped to guide our chapter, now in its fourth year, to be a strong voice for condominiums in the Huronia Region of Ontario. Like many other chapters, who use a newsletter or magazine to communicate with their members, we have **Condo Forum**. Howard is the founder and first editor of **Condo Forum**. He was, until November 2004, a member of our Board of Directors. Howard, thank you for your contributions to the success of our chapter, in particular the creation of **Condo Forum**. The Board, at its November meeting, presented Howard with an "Outstanding Contribution Award" in recognition of his pioneering work. Howard, we wish you well, as you take an extended leave, to do volunteer work with the indigenous people of Panama.

Gerrit was our first President and a member of our Board until August 2004. We know him as our founder and many of us consider him our trusted counsellor and guide. During our first year, he not only recruited many of our members, but did much of the administrative work and ran our seminars. Now, we can only wonder, "How did he accomplish so much?" He continues to recruit new members. We now marvel at the work he did to develop our chapter. He has an unbelievable knowledge of condominium procedures and practices. We've made him an honorary member of our Board and continue to call upon him for his wise counsel. From the solid foundation built by people like Howard and Gerrit, our members will always benefit from outstanding educational programs and resources.

*Milton W. Zwicker, President
CCI Huronia Chapter*

Vancouver Chapter

The Vancouver Chapter has been very busy this fall. Within a one month time span, we held two very successful seminars for our Chapter members. The first seminar, which was conducted by several leading legal counsel in Vancouver, focused on important legal issues that regularly impact strata corporations and their strata councils. The second seminar, which was presented by Halsall Engineering, focused on reserve fund studies in the Lower Mainland and the importance of having this type of study undertaken, whether mandated by legislation or not.

Our membership numbers have remained steady but we anticipate, with the start up of a website, implementation of

the CM 100 course and through the promotion of the Risk Management Protocol that was recently launched in Toronto, that we will see our numbers increase.

Lastly, we are delighted to have two new board members join our team, one who is in-house counsel for one of Vancouver's largest property managers and the other who, until recently, plied his trade as a property manager in Ontario. Both of these individuals will bring an abundance of knowledge and creativity to our board.

*Jamie Bleay, President
CCI Vancouver Chapter*

Newfoundland & Labrador Chapter

Hello Canada!!! We are pleased to report that we recently held our Annual General Meeting in conjunction with an "Ask the Expert" educational seminar. There was a great response to the seminar and from the feedback we received, there is no doubt that everyone who attended felt that it was very helpful and informative. Our panel consisted of an insurance industry representative, an insurance adjuster, an appraisal expert and a lawyer. The questions were very thoughtful and pertinent to many of the issues being faced by our condominium community. We will definitely consider using this format again for future sessions.

An election was held at the AGM as the terms of two of our Board members (myself and Gerry Hudson) were completed this year. I stood for re-election and was appointed to serve for a further term and a new member, Carol Burke of Burke Realty (A division of Realty Management Inc.), was also elected. Carol's input is very welcome and together with the wonderful Board we have assembled, we are very much looking forward to tackling some of the initiatives we have planned for this year. Our new Board is as follows:

Geoff PenneyPresident
 Mae ButtVice-President
 Darlene RendellSecretary
 Karen HoodAccountant
 Charlie OliverDirector
 Carol AdamsDirector
 Carol BurkeDirector

We would like to say a special thanks to Gerry Hudson, our friend and past Board member. Many of you will remember Gerry's valuable contribution to our hosting duties for National's Semi-Annual Conference here in May, 2004. Please join us by keeping Gerry in your prayers as he deals with a very difficult health issue. Our love and best wishes go out to him.

Our Legislative Committee has also set its next meeting to take up the challenge once again of reviewing and revising our condominium legislation. We all wish them well in this endeavour as everyone is looking forward to the day when it will be in place and help everyone in the condominium community more effectively deal with the challenges we face.

*Mae Butt, Board Member
 CCI Newfoundland & Labrador Chapter*

Southern Saskatchewan Chapter

On October 16, 2004, the Chapter hosted a very productive day of seminars, Annual General Meeting and Trade Show. Attendance for the day numbered 129. Most of those were from our own chapter - 94 from member condos (including several from Moose Jaw), one individual member and twelve professional members. Four members from the CCI-North Saskatchewan Chapter were present, and five from non-member condos in the province.

The seminar presentation on Reserve Fund Studies by Peter Leong of Cochrane Engineering and CCI-National was especially well received. His vast experience and dynamic presentation style kept the audience attentive and served to inform us all. The afternoon seminar presentation by Madeleine Robertson of Saskatchewan Justice on Reserve Fund Legislation provided a useful review of current legislation and anticipated changes to the *Act and Regulations*. The lively question-period later in the day was evidence of the timeliness of the information provided by both of the guest speakers.

Nine businesses displayed information in Trade Show booths near the entrance to the meeting room. Reports from many of the businesses indicated that the booths had many visitors. As well, several of their representatives reported gaining new knowledge from the presentations during the day.

A relatively short AGM elected a ten-member board of directors, and provided advice about governance of the chapter. In addition to the Board, twelve people volunteered to serve on committees. The reports from the president, Ambrose Reschny, and the treasurer, Lee Ann Brown, described a very successful year for the chapter – its best yet.

The work of the new committees is well under way. The Education Committee organized a first seminar on November 16 on Directors' Liabilities. Planning has begun for four more seminars in the new year. The Legislative Committee is actively communicating with Saskatchewan Justice regarding changes to the Regulations which will accompany the revised *Saskatchewan Condominium Property Act*. The Taxation Committee met to consider strategy for lobbying for fairer taxes. The Newsletter Committee has the October-December issue being printed for distribution in late November. Some new members on the Board supplemented by a large number of Committee Volunteers have added vigour to our Chapter, and bode well for our future.

*Evelyn Jonescu, President
 CCI South Saskatchewan Chapter*

Golden Horseshoe Chapter

As is our custom we hold the Level 200 condominium course in the Fall. In Burlington we had 44 attendees and 35 in Guelph. The guest speakers always provide some very hands-on advice which is always appreciated.

At our AGM held on October 14th at the Royal Botanical Gardens, two new directors were acclaimed; Mr. Tony Gatto CA and Mr. Vartkres Peltekoglu. Maria Finoro was re-elected to a three year term. At a subsequent Board meeting, Tony was appointed the Chapter's Treasurer. Two previous directors, Mark Sheddon and Janet Milne did not stand for re-election. Our thanks to both Mark and Janet for their service.

For each of our newsletters over the course of the year, we invite condominium corporations to submit an article that describes their community or to highlight an achievement made. From the four submissions, one is selected for the Condo of the Year award. At our AGM, this year's award went to Twenty Place, a group of condominium corporations in Mount Hope, Ontario. Representatives of the various condominium corporations that comprise Twenty Place and Fengate Property Management

were in attendance to receive the plaque.

In mid-October, Ron Danks of our chapter board and the undersigned assisted the Northwest Chapter in Thunder Bay with its one day condominium seminar. The event was very well attended with over 50 attendees. Congratulations to Doug Steen and Paul Muller for putting on a very informative program.

The chapter was very pleased to support the ACMO/CCI Conference and Awards Dinner held in November by way of the coffee break sponsorship and gift basket. The chapter formed a subcommittee to review the 2004 Chapter of the Year submissions. All of the entries were very noteworthy however in the end, the Toronto Chapter was picked. Congratulations.

Also in support of the CCI National endeavours, the chapter donated \$2,500 in aid of the National website upgrading.

*Kim Coulter, President
CCI Golden Horseshoe Chapter*

Nova Scotia Chapter

The Nova Scotia Chapter kicked off its activities for the 2004/05 year with the Annual General Meeting in late September. The President's report reviewed the events of the Chapter during the past year, including educational activities, the newsletter and a strategic planning process intended to focus the activities of the Chapter in those areas most desired by its members.

The Chapter said good bye to two long time members of the Board, Pat Cassidy and Laurie Smith who have devoted untold hours to our Chapter. We are very fortunate that both of these individuals are prepared to continue to help with our educational activities.

Two new members were elected to the Board, Pat Brownlow and Madeline Conrad. The Chapter is very happy to have them on board.

Part of the strategic planning process was identifying the

type of educational format and content that our members want. After completing a member survey, we have decided to offer three seminars on specific topic areas this year. The first of these was held in late October on PIPEDA (the protection of privacy federal legislation) and was well attended. Two more will be held throughout the year on the topics of insurance and improving communications.

Two members of our Board attended the National ACMO/CCI Conference in Toronto in early November. In addition to attending the conference sessions, they also participated in CCI National meetings, the AGM and Committee meetings.

We are looking forward to a productive year and would like to take this time to wish all CCI members the best wishes for the holiday season and a Happy New Year.

*Anne Merry, President
CCI Nova Scotia Chapter*

North Alberta Chapter

Our summer has come and gone and, while we are enjoying a mild fall/winter, we all wonder how much longer we can get lucky and avoid the snow and cold we are used to by this time of the year.

Our board resumed after having the summer off and although we are sad to see some board members leave, we welcome new faces and along with the new faces, come new ideas. So welcome to all our new board members and we look forward to an exciting new term.

One of our goals this year is to increase the awareness of what the benefits are to being a CCI member. This is to benefit our existing members as it reminds them why they joined CCI in the first place and hopefully it will help to increase our overall membership with new members.

We would like to thank everyone who voted for our newsletter and in doing so our chapter won the Newsletter of the Year Award. We have a newsletter committee that has

worked very hard to earn us that award and we would like to express our thank you to not only the individuals who voted for us, but a committee that went above what was required.

We also paid special thanks to our chapter's office administrator Laverne Garrow with a Distinguished Service Award for her commitment she has shown over the years, as well as a Fellowship for Bill Kerr in recognition of his ongoing contributions. We also held an award dinner for Hugh Falconar who was a founding father of CCI and was one of the people with the vision and foresight to see the need for a condominium organization such as CCI. Our chapter is thankful for these people and all the others that dedicate their time to the benefit of CCI and its members.

We are all looking forward to a new and exciting year.

*Murray Dadswell, President
CCI North Alberta Chapter*

London & Area Chapter

Susan Size completed her term of office as President at the well-attended Annual General Meeting. Her report recognized the growing membership, the dedication of the Board of Directors, the Administrator and the members. Sue made individual presentations with sincere thanks to departing board members Heinz Gregor and Barry Scott and welcomed new board members – Sean Baker of Aon Reed Stenhouse, Jeff Boivin of Trow Associates Inc. and Michael Lamb, LL.B. and returning members Brendan Gregg, Connie Grant and Don Peter. Don assumes the role of President. I was most honored to have made a very heartfelt and special presentation to Sue in recognition of her exceptional contributions to the Chapter and the members of CCI. She is an outstanding talent and serves CCI with distinction.

Andrea Thielk, B.A., LL.B., JD, ACCI, and President of CCI-Windsor & Essex County provided an excellent and most stimulating presentation “Risky Business – Protecting Your Condominium from Occupier’s Liability” which has since caused many a discussion.

Thanks to our remarkable instructors Andrea Thielk, Sean Baker, Susan Size, Michael Lander, Joe Hoffer, Fraser Grant, Jeffrey Phillips and Larry Holmes, and 57 eager registrants, the Condominium Course that took place over two Saturdays, October 16th and 30th was a success.

We congratulate Barry Scott for his recent and very

deserving Fellow of the Canadian Condominium Institute (FCCI) that was presented to him at the recent CCI National Awards Dinner in Toronto. Barry has been a very active and devoted member of CCI for many years, and while he no longer serves on the board, he will continue to support the chapter in its educational endeavors, and provide his vast knowledge and expertise on condominium where needed.

Seminars set for the upcoming months include: “Amalgamation, Turnovers and Transition” slated for Tuesday, January 25th, 2005 and “Bread & Butter Issues of Condominium Maintenance” on Tuesday March 29th. Both seminars will feature panels of condominium specialists. Once again we will encourage new condominium owners and directors to check us out with our “Bring a Guest” Pass at our “There are No Stupid Questions!” Seminar on May 3rd, 2005.

We invite all condominium owners, directors and professionals serving the condominium community to come out and participate in the events. As usual, we are open to your suggestions and comments for newsletter articles and seminars. Feel free to call me at (519) 453-0672 or email me at ccisw@ccci-sw.on.ca.

On behalf of the Board of Directors of London & Area Chapter, I wish you a safe and happy holiday.

*Trish Kaplan, Administrator
CCI London & Area Chapter*

Toronto and Area Chapter

The publications department of the Toronto Chapter experienced a few months of flurried activity with the release of the 6th Edition of Gerry Hyman’s Condominium Handbook, not to mention the addition of three legal textbooks (by Bob Gardiner, Audrey Loeb and Harry Heskowitz/Mark Freedman) to our Publications Listing. For ordering information on any of these publications or others carried by the Toronto Chapter, visit our website at www.cci-toronto.org.

Since the last report, two evening seminars have been held. The first entitled, “Condominium Registrations – Turnover or Transition?”, was held on October 5th and drew a good crowd, including members of first Boards and Developers. The second seminar was a President’s Club session focusing on issues of “The Board”. Thanks go out to that evening’s condominium host, “The New York Towers” at Bayview and Sheppard Aves.

As could probably have been predicted, however, the highlight of the fall was the annual CCI/ACMO Condominium Conference – held on November 5th and 6th. The combined conference and trade show drew hun-

dreds of delegates to hear over 70 guest speakers and visit over 60 exhibit booths. Delegates were treated to a variety of topics this year, including Telecommunications, Preventative Maintenance, Market Value Trends, Mitigating Damage, Life Under the New Act, Show Me the Money, Effective Leadership, Compliance Issues, Effective Communications, Reserve Funds, PIPEDA, New Types of Condos, Mediation, and Contracts. The Grand Finale was the Case Law Update featuring Condo Lawyers from across the Nation.

The Chapter held its Annual General Meeting on November 25th, 2004. It was nice to see so many members turn out to this annual event, which was followed by an informal Wine and Cheese reception.

Registration information is now available for the Winter session of the Basic Level Director’s Course beginning in February 2005. Call the office at (416) 491-6216 or visit the Chapter website for registration forms.

*Lynn Morrovat, Administrator
CCI Toronto*

Protocol Program responds to Insurance Industry Concerns

As announced at the recent Annual Conference in Toronto, the initiative put forth by a CCI task force 18 months ago to develop a Risk Management Protocol for Condominium Corporations has now been completed. This announcement unveiled the launching of a new Program designed to help condominiums across Canada mitigate their own areas of risk.

The Protocol Program

The Protocol Program – to be known as the National Condominium Risk Management Protocol (RMP) – is a direct response to the concerns of the insurance industry toward condominium sector risks in Canada.

The RMP has been developed – and will operate – under a partnering arrangement between CCI and Applied Risk Management Systems Inc., a risk management specialty firm based in Edmonton that originated the unique methodology employed in the protocol materials. Individuals from the firm have extensive experience in the risk, insurance, systems and legal disciplines, and past success in developing similar programs for other sectors, notably municipalities.

The Primary Objective of the Protocol Program

In the past few years, the insurance industry's concerns have become major obstacles for Canadian condominium corporations as they have searched to find affordable insurance coverage. The aim of the Protocol is to facilitate the application of due diligence in managing the everyday risks associated with condominium operations and, in so doing, mitigate the risks that are transferred to Insurers.

It is anticipated that Corporations implementing the RMP will see an overall improvement in their own risk assessment which, in turn, should translate into a more consistent and balanced insurance relationship for them. Initial reaction from the insurance industry to the approach taken in developing the RMP has been positive, auguring well for the objectives of the RMP.



Components of the Protocol Program

The central thrust behind the RMP is the provision of risk management materials (referred to as “modules”) that individual Boards can implement practically and effectively. Each module contains the tools, strategies and guidance needed to mitigate the risks in a specific aspect of condominium operations. The Protocol materials can be ordered only by individual condominium corporations. Protocol Kits can be tailored to meet the needs of any type of condominium, whether large or small; residential or shared facilities; and self-managed or professionally-managed.

In addition to the risk management materials, the RMP makes provision for purchasing corporations to continue working with their existing Property/Condominium Manager and/or Insurance Broker in implementing the Protocol Program if they wish. In this regard, Training Programs and Seminars will be held throughout Canada in the New Year to facilitate application of the new Protocol. Managers and Brokers that wish to register their support for the objectives of the RMP are also invited to participate in this training process.

Delivering the Program

Under the partnering arrangement between Applied Risk Management Systems (ARMS) and CCI, ARMS has established – and will

operate and staff – the Condominium Protocol Centre, which will deliver all materials, administrative and ongoing support services to condominiums throughout Canada on an ongoing basis. Website and toll-free telephone access are some of the dedicated features provided by ARMS in this regard. CCI will continue in its' role to ensure that the ongoing suitability and effectiveness of the overall program is geared to the ever-changing needs of the condominium sector in Canada.

With the release of the Risk Management Protocol, the next phase is to hold Information Sessions in each Local Chapter's region early in the New Year. Announcements of the dates and locations of these sessions will be made shortly, when all condominium corporations, condominium managers and insurance brokers in a particular region are invited to attend.

In the meantime, any condominium corporation, property/condominium manager or insurance broker/agent that wishes further information on the Protocol can obtain an Information Package directly from the Protocol Centre via e-mail c/o protocol@icrossroads.com.

Tony Wadsworth,
The Condominium Protocol Centre

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, L.L.B.
Nelligan O'Brien Payne, Ottawa

THE HOT TOPIC - MANDATE OF THE BOARD

A number of recent court decisions have dealt with the decision-making authority of condominium boards of directors. The courts have consistently said that, when a board is fulfilling its mandate or responsibility, the board's decision should be upheld, unless:

- The decision contravenes condominium legislation, Human Rights legislation or another applicable law. [In some provinces, condominium legislation regulates "oppressive" or "unfairly prejudicial" decisions by the board.]
- The decision is arbitrary, or patently unreasonable. In other words, there is no possible basis for the decision.

Case from Ontario

Halton Condominium Corporation
No. 315 v. Gucciardi (April 15, 2004)

Owner ordered to reverse unauthorized unit modification

The owner had installed ceramic tiles on the porch, without consent of the Board. The porch was part of the unit.

The declaration stated that consent of the Board was required for:

- Any structural change, renovation, alteration or addition to a unit.

- Any change to the exterior appearance of a unit.

The Court said that consent of the Board was required in this case because this was "a renovation, an alteration, an addition" to the unit.

The Court said that the fact that the tiles looked nice was irrelevant. The Court said that the matter is decided by the declaration and by the Board. The Court said:

"The Board of Directors of this condominium was elected by the unit owners to administer this condominium in the best interests and for the welfare for the whole corporation. It is not for the court to step into this fray."

The condominium corporation was awarded costs on a substantial indemnity basis (full recovery).

Cases from New Brunswick

Albert County Condominium Corp.
No. 1 v. Matthews (April 15, 1996)

Condominium Corporation's refusal of propane fireplace upheld

The owner installed a propane fireplace without consent of the Board.

The owner asserted that there was no rea-

son to refuse consent and that the Board's refusal was accordingly improper.

The Court said that the Board's decision should not be overturned. The Court said:

"I do not think it should be the function of the court to usurp the function of the board and become ultimately responsible for the management of the corporation."

"If the board acts within its jurisdiction or authority conferred by the legislation, its decision should be respected unless it can be shown to be in violation of a Charter right, contrary to fundamental justice or patently unreasonable."

The Court did not see any evidence that the Board had acted in a patently unreasonable manner.

"Here, there was a factual basis for the board to come to the decision it came to*. Another board, or indeed a court, might not have come to the same decision."

[* NOTE: There was evidence that the presence of the propane fireplace might have an impact upon the corporation's future insurance premiums.]

"Even though I might not have come to the same decision, I do not find the board acted outside (its) mandate."

Case from Ontario

Frontenac Condominium Corporation No. 49 v. McLeod and Kerr (August 19, 2004)

Condominium Corporation entitled to access unit for required fire system upgrade

Following the regular inspection and testing of the fire alarm system, the inspection firm advised that the hallway bells were not reasonably audible in some of the rooms of each apartment. The testing firm recommended that horns or buzzers be installed in each unit. The condominium corporation required access to the units in order to carry out this work. One of the owners refused access, asserting that there was no proven audibility problem.

The owner also asserted that the mandatory mediation and arbitration provisions, in Section 132 of the *Condominium Act* 1998, applied to this dispute.

The Court said:

- The mediation and arbitration provisions do not apply to a dispute of this sort, which involves necessary fire safety work.
- The condominium corporation was entitled to the requested access. Owners must submit to the decisions of the Board in these areas.

The Court also ordered the owner to pay ALL of the corporation's legal costs. The Court said that the other owners should not be put to expense as a result of the actions of this one owner.



Cases from British Columbia

Fenwick v Parks (August 30, 2004)

Court orders that Schedule of Unit Entitlement be amended to reflect actual habitable area or square footage

Owners applied pursuant to Section 246 (7) of the *Strata Property Act* for an Order that the *Schedule of Unit Entitlement of Strata Plan VIS 2014* be amended to reflect the habitable area of each of the 55 Strata Lots.

The Court granted the order, on the following grounds:

- The garages should not have been included as “habitable areas”;
- The basements should have been included as “habitable area” because they were all capable of becoming habitable space.

Cases from Alberta

Condominium Plan 8022962 v. Malinowski (August 31, 2004)

Owner required to remove certain items stored in his exclusive use area. Owner entitled to keep satellite dish.

The owner was ordered to remove items improperly stored in his exclusive-use area (contrary to the corporation's by-laws).

The corporation's by-laws included certain restrictions applicable to “an antenna, an aerial and a television antenna”. The court said that a satellite dish is an “an antenna, an aerial and a television antenna”. However, the Court said that the satellite dish did not infringe the by-laws in this case because it was not attached to a corporate structure.

Other Ontario Cases

MTCC No. 1355 v. Skyline Executive Properties Inc. (August 16, 2004)

Key case related to corporation's right to recover costs under Section 134 (5) of *Condominium Act*.

The condominium corporation had previously succeeded on applications against the respondent owners. [This included successful enforcement of its rule prohibiting hotel-style use of the units and successful appointment of an administrator.]

The condominium corporation was awarded costs on those previous applications. However, the costs awards did not cover all of the corporation's actual costs.

The corporation then sought to recover all of its costs through condominium liens against the units of the unsuccessful owners. The corporation relied upon Section 134 (5) of the *Condominium Act*, which states as follows:

“If a corporation obtains an award of damages or costs in an order made against an owner or occupier of a unit, the damages or costs, **together with any additional actual costs to the corporation in obtaining the order**, shall be added to the common expenses for the unit and the corporation may specify a time for payment by the owner of the unit.” (emphasis added)

The Court was required to answer the following question: What is the meaning of the words: “together with any additional actual costs to the corporation in obtaining the order”?

The Court ruled that the “additional costs” mentioned in Section 134 (5) must be costs which could not have been included in the cost award of the Court. In other words, if the judge decides not to award 100% of the corporation's costs – if the judge awards a lesser amount – Section 134 (5) of the *Act* does not allow the condominium corporation to recover those costs that could have been awarded by the judge but were not awarded by the judge.

The Court said that Section 134 (5) allows the condominium corporation to recover other costs related to the particular dispute but which could not have been awarded by the Court.

The decision includes some examples of the sorts of costs that might be recoverable by a condominium corporation pursuant to Section 134 (5).

[* Note: This decision is under appeal.]

Wellington Condominium Corporation No. 7 v. Hughes (October 5, 2004)

Maintenance of windows includes replacement at end of normal life

The condominium corporation sought an interpretation of the maintenance obligations set out in the corporation's declaration.

The Declaration stated: "Each owner shall maintain his unit or units (which shall include exterior windows and doors servicing his unit or units) and that portion of the common elements of which he has the exclusive use...". The parties agreed that the owners were obligated to maintain the windows.* The question was: Does maintenance include replacement at the end of a window's normal life?

The Court said that maintenance DOES include replacement at the end of the item's normal life (ie., replacement as a result of normal wear and tear).

[*Editorial Note: Although this was not a point of dispute before the Court, the decision seems to say that the windows in this condominium are exclusive-use common elements. In my view, this is questionable if the windows are not specifically designated as exclusive-use common elements in the Declaration. In any event, I think it's quite clear, from the wording of the declaration in this case, that the intention was that owners would maintain the windows and exterior doors. The declaration in this case may contain an inconsistency (between the unit boundary monumentation and the repair and maintenance provisions), but this did not seem to cause the Court any concern.]

York Condominium Corporation No. 486 v. Bruzesse (October 21, 2004)

Satellite Dish ordered removed. Owner ordered to comply with Section 83.

The condominium corporation made application under Section 134 of the *Condominium Act* 1998 for:

- Removal of a satellite dish;
- An order prohibiting the respondent from installing a satellite dish or a sign without complying with Section 98 of the *Act*;
- An order requiring the respondent to fulfill the requirements of Section 83 of the *Act* in relation to the tenancy.

These orders were granted with the respondent's consent.

The Court then dealt with the question of costs. The Court declined to award costs on a substantial indemnity basis, citing various concerns about the bill of costs. The Court awarded costs fixed at \$2,100, including disbursements.

Mark Your Calendars Now!

Watch for more details over the coming months in your CCI National Review and on the CCI National Website, www.cci.ca.

May 25, 2005 National CCI Professionals Insurance Symposium
Toronto, Ontario

May 28, 2005 Annual CCI Spring Symposium
Hosted by CCI Huronia Chapter
Barrie, Ontario

Nov. 4-5, 2005 Annual CCI/ACMO Conference
Toronto, Ontario



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