

# CCI Review Windsor-Essex County Chapter



VOLUME 8 ISSUE I

#### **Contact Us:**

P.O. Box 693, Station A Windsor, Ontario N9A 6N4 519-978-3237 cciwindsoressex@gmail.com www.cci.ca/windsor

This Newsletter has been prepared in summary fashion. You should not rely on this information without consulting your professional.

## INSIDE THIS ISSUE:

**Dealing with** 2 **Difficult People** Seminar

10 Steps to Being 4 **A Great Director** 

**Challenges and** 8 Success in Condominium

In Defense of 10 **Condo Boards** 

**Condo Carpet** 12 Care

## PRESIDENT'S MESSAGE

Hello everyone, here we are more than half way through 2013 and we continue to look positively at our accomplishments for the Canadian Condominium Institute Windsor - Essex Chapter.

### **Seminars**

We did have a bit of a setback with our Outdoor Maintenance seminar: however we have committed to hold it in February 2014. We had a blast presenting as seminar "Dealing with Difficult People" in the form of a dramatization of typical scenarios often found in condominium management.

We have four top-notch seminars planned for the upcoming year. On September 18<sup>th</sup> we are planning our ever popular Ask the Expert & Annual General Meeting and on November 27<sup>th</sup> we hope to present our Changes to the Condo Act, followed by Outdoor Maintenance in February and a repeat of Dealing with Difficult People in the spring.

## Membership

The Board of Directors of the Windsor-Essex Chapter are once again working very hard to encourage the renewals of

memberships and to seek out new members. With the new fiscal year, we are aiming higher that this past year.

### **National News**

I recently returned from the National Meetings in Edmonton with renewed enthusiasm to improve the seminars and offerings of our chapter. I can advise that the National Board has awarded the Spring National meetings to Windsor in 2015. This

means that we will be hosting representatives of the Canadian Condominium Institute from across the country in June 2015.

Forever and always, looking forward positively, educating, learning and growing.

William C. (Bill) Norris, BPA, AMCT. RCM President, CCI Windsor-Essex County Chapter

## **Upcoming Seminars**

Wednesday, September 18, 2013

## **Ask the Expert**

& Annual General Meeting

Always an informative evening, our Ask the Expert seminar is extremely popular. Be sure to register early!



Wednesday, November 27, 2013

## **Changes to the Condo Act**

An excellent opportunity to learn about the pending changes to the Condominium Act and how they will affect you.

\*Dates and topics subject to change. Sign up for email updates to keep informed!

Space is limited—Advance registration recommended.

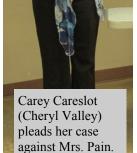
# Dealing with Difficult People Seminar

By Lise Allaire, RCM

Compliance is easier to obtain when rules are applied consistently.

Our Dealing With Difficult People seminar was a resounding success. From the owner making unauthorized changes to the common element (Troy Humber) to the elderly owner asking for a simple change to assist her with her disabilities (Lou Ann Morillo), Judge Prudy (Andrea Thielk) gave impartial verdicts—although Mrs. Pain (Lise Allaire) tried her patience!



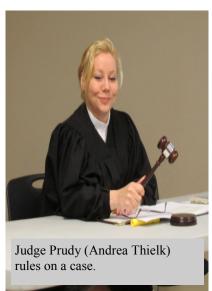




for her disability.



One of the many points brought to the attention of the attendees was the importance of drafting a Human Rights Policy. Does your condo have one?





Our Judge Prudy reminded us that only the courts can order this extreme action against those most difficult people.



#### **CONDOMINIUM SPECIALISTS**

For more information on our comprehensive property management services, please contact:

Michael F. Arnsby, A.C.C.I

Bud Chenoweth David Dawson

Diane Ridgway, RCM, A.C.C.I., ARM

Chris Payne, M.Sc. Gary Deline, RCM Guy Cassady, M.B.A. Linda Francis, RCM Nicole Horton

Rosemary Leroy, RCM Terry McDonald

Website: www.arnsby.com E-mail: info@arnsby.com

924 OXFORD STREET EAST, LONDON, ONTARIO N5Y 3J9

Toll Free Phone: 1-800-376-8777 Phone: 519-455-6080

Fax: 519-455-1380



P.O. Box 3280, Windsor, Ontario N8N 2M4 519-966-5386

spnmgmt@aol.com



CHARTERED ACCOUNTANTS

GORDON B. LEE, B. COMM., C.A.

5886 Wyandotte Street E., Windsor, Ontario N8S 1M8
Tel. (519) 977-7117 • U.S. Toll Free 1-800-666-2279 • Fax (519) 977-7120
Email info@gordonbleeca.com



## **CONDOCENTRIC.ca**

## **SERVING ALL OF ONTARIO**

Call us toll free: 866.446.0811 - Email: info@elia.org

Local offices in Barrie, Toronto, and Oakville

"When in doubt, seek professional advice."



"Ignorance of the law is no excuse. Stay informed."

# 10 Steps to Being a Great Director

By Andrea M. Thielk, BA, LLB, JD, ACCI (Law) \*
\*Accredited by the Canadian Condominium Institute in Condominium Law

## 1. Know your duties.

Section 17 of the *Condominium Act* says that the objects of the condominium are to manage the property and assets on behalf of the owners. This is facilitated through the board of directors.

As a director, you will not be expected to perform your duties with a *greater skill* than can be reasonably expected (you won't be expected to prepare financial statements) nor will you be expected to make your position a full-time occupation and you may rely upon others to help with your position. Keeping current and educating yourself is very important in order to fulfill your requirements under **section 37 the Condominium** *Act* to manage the affairs of the Corporation...

"Every director and officer of a corporation shall exercise the powers and discharge the duties of his office honestly and in good faith and exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances."

TIP: Become familiar with the Declaration, Bylaws and Rules - each director should be familiar with what the owners get to vote on, the procedure for the meetings and the day-to -day responsibilities set out in the Condominium Rules.

Purchase a Condominium Act Handbook For Directors through CCI.

## 2. Attend board meetings and ask questions.

As was mentioned, a director need not make his position full-time but it would be prudent to attend and actively participate in as many meetings as possible.

If you do not agree with a position taken, make sure your objection is recorded in the Minutes of the Board Meeting.

You may avoid being sued, if your name is

not part of the Minutes that supports the action in question.

**TIP:** Be Prepared. Read the meeting agenda and accompanying documents and know what is happening in your condominium in advance of the meeting.

## 3. Learn how to read Financial Statements and Budgets.

This is admittedly a difficult one. Keep an eye on the Bank and remember it's just like your personal finances; you shouldn't spend more money than you have. You have a duty to act in the best interests of the entire condominium when spending money.

**TIP:** Ask for a lesson from your auditor, property manager or bookkeeper.

### 4. Don't go it alone.

Even self-managed condominiums needn't go it alone.

The day-to-day operation of a condominium is increasingly complex and the expectations of unit owners have increased with new technology thus increasing the level of skill that would be described as reasonable.

When in doubt, seek professional advice.

The *Condominium Act* allows you to avoid liability by relying in good faith on written reports and opinions provided by your professionals. Recognizing when to obtain assistance from engineers, insurance brokers, accountants, lawyers, contractors and maintenance personnel is the sign of a great director.

**TIP:** Hire Professionals that know condominiums.

## 5. Hire a property manager.

Hiring a property manager helps maintain good order and good neighbours. It is often

difficult to send enforcement letters to your neighbours.

It is also difficult to try to do everything yourself.

Having a third party to oversee your condominium also provides perspective.

*TIP:* Hire property managers that know condominiums.

#### 6. Make sure you are protected.

Liability issues are a big concern of directors.

Some areas where directors may be vulnerable are inadequate **reserve funds and reserve fund investment**. It would be wise to stick to safe investments despite the fact that there may be a low return. Any loss of reserve fund money would surely attract a liability claim.

See section 115 of the *Condominium Act*, before making investments.

**Enforcement of Rules** is another problem area. Enforcement must be consistently applied or a lawsuit is invited. To be enforceable, the rules should be reasonable and be in the interest of the safety, security, welfare and enjoyment of the owners.

**Records** must be maintained and available for review. The decisions of the Board should be well-documented. Future Boards may criticize your decisions, if not well-documented and carefully explained. We remind you that as a director if you object to a decision of the majority make sure your objection is recorded.

**Disclosure of Conflicts of Interest** is critical and required pursuant to section 40 of the *Condominium Act*. Remember your duty is to act in the best interests of the condominium and not your personal interests.

**Policies**, such as Human Rights, should be adopted by the Board and reviewed annually.

It is of utmost importance, therefore, for a director to "keep on top of things" and document all decisions.

TIP: Make sure you have Directors and Officers Liability Insurance and that your premiums are promptly paid. Review your insurance coverage with your Broker from time to time to ensure adequate coverage and make sure you have coverage to defend human rights claims made against the condominium and its directors and officers.

#### 7. Know the law.

Ignorance of the law is no excuse. Stay informed. Choose a property manager that stays active in updating himself with seminars. Attend seminars yourself.

Use professionals that are well versed in condominiums.

Be aware of new legislation that may affect your condominium.

There could be areas that affect your condominium other than those covered by the *Condominium Act*. For example Human Rights, Occupational Health and Safety and Employment Standards, Taxation, Occupiers' Liability *etc*.

For example, in dismissing an employee, the board must be well aware of its obligations under the *Employment Standards Act* regarding severance pay. In a case where a building manager was fired from the condominium, a lawsuit for wrongful dismissal followed and the building manager was able to show that he performed his job in accordance with the job description. It was revealed at trial that a board member forced the termination because she wanted her husband to be the building manager. What she did not count on is that the condominium would be responsible to pay the building manager his full salary for the duration of the balance of his 2 year contract.

Remember that the condominium is liable under the *Occupier's Liability Act* for the safety of persons using the common elements and grounds of the condominium.

**Section 26** of the *Condominium Act* makes the condominium responsible "as the occupier of land" for the common elements. The *Occupier's Liability Act* is used in situations concerning slip and falls from improperly maintained parking lots, sidewalks *etc.* and for failure to ensure adequate security measures are taken to protect owners on the common elements.

In a **British Columbia case**, the court ruled that the condominium and the property manager were largely accountable for injuries sustained by a child who fell in a pot hole. It was revealed that the child's parents complained about the pot hole to the property manager and no action was taken.

In a **Toronto case**, a landlord was held responsible for damages resulting from an assault against a woman in the underground parking garage. The court reviewed the security measures in place for the building and found it sorely lacking. There was no adequate lighting, no surveillance cameras, no patrols and no closure to the garage entrance.

# INJURY LAW GROUP

## Andrea M. Thielk

BA, LLB, JD, ACCI (Law)\*

150 Ouellette Place, Suite 101 Windsor Ontario N8X 1L9

\*Accredited by the Canadian Condominium Institute

Tel: 226-674-1000

"Insurance

should be

policies

carefully

reviewed

on a

regular

basis."



"Make sure that the rules are applied consistently."

# 10 Steps to Being a Great Director - cont.

These examples clearly show that condominium boards and management have a positive duty of care. If they see a potential problem, they must act to correct it.

A Corporation may also be charged under the *Fire Code* for not ensuring that smoke alarms are installed as prescribed and are working in each unit. In the *City of Toronto v. York Condominium Corporation No.* 60, a fire started in a condominium unit which did not have a smoke alarm. The provisions of the Fire Code stated that an "owner" is defined as any person or corporation "having control over any portion of the building or property". However, the *Condominium Act* clearly states that the unit owner owns the individual unit. The Court based its decision on the definitions in the *Fire Code* and stated:

"This case being about smoke alarms is about fire. Fire does not respect the division of control in condominium law. The purpose of the smoke alarm regulation is to carry out the intent and purpose of the Fire Marshall's Act."

Please also note that Section 92 (3) of the *Condominium Act* provides the condo with the power to act when it states:

"If an owner has an obligation under this Act to maintain the owner's unit and fails to carry out the obligation within a reasonable time and if the failure presents a potential risk of damage to the property or the assets of the corporation or a potential risk of personal injury to persons on the property, the corporation may do the work necessary to carry out the obligation."

Section 19 of the Condominium Act gives the board or its authorized representatives, the power to enter a unit on reasonable notice to carry out its objects and duties at any reasonable time.

Insurance policies should be carefully reviewed on a regular basis and a plan for risk management should be put in place. It is better to be safe than sorry.

## **Human Rights Code and Condos**

Condominium boards and management companies are subject to the Human Rights Code (the "Code").

The Code provides that every person has a right to equal treatment in services, accommodation with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.

Section 47(2) of the Code provides primacy over other acts or regulations. This means that whenever any other law, rule, or regulation conflicts with a provision of the Code, the Code takes precedence.

It should be noted that not all discrimination is obvious, even an agreement which does not explicitly authorize discrimination could be unenforceable and/or a violation of the Code, if it tends to inadvertently discriminate.

Liability under the Code arises when accommodations are not made to the point of undue hardship.

Three relevant factors for determining undue hardship include: costs; health and safety; and sources of outside funding. However, for these defenses to be considered, the condominium would be required to produce evidence in support.

**TIP:** Make sure you have a Human Rights Policy and undertake to review this policy yearly.

## And now Negligence may mean Jail...

Bill C-45 amended the Criminal Code to impose a duty on directors and officers to take reasonable steps to ensure the safety of employees, workers and other persons, while work is undertaken on the condominium's property.

Section 217 states: "Every one who undertakes, or has the authority to direct how another person does work or performs a task is under a legal duty to take reasonable steps to prevent bodily harm to that person, or any other person arising from that work or task. Convictions can result in jail time or serious fines for criminal negligence causing bodily harm or death."

A condominium that is convicted can be charged with the following:

- i) fines up to \$100,000 on summary conviction;
- ii) fines, with no stated limits, for a conviction by indictment;
- iii) probation orders that can include orders for restitution for losses, and orders requiring the condominium to publish its conviction, sentence and remedial measures being taken.

There could also be charges laid under the Provincial Offences Act and monetary damages from a civil claim from the injured person.

Boards should review their work place safety protocol and inspect the common areas where the work will be completed to ensure it is safe.

Employees should be properly trained to carry out the work, including safety training. Staff should never be asked to complete any work that is dangerous or which they are not trained to do.

TIP: Join the Canadian Condominium Institute.



### 8. Watch for violations and enforce consistently.

You are charged with the duty to enforce the Condominium Act and the Corporation's Declaration, Bylaws and Rules.

If you don't ensure compliance with the governing documents, you could be held personally liable.

There have been cases where Judges did not allow the condominium to enforce a rule, if the owner could show that the board did not consistently enforce the rule in the past.

Make sure that the rules are applied consistently.

**TIP:** Be watchful but reasonable. A polite warning may be all that is needed. Sometimes a letter written to every owner asking for compliance is more effective than singling one owner out.

### 9. Periodically review your governing documents.

Some provisions may be obsolete or unenforceable.

For example, a rule written twenty five years ago may have said no trucks parked in the garage assuming that they would be commercial vehicles. Today, they are often luxury vehicles or sports utility vehicles.

**TIP:** If you decide to amend the Declaration, Bylaws or Rules, review the entire document in order to save costs in case other areas need to be changed.

### 10. Be Proactive - Develop a risk management plan.

Establish risk management goals. For example, what inspections are needed and how often.

Keep a log of the inspections completed and any remedial action taken.

Have an orientation meeting for new directors, so the new directors understand their responsibilities as directors.

Develop Human Rights policies and procedures for handling complaints and ensure that all parties understand the condominium's obligations to comply with the Human Rights Code.

**TIP:** Adopt an ounce of prevention philosophy. Create a Safety Committee responsible for carrying out the Risk Management Plan, which includes a Human Rights Policy, an Occupational Health and Safety Policy and an Anti-Harassment and Anti-Discrimination Policy in the Workplace.

These ten steps are important to achieve the goal of Being a Great Director but every step has this last overriding component:

## LISTEN AND RESPOND TO OWNERS.

Communication is the key to success. Listen and respond to your owners.

While you may not always agree, you will likely have a mutual respect for each other.

If you exercise your duties, respectfully, fairly and consistently, you will be A Great Director.

Andrea practises condominium and insurance law and has recently opened the firm, *Injury Law Group, Thielk - Yoker LLP*. She's a board member and past president of the Windsor-Essex County Chapter of CCI and is an active participant in our seminars.

"The
challenge for
all is to find
common
ground and
find win-win

scenarios."



"Understanding the effects of decisions or indecisions is likely the most important element that I see as a challenge in Condominium."

# Challenges & Successes in Condominium

By William C. (Bill) Norris, BPA, AMCT, RCM

Have you ever wondered why some condominiums seem to thrive and others seem continuously be mired in controversy? Have you ever wondered why some municipalities seem to thrive and others seem continuously be mired in controversy? Have you ever complained about your Condo Board of Directors? Have you ever complained about your local politicians? Any comparisons needed?? What does it take to make a happy condominium? What does it take to make a happy municipality? I think that the answers may surprise you!

Believe it or not the original Condominium Act of Ontario was broadly based on the model of the Municipal Act of Ontario. Condominium Boards of Directors were provided the same basic authorities over their Condominiums that Municipal Councils were provided over their ratepayers. Boards are elected by owners to govern the affairs of their condominiums same as municipal councils are provided powers to govern the affairs of their municipalities. So, what makes them different? What makes some work well and others not so well? I submit to you all that the answer is what makes the world go round! The fine lines that make the world go round! Huh? People, People, People, People – interacting!!! Duh!

I think sometimes that I live in a la la world where life is beautiful all of the time and everyone can get along with everyone else. But that is not how it works! People are not hard wired, well some are and some are soft wired and some aren't wired at all!

I thought that I would write a rambling composition of challenges of the condominium environment and now I am just writing. I truly believe that the basis of competent management can be rendered into three basic truths – trust – respect and understanding.

Condominiums and Municipalities need competent and intelligent advisors – the

decision makers need to be able to trust, respect and understand the advice they are receiving. The advisors need to trust, respect and understand the specific needs of the organization.

So how do you go about developing garnering acquiring the necessary trust to move your corporation forward? Trust comes in many forms but trust and faith are very close relatives. You cannot have any faith or trust without core competence. Everyone in positions of decision makers and advisors need to have core competence and that is likely the primary determinant of progressive vs. regressive corporations.

Sometimes you have to have faith to trust and experience can be an indicator. We all want to trust our advisors – managers, lawyers, engineers, planners, contractors. Care however should always be maintained not to proceed into blind faith. Honest, inquisitive questioning of professionals are a necessary requirement - challenges occur when the questioning becomes inquisitory and combative which quickly disintegrates into confrontational and any progress gets mired down into battlegrounds sides chosen and winners and losers determined. The challenge for all is to find common ground (common sense) and find win-win scenarios. Easier said than done.

Everyone sometimes needs to eat a little crow (maybe a lot of crow!) Just because you know that "this is the best way" does not mean that this is the only way. There may be a very acceptable different way! Don't be afraid to make a decision – don't be afraid to spend some money. Don't be afraid to reconsider your position.

Everyone knows and understands respect - right? Well I am not so certain. Respect is earned – right? Education garners respect – right? Experience garners respect – right? Common sense and understanding garners respect – right? Well not always. I have

found that the preceding is true in most circumstances however the trump card with much of human interaction is personal arrogance and self importance of some individuals, those who do not respect or trust anyone other than themselves. Do you know anyone like that? We all know situations where once a wonderful organization or program becomes undermined by overzealous perhaps well meaning individuals that can truly destroy the organization program or project.

Understanding the effects of decisions or indecisions is likely the most important element that I see as a challenge in Condominium and Municipalities for that matter. The most frustrating challenge that I face on a regular basis is attempting to advise Boards of short term solutions that seriously affect long term benefits. Trying to convince individuals to pay today rather than pay exponentially more in the future.

Challenges and successes – I believe that each and every condominium will experience challenges and successes the gravity of the highs and lows will be determined by the quality of the individuals on the Boards and the quality of the advisors who all can trust, respect and understand what they are doing and why they are doing it!

Bill is the owner of Huron Shores Property Management Inc and President of the Windsor-Essex County Chapter of CCI.



## Time to Renew!

It's the end of the fiscal year at CCI and that means its time to renew your membership. Membership packages are mailed out in early July—watch for yours in the mail!

If you didn't receive your package, the form is also available on our website - cci.ca/Windsor



#### Bruce Rand, B.A., C.A.I.B. Commercial Account Executive

PBL Insurance Limited 150 Ouellette Place, Suite 100 Windsor, ON N8X 1L9

Direct: 519-946-0387 Main: 519-254-1633 Fax: 519-254-2150 1-800-661-5175 brand@pblinsurance.com

## Do you get our emails?

We send reminders of upcoming events and information relevant to the condominium community by email to keep our community informed. If you would like to join our mailing list, send an email with "subscribe" in the subject line to

cciwindsoressex@gmail.com

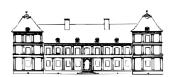


2679 Howard Avenue, Suite 400 Windsor, Ontario N8X 3X2 tel: 519-564-5488 bnorris@hay.net fax: 519-971-0567

## William C. Norris, RCM

President, Canadian Condominium Institute, Windsor-Essex County Chapter

Your Condominium Specialist



"The vast
majority of
people who
volunteer to
serve on a
condominium
Board of
Directors care
very much
about their
community."



"Condominium
Boards are held
accountable by
the owners at
election time
at their Annual
General
Meeting."

## In Defence of Condo Boards

By Sandi Cooper, ACCI, FCCI

There are common misperceptions about the performance and motivations of condominium Boards of Directors. The media often portrays condominium Board Members as cold and unfeeling strangers. One may hear criticism about condominium boards making decisions to the detriment of the owners in their communities. Horror stores abound about large lump sum special assessments along with often unfounded innuendo about what precipitated the need for this money. This article is meant to clarify and defend the manner in which condominium Boards must manage, maintain, and administer condominium corporations in order to observe due diligence and their fiduciary duty. The vast majority of people who volunteer to serve on a condominium Board of Directors care very much about their community. They are volunteers who take on an enormous responsibility, and work diligently to fulfill their obligations and serve their communities.

- 1. Condominiums are corporations that are much like other business corporations. Condominiums have specific legal obligations, which are outlined in the Condominium Act, 1998, Regulations and the bylaws of each Corporation. Often, condominium unit owners don't understand the business side of the condominium home they purchased, which makes them prone to react critically when a condo Board makes a decision they don't understand.
- 2. Condominium corporations, and the unit owners in them, are legislated to a higher standard of repair by the Condominium Act, 1998, than are the owners of single family homes. The Act requires condominiums to maintain and repair their common property properly and to a good and serviceable state. The owner of a single family home could live with leaky windows or water in their basement because only they would be affected. However, the Board of a condominium must repair or replace

such things or they could face a myriad of consequences such as higher repair costs; damage to adjacent common property components; invalidated or cancelled insurance coverage; and personal liability for failing to do their iob. Condominium Boards face tough decisions that have to be made to properly maintain the property in keeping with the requirements of the Act. Owners often don't understand that a well maintained property benefits them in many ways, such as providing occupants with a better comfort level in their own home; providing better quality of life; increasing pride of ownership; and maintaining or enhancing resale

- 3. Special assessments are nothing more than multiple condo fees due at once. Special assessments usually become necessary because of improper or insufficient budgeting and/or savings in previous years. Now, when the work is needed, there is not enough money. In the majority of these cases, the previous Boards of these condominiums were under tremendous pressure from the owners in their communities to keep condo fees artificially low.
- Condominium Boards are made up of unit owners in the condominium, who have been chosen from among the owners, by the owners to run the corporation.
- 5. Just like any other owner, condominium Board Members also have to pay their share of all expenses. As such, it is an extremely rare occurrence that a condominium Board decides to spend too much money on over-inflated estimates or on something that isn't needed.
- 6. Condominium Board Members are elected officials, just like town or City councilors, MLAs or MPs, who take on the responsibility of carrying out the

legal obligations of the condominium corporation. In other words, these corporations are mini representative democracies. Condominium Board Members also take on the liability for the decisions they make on behalf of the corporation. As such, they normally take a great deal of time and do a great deal of research to ensure that they get the best price possible (remember, they have to pay their share too); that any job will be done well by people qualified to do that type of work; that all safeguards are in place; and that all owners are protected. For example, most Boards normally hire only contractors that carry their own WSIB and liability insurance. Financial decisions of any magnitude are discussed by the Board at length and may take many months to implement.

- Condominium Boards are made up of elected owners, who
  form a representative sample of the owners. This usually
  results in a cross section of opinions representing those held
  by most of the owners.
- 8. Condominium Boards are held accountable by the owners at election time at their Annual General Meeting.
- 9. Condo fees or special assessments are based on a formula, wherein every owner has to pay their share for work being done. As such, if the windows are starting to need replacement in a few units, with window replacement looming in a year or two for the other units, it would be both imprudent and unfair for a condominium Board to decide that only a few units get new windows because every unit owner will have to pay for the windows in those few units. Increasing condo fees or implementing a special assessment is not something a condominium Board does to the owners, but rather something they do with them.
- 10. In most cases, the condominium Board is acting on the advice of independent experts who provide Reserve Fund Studies or Technical Audits on the common property components. Just because one owner "thinks" they don't need new windows, or that the regrading is unnecessary, or they can't afford to pay, does not mean that the rest of the owners can be held to the lower maintenance level expected or acceptable to that one owner. Also, it is important to point out that once the work is done, all owners will benefit through increased unit value.
- 11. All condominium owners, including those who serve on their condominium Boards, want the same thing: a nice place to live that costs them the least amount of money and gets them the most money when they choose to rent their units or sell them.
- 12. There is no rule that says a Board has to get a certain number of bids or quotes for work that needs to be done. In most cases however, because they themselves don't want to pay too much, condominium Boards call for competitive bids.
- 13. The number of bids obtained can often depend on a variety of things, such as:
  - the nature of the work—if the work is an unusual thing, there may be only a few qualified people who do that kind of work;

- the timing of the work—is it an emergency, or is it late in the season when many contractors are not taking on any more jobs;
- the availability of skilled workers—trades people go where the work is and where it is paying the most. Consequently, there may be few qualified to do the work in the area;
- and any number of other reasons.
- 14. Although there is no government agency or office that enforces matters in condominium, someone actually does enforce the Condominium Property Act and the bylaws. That duty falls to the Board Members in each condominium, who have been elected to do so. Sometimes, the Board needs the assistance of a mediator, arbitrator, or the Courts in order to enforce the Act or the bylaws, but it is still each Board of each condominium who is charged with that responsibility.
- 15. Owners who are unhappy with the decisions being made by their Board have several options:
  - a) voting the current Board out—however, this would mean that there has to be other people willing to take their place;
  - suing the Board—often a long, drawn out and expensive proposition. Instead, owners should seek to mediate or arbitrate disputes with the Board;
  - joining the Board themselves so that they can have a voice in the decisions.

NOTE: In order to vote the Board out or to join the Board themselves, an owner will require the support of a majority of the other owners who attend the meeting.

Moreover, owners also have the option and responsibility to pay attention to what is going on in their community all the time, not just when a special assessment occurs. More often that not, condominium Boards have been trying to tell their owners that something is looming (via letters, newsletters, town hall gatherings, information meetings, General Meetings, etc.). It is only when the special assessment is levied that owners pay the required attention and upon occasion get upset. For most people, buying a home is the biggest single investment they will make in their lives, and they should give it the attention it deserves.

The mandate of the Canadian Condominium Institute is to educate people in condominium. CCI runs a number of courses, seminars and conferences each year. Most of the audiences of CCI are condominium Board Members and Managers. Sadly, very few of the owners attend who are not serving on condominium Boards.

Sandi is the owner of Exclusive Condominium Services. Sandi has recently served on the Board of Directors for the North Alberta Chapter of the Canadian Condominium Institute, and as the Chairperson of its Education Committee.

This article first appeared in InSite magazine Spring 2012 issue and was reprinted with permission.

# Condo Carpet Care

By Jason Levasseur

#### Why use a certified technician?

The best way to maintain a cleaner and healthier facility is to augment your regular cleaning with periodic visits from an experienced certified professional. For those tasks that require a specialist — such as carpet and upholstery cleaning, stain removal, and maintenance of wood and tile floors — only a certified technician will deliver the results you can trust. Look for an IICRC certified technician.

## **Carpet Care**

Commercial carpet receives many times the traffic of typical residential carpet. That's why it's important to select (fiber, construction, pile design, color) and install commercial carpet that fits a building user's needs. However, once that carpet is properly selected and installed, its durability and lasting beauty is highly dependent on the ongoing maintenance and cleaning programs.

The first critical component in programmed maintenance and cleaning is routine vacuuming coupled with rapid response to spots and spills. Carpet serves as a "sink" or collection point for everything that is tracked in or settles out of the air. Qualities such as sound absorption, slip resistance and soil-trapping ability makes it the most desirable floor covering in many buildings. Ultimately, however, even the best maintained carpet

must be thoroughly cleaned to empty the "sink"

This is where an IICRC certified technician comes in. They have the equipment, training and experience not only to empty the "sink," but also to restore the color and beauty of commercial carpet, while improving overall indoor environmental quality in the building.

#### **Hard Surface Care**

In today's decor, hard surface flooring is playing an increasingly important role. Examples of popular flooring materials include stone, concrete, ceramic/clay, wood, resilient and specialty flooring. These materials appear to be easy to clean, maintain and restore, however, soils on hard surface flooring have a tendency to build up progressively, resulting in erosion. Sooner or later, it's necessary to clean beyond routine dusting and damp mopping; that's the time to call in a certified professional for help.

Certified technicians have the specialized training and experience it takes to select the proper cleaning chemicals, equipment, tools and materials in conjunction with the proper methodologies for maintaining or restoring hard surface flooring to its original beauty. Certified technicians can offer advice on how to clean and maintain the appearance of hard surface flooring and how to maximize your investment and extend flooring life.

KEVIN J. HAGUE
CHARTERED ACCOUNTANT

1880 Gagnier Lane Stoney Point, ON NOR 1N0

> office: 519.798.3753 fax: 519.798.3220 cell: 519.562.7974

kevinjhagueca@gmail.com

Jason is the owner of Janisafe Inc., a local company specializing in janitorial and safety products and equipment. Both Jason and Ryan Levasseur are IICRC Certified on setting up programs for carpet and floor maintenance.

## The Future Looks Brighter When You're with an RCM™

Registered Condominium Managers are:

**TRUSTED** They uphold the strict guidelines of the ACMO Code of Professional Ethics and are answerable to their peers through a formal review process.

**KNOWLEDGABLE** Specialized courses offered in the classroom, online or through their companies prepare them well for the rigorous RCM exam and ongoing professional development keeps them up to date.

**EXPERIENCED** They have a minimum of two years' experience as condominium property managers before they can receive their RCM designation.

**IN DEMAND** More and more condominium boards are trusting RCMs to help them guide their communities through the important complexities of condominium management.

# INSIST ON AN RCM WHEN YOU HIRE A MANAGER.

The Association of Condominium Managers of Ontario

t. (905) 826-6890 toll free: (800) 265-3263 e-mail: rcm@acmo.org web: www.acmo.org

