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*This Newsletter
has been prepared
in summary
fashion. You
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this information
without consulting
your professional.*

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A Message from the President

Hello everyone, 2012 looks like a positive year for the Canadian Condominium Institute Windsor – Essex Chapter.

Despite some last minute challenges (sound familiar?) we held our Mini Directors' course (Condo 101) on November 12th where we featured two of Golden Horseshoe's best - legal guru Ron Danks and building envelope and reserve fund specialist Kim Coulter. Our seminar location was moved at the final hour due to a flood in our planned location. No problem - just as we manage our corporations we had to flow with the current! Cramped quarters but we still had wonderful presentations and all participants were treated to a first rate course.

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. So far this year we are ahead of last year's numbers.

We have four top-notch

seminars planned for the year. On February 16th we presented **Dealing with Challenges**, a short presentation with a question and answer format that was well-attended. April 19th we are presenting **the Disability Act and Human Rights implications** with guest Albert Schepers, P.Eng. and Andrea Thielk, LL.B., ACCI. September 11th is our **Annual General Meeting** and our most

popular **"Ask the Expert"** Seminar. Our November 15th Seminar will be on **Budgeting**, just in time for the annual preparation of budgets.

In addition to our education program, we are embarking on a new and exciting endeavor to improve and grow the exposure of CCI to the public. With the assistance of our National Board, we will be participating in the Windsor Home & Leisure Trade show on March 30th, 31st and April 1st. This is the largest show of its kind in the Windsor area, including over 200 exhibitors and thousands are expected to attend. We are hoping to see many

condominium owners and potential owners, and also hope to connect with many of the area trades and service providers to condominiums. More to come in the next issue.

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

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

Come visit us at the

**WINDSOR
Home
AND Leisure
Show**

**March 30—April 1
2012**

Windsor Expo Centre
1508 Walker Road

Booth #420

Trash or Treasure?

By Andrea M. Thielk, Condominium Lawyer

"Most unit owners agree that hoarding would be a major problem for the condominium and should be addressed by the board."



"Extreme Hoarding could even become a danger due to falling of improperly stacked items."

Is your neighbor a hoarder or just a pack rat? Is the excessive bounty, trash or treasure? These are questions that are difficult to answer because, as they say, beauty is in the eye or perhaps nose of the beholder. Neat freaks will be appalled and those sensitive to odours and dust may feel ill. But when does it cross the line into the unreasonable or even illegal?

What is Hoarding?

Hoarding has been described in Wikipedia as the compulsive and pathological acquisition of possessions and failure to use or discard them in excess of socially normative amounts even if the items are worthless, hazardous or unsanitary. Compulsive hoarding may impair mobility and interfere with basic activities, including cooking, cleaning, hygiene, sanitation, bathing and sleeping.

Hoarding can be broken down into different areas such as aesthetics, physical safety, fire hazards and medical problems, all of which can have severe implications on the condominium community.

Aesthetics

Most condominiums have by-laws and rules which govern the appearance of the buildings. They usually set a standard of conformity that is pleasant to most residents. Free spirits may wish to have a polka dot door but that would not be acceptable in shared community settings. Therefore, if the clutter (be it trash or treasure) is spilling out onto common areas such as the hallway, patios, storage areas or balconies, it will affect the other unit owners and the enjoyment of their homes. Careful attention must be paid to the Declaration, By-laws and Rules to ensure compliance with the uniform appearance of the community. Relief may also be found in your municipality's by-laws and standards, if an owner is hoarding in public view.

Physical Safety

In cases of hoarding, safety becomes an issue when clutter could cause an owner, guest or other unit owner to fall over items improperly stored. Extreme hoarding could even become a danger due to falling of improperly stacked items. Excessive weight, especially on balconies, presents a serious safety concern. Section 19 of the Condominium Act allows the Board and its authorized agents to enter the units and exclusive common elements to carry out the duties of the Corporation. If hoarding is suspected and safety is a concern, then the Board should take steps to enter the unit and to correct the problem.

Fire Hazards

Perhaps the most important issue is fire hazard. Excessive clutter of paper, boxes, rags and other flammable products produce a perfect accelerant for fire. It is even possible for this combination to spontaneously ignite.

Combined with blocked exits and difficulties for fire fighters to control the fire; it is apparent that fire hazard due to hoarding can be a serious issue. Contacting your local fire department for assistance may be the most cost-effective and timely solution to correct this type of hoarding, as the fire department has legislative authority to enter the premises where there is a concern of imminent fire and related danger.

Medical Problems

Hoarding may result in a lack of general hygiene which could include infestation by germ-carrying animals and bugs. Mice, rats and various insects would be attracted to clutter for nests and possible sources of food. The question of bed bugs is also an issue of concern. Although poor



housekeeping is not an indicator for bed bugs, hoarding of used objects such as sofas and cots certainly present an opportunity for bed bugs to be brought into a condominium setting. Quick response by the

board to eradicate the source of the infestation is key to controlling this type of medical problem.

Other medical related problems may include excessive dust, mould, odour and chemicals which may trigger allergies and other respiratory ailments. Increasing the condominium's air exchange in the hallways and common areas may alleviate such ailments. Remediation professionals may also be needed to assess and correct the situation.

Final Thoughts

Most unit owners agree that hoarding would be a major problem for the condominium and should be addressed by the board. Many issues may be resolved by friendly communication with the owner directly or where direct communication has not proven possible, with family members and friends of the owner. It is recommended that the board create an emergency contact list for all owners, which will assist with locating someone close to the owner when direct communication is not possible.

Dealing with hoarding issues requires a board to have an open-mind and look at all possible remedies. Reviewing the condominium's governing documents, such as the declaration, by-laws and rules may help, along with the municipality's by-laws. In addition, the local health unit may also provide assistance. Often, the board may rely upon a "nuisance clause" in its governing documents to address the myriad of complaints that hoarding may trigger. In addition, an "indemnification clause" in the governing documents may assist in the board's ability to require an offending owner to reimburse the condominium for any necessary clean-up costs to rectify the hoarding problem.

Agreeing on what constitutes hoarding is a bigger problem and in the true case of compulsive hoarding the board may require assistance from the appropriate professionals trained in the treatment of a mental illness. Agencies like the Canadian Mental Health Association and Citizen Advocacy can provide counseling to an owner who is suffering from the effects of compulsive hoarding. The board must be mindful that owners with a mental illness have protection through the Ontario Human Rights Code. Any enforcement measures taken by the board must be carefully

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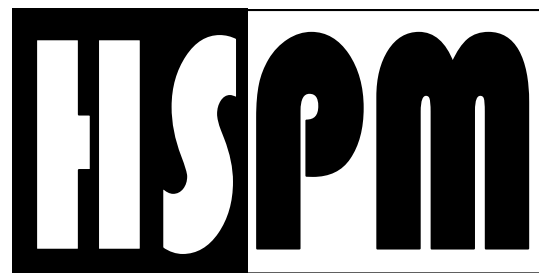
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*Accredited by the Canadian Condominium Institute

considered, as the Human Rights Code trumps the Condominium Act and the condominium's declaration, by-laws and rules.

In the end, most hoarding issues likely would be decided by the condominium's declaration, bylaws and rules and a reasonable person test. In other words, is the problem one that is offensive to a reasonable person or is it a minor inconvenience that offends a sensitive person? Judging what is trash or treasure is not easy and may require a Court of Law to make that judgment. With the many local agencies available to assist with the ill-effects of hoarding, the Court should be the last resort to make that all-too-difficult decision of trash or treasure.

Andrea M. Thielk practices condominium law at Clarks Barristers and Solicitors in Windsor, Ontario and may be contacted at 519-254-4990. This article is not to be considered a comprehensive review of all hoarding issues and is designed for general information only. For all specific concerns, please contact the appropriate professionals.



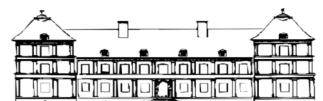
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William C. Norris, RCM
President, Canadian Condominium Institute,
Windsor-Essex County Chapter

**YOUR CONDOMINIUM
SPECIALIST**



Why An Audit?

By Paul Kale, C.A.

“Persons in a fiduciary position are expected to be extremely loyal”

This question comes up periodically at condominium board of directors meetings and annual general meetings.

Why do we need it?

The simple answer is the Act requires all condominiums with 25 or more units to be audited annually, condominiums with less than 25 units can be exempt if all unit owners agree in writing every year.

Unit owners contribute monthly fees to the condominium to fund annual costs related to common areas and to the reserve account to fund major repairs and replacement of the common areas. This creates a fiduciary relationship between the board and the unit owners.

Accordingly the board has a fiduciary duty to all the unit holders.

- Persons in a fiduciary position are expected to be extremely loyal to the person(s) to whom they owe the duty: they must not put their personal interests before the duty, and must not profit from their position as a fiduciary, unless the principal consents.

The completion of an independent audit with a “clean opinion” adds credence to the fact that the board has discharged its fiduciary duty to the other unit holders. It should be noted that a “clean opinion”

indicates that the auditor is of the opinion that the financial statement “present fairly” the assets, liabilities, equity, income and expenses of the corporation. The audit does not guarantee that the statements are without error.



What do they do?

The auditor, using his professional judgment, knowledge of the condominium industry and of the specific corporation, will assess the risk of a material error occurring within the accounting records and design and carry out various procedures to satisfy themselves that the chance of undetected errors are low.

It costs too much!

The cost of an audit depends primarily on the volume of transactions, the nature of unusual transactions and the accuracy of the accounting records. The fewer adjustments required to the accounting records the lower the cost of the audit and the more reliable the interim financial statements are to the board. It is imperative then that the corporation maintains accurate and timely accounting records.

Paul Kale is a partner at Collins Barrow Windsor LLP. Chartered Accountants and may be contacted at 519-258-5800. This article is for general information purposes only, please contact your own professional for specific advice.

“The auditor, using his professional judgment, knowledge of the condominium industry and of the specific corporation, will assess the risk of a material error”

Are There Benefits to Being a CCI Member?

By Lise Allaire, Property Manager

As with so many other organizations, our chapter of CCI has been focused on the problem of attracting new membership—how to appeal to contractors, real estate professionals, condominium boards and managers, all those involved in condominiums.

I work with a board of directors of a large condominium corporation that is very involved with our CCI Chapter. I asked the board members what they thought were the benefits of being a CCI member and the response was overwhelmingly “access to information and condominium experts”, and that seems to be the key to what CCI offers our members: Education.

Condominiums are governed first by the Condominium Act, then by their own Declaration, By-Laws, Rules and Policies - hundreds of pages of words with legal implications for condominium owners. Real Estate Agents might sell a condominium and fail to impart important information that the buyer should know, a lawyer might close the sale without explaining the owner's rights, obligations and duties, boards may pass rules that so anger their fellow owners that they hold meetings to remove the board. Education could eliminate many of the stresses and problems faced by owners and board members.

Our chapter of CCI offers several seminars throughout the year. These seminars provide access to information and are taught by experts in condominium law and management. Each seminar allows time for attendees to ask questions of the experts either during the seminar or after in private.



Members can attend the seminars at a reduced fee and all owners and board members of a corporation that has paid a membership can attend the seminar at the member's cost.

With over 130 condominiums in our Chapter business owners that service condominiums would benefit from inclusion in our professional directory and advertising in our newsletter as well as sponsorship advertising of the seminars.

Benefits

- Education
- Reduced Admission Costs
- Access to Experts
- Business Name listed in the Chapter's Professional Directory
- Networking With Other Condominium Owners and Boards

Who Would Benefit?

- Owners
- Board Members
- Real Estate Agents
- Business Owners Servicing Condominiums

If you are an owner, potential owner, board member, real estate agent or business owner you should consider the benefits of being a member of the Windsor-Essex Chapter of CCI. The condominium industry is growing and the Windsor-Essex Chapter of CCI is committed to expanding our services to meet the needs of this unique sector.

Lise is the property manager for Essex Condominium Corporation No. 28 and demonstrates her commitment to condominium education by volunteering as both the secretary and newsletter chair for CCI-Windsor-Essex.

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Condominium Corporation Insurance

By Bruce Rand, B.A., CA.I.B.

“The Corporation under Section 99, shall obtain and maintain insurance, on its own behalf and on the behalf of the owners.”

Insurance for residential condominium complexes involves at least two types of insurance policies. These policies are subject to the Condominium Act of Ontario and the Declaration, By-Laws and Rules/Regulations for each corporation. Notwithstanding, the latter three must not contravene the Act.

The Corporation, under Section 99, shall obtain and maintain insurance, on its own behalf and on the behalf of the owners, for damage to the units and common elements that is caused by major perils or other perils that the declaration or by-laws specify. The insurance contract insures the complex as originally constructed and includes the interiors of the units excluding betterments and improvements made or acquired by the owners (refer to the description of the standard unit in the Declaration or the standard unit By-law) and owners' personal property. Subject to a reasonable deductible the insurance required shall cover the replacement cost of the damaged property subject to the perils insured. Thus the need for an accredited appraisal to estimate the cost to rebuild the entire complex.

The Corporation, under Section 102, shall also obtain and maintain insurance against its liability from breach of duty as occupier of the common elements and land as well as liability arising out of ownership, use or operation, by or on behalf, of its boilers, machinery, pressure vessels and motor vehicles.

The Corporation, under Section 105 (2) & (3), is permitted to pass on the Corporation's insurance deductible as a common expense to an owner whose unit is damaged through an act or omission by the owner and may extend the circumstances by passing a by-law no matter the cause other than an act or omission of the Corporation.

The Corporation, under Section 39, shall purchase, if reasonably available, directors' and officers' liability insurance on behalf of present and past directors and officers.

While these are the requirements as set out in the Act, the Corporation may seek to obtain broader or more comprehensive insurance coverage. Notwithstanding, the Condominium Act supersedes the Insurance Act so it is essential to review the condominium declarations and by-laws as there may be archaic and unusual insurance requirements or obligations that must be honoured.

Unit Owners' insurance is not subject to the Act. However, it is prudent for owners to obtain and maintain insurance to protect their personal property, betterments and improvements and personal liability. Many insurance companies offer Condominium Unit Owners Package policies. Their policies can vary in comprehensiveness and an insurance agent or broker knowledgeable in condominium insurance should be consulted. In addition to insuring contents, betterments/improvements and liability these policies should also include coverage for chattels not permanently installed but provided by the developer, property stored in lockers, contingent building coverage, liability loss assessment coverage and liability for corporation's insurance deductible. If Owners are leasing out their units, they should insure their interest in the unit and liability for ownership and require their tenants to obtain renters insurance. Under certain sections of the Act tenants have the same rights and obligations as owners.

Bruce Rand is a Commercial Account Executive at PBL Insurance Limited and may be contacted at 519-946-0387. This article is for general information purposes only.





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Upcoming Seminars

Thursday, April 19, 2012

Disability Act with reference to Human Rights

Windsor Family Credit Union, 2800 Tecumseh Road, East
7:00 – 9:00 pm

This seminar will review Condominium Boards responsibilities to provide accommodations to those with Disabilities and the possible ramifications of the Human Rights Legislation

Guest Speakers: Albert Schepers, P.Eng.
Andrea Thielk, LL.B.,
ACCI



Tuesday, September 11, 2012

Ask the Expert & Annual General Meeting

Windsor Family Credit Union, 2800 Tecumseh Road, East
6:30 – 9:00 pm

Details & speakers to be announced.



Thursday, November 15, 2012

Budgeting

Windsor Family Credit Union, 2800 Tecumseh Road, East
7:00 – 9:00 pm

Details & speakers to be announced.



Space is limited—Advance registration recommended.

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