

Message from the President

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Dear Board of Directors,

This winter issue of our newsletter has great articles regarding tips and tricks for conducting a successful meeting, and an update about the CAO annual assessment fees

I look forward to seeing everyone soon. In the meantime, I wish you a happy and safe Holiday. As always, I welcome your e-mails.
Sincerely,



Liron Daniels President
R.C.M., P.P.L., B.E.S.

Company News

We encourage all residence to log in the website and use the newly implemented software, as it is a great means of connecting with the community. The platform will allow Nadlan-Harris Property Management Inc., to facilitate communication, increase efficiency and allow residents an opportunity to provide their valued feedback. We look forward to connecting with you.

CONDO MEETINGS — TIPS, TRICKS, AND REMINDERS

We wanted to share some of the Fogler's Condo Group's tips, tricks, and hints for a successful condo meeting.

Mandatory Government Forms

The first question to ask, even before any form is filled out is "Are we using the most current versions of the forms?" The mandatory government forms, including the Preliminary Notice of Meeting of Owners, Notice of Meetings of Owners, and the Proxy Form were revised in May of 2018 and the most recent version of any form is the "proscribed form" required by the Condominium Act, 1998. To figure out if you have a new form check for a 2018 copyright date on the bottom of the first page and be sure to download the newest forms. The Condominium Authority of Ontario has made the forms easy to access.

Every form should be filled out electronically because they "grow" as the check boxes are completed to expand and provide fields for more information. It is important to think through the agenda of each meeting and the condo's documents because these will dictate which fields are filled out on the forms. Unit owners can object to items on an agenda that have not been properly disclosed, i.e. a by-law vote, which can lead to having to re-do a meeting.

In addition, the Proxy Form needs to be carefully filled out (and expanded) to account for all the different types of voting (i.e. an owner-occupied director position, a by-law vote, or a removal vote). Speaking of Proxies, ideally everyone should include a guide to filling out a Proxy Form, our guide is available [here](#).

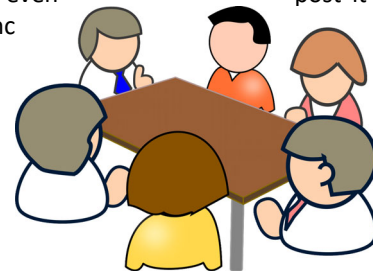
Corporation Records

Everyone knows that "unit owners" (and certain mortgagees) are the only people entitled to receive notice and vote at an owners meeting, and this list unit owners is fixed at those the record 20 days before the date of the meeting (ss.47(2) of the Act, called a "**record date**"). This leads to the question of "Are the condo's ownership records up to date?" and this is especially important where a new management company has taken over a building and some of the unit files or records are incomplete. These records should also include which owners have opted-in to receive electronic communication so that the condo can save printing and mailing costs.

If your condominium uses an electronic service that solicits proxies from unit owners or if your condo has an electronic

voting by-law, the record of owners and their email addresses must be up to date so that these systems work properly.

It is a good idea to send all unit owners a reminder with the Preliminary Notice (or to even post it in the common elements on year) reminding everyone make sure the information they filed with the property management office is up to date and correct.



Proxies and Ballots

When the proxies are received, they should be put in the same order as the owners list so that the meeting chair and the registration desk can quickly and easily find and cross-reference proxies. Ideally managers will take a look at the proxies and put sticky notes on those where they know there could be an issue, for the meeting chair to review.

For the in-person ballots, there should be separate ballots, each on different colored paper, for each voting item. For instance, the vote for an owner-occupied director position should always be on a separate ballot from the ballot for the directors that all unit owners can vote for. In addition, always have a 'spare' ballot that is distributed at registration. This ballot can be used where there is a tie in a director election or if a balloted vote is request on any item that would otherwise be done through a show of hands. Having to re-register every in-person voter and give them make-shift ballots can add hours to a meeting. Finally, when registering unit owners, it is helpful if the people at the registration desk initial each ballot they give out.

TEMPORARY ADJUSTMENT TO UPCOMING 2019-2020 CAO ANNUAL ASSESSMENTS

All Condominium Corporations can begin filing for the 2019-2020 CAO annual returns as of January 7th, 2019. The CAO has implemented a temporary 25% reduction for the annual assessment. The temporary reductions demonstrates the CAO's commitment to operating efficiently, to providing good value for to assessing corporation on for the funds needed to provide the CAO's services.

All Condominium Corporations are legally required to pay the annual assessments to the CAO. The fee of \$1 per voting unit

per month we set by the CAO after undertaking a comprehensive fee consultation in the summer of 2017.

The temporary reduction against the total assessment amount for the year ahead is being applied due to the CAO's projected costs for delivering its services will be less than the projected annual budget, owing in part to the limited jurisdiction of the Condominium Authority Tribunal to receive only records disputes at this time.

As the CAO grows and enhances its services to meet the needs of condominium communities, the CAO is committed to delivering value and making a difference to Ontario's condominium sector. The CAO continues to work hard in order to deliver on its mandate while being fiscally responsible in order to stay within the base fee of \$1 per voting unit going forward.

The temporary reduction will automatically reflect on the 2019-2020 assessment invoice. The temporary reductions do not apply to the current or previous assessments.

ONE YEAR AFTER THE AMENDMENTS TO THE CONDOMINIUM ACT — ARE WE ANY BETTER OFF?

It's been a rollercoaster year, to say the least, for Ontario's condominium industry in our collective efforts to implement the changes to the *Condominium Act, 1998* (the "Act"). As every reader knows, these changes first came into effect on November 1, 2017, they represent only the first phase of a series of changes which are planned and, in the Act, (and to its regulations) but are not yet "in-force" and the regulations for these have not been released. It remains to be seen as to whether the new provincial government will implement these other changes.

After getting through the panic, the multitude of new timelines, the new procedures and, yes, all those forms, the one-year anniversary of the first changes is an appropriate time to reflect on these changes and ask the question: "*Are condominium corporations, their unit owners, and our industry really better off?*".

- **Notices of Owners' Meetings:** After the initial adjustment and cost of having two mail-outs, the overall

impact is a positive one. The circumstances where owners complain that they were not aware in advance of the upcoming owners' meeting has been significantly reduced. There is also a marked improvement in the ability of prospective director candidates to give notice of their candidacy to the Corporation and to have their information included in the meeting packages. The fact that all director candidates must also complete a disclosure form (attesting to certain statements) and to have those disclosure forms included in the meeting package fortifies the legitimacy of the election process.

- **Requisition Meetings:** The Act still requires a Board of Directors to call and hold a meeting of owners within 35 days of receiving a requisition pursuant to subsection 46(1). However, with the new requirement for the Corporation to send a preliminary notice of meeting, this leaves little to no time for the Corporation to receive and review the requisition, and to possibly consult with legal counsel as to the validity of the requisition, before having to call the meeting. More time for the Corporation to review the requisition and obtain legal advice would significantly reduce the panic and stress often associated with a requisition.
- **The New Form of Proxy:** Having a standardized proxy form which owners are obligated to use is a good thing. However, the complicated nature of the proxy form, with multiple fields, and the accompanying instructions ignores its recipient audience and, in some respects, increases confusion as to the intentions of the owner giving the proxy.
- For example, what if the proxy is initialed by the owner in some areas, but the owner innocently omitted to initial in others? Owners should not be required to have a law degree to be able to successfully complete a proxy form. Also, the new proxy form does little to safeguard against issues of proxy fraud which have plagued some Corporations in the past where individuals forge an owner's signature on a proxy form.
- **Information Certificates:** The periodic information certificate contains valuable basic information which, surprisingly, many owners may not be aware of. Owners should be aware of who their directors or their property management company are at any given time, whether the Corporation is a party to a legal action, or what the amount of the Corporation's insurance deductible is. While the completion of the periodic certificate is not particularly onerous, sending it out once a year (as opposed to required twice a year) would have likely been sufficient and would have resulted in cost-savings for a

lot condominiums, especially given that a condominium is required to send an information change update in the event of specific changes such the directors, quorum on the board of directors, or a change in the condominium's property management provider.

- **Records Requests:** Like the proxy form, having a standardized form by which an owner can submit a records request and expect a timeline for a response is a favorable change. The legislative amendments provide a mechanism by which the owner and the Corporation can track an owner's record requests and the responses given. However, in practice, difficulties arise in the response process which has been made more complicated than often needs to be. If an owner has a simple request for a copy of a record, many property managers would prefer to respond by sending out the record to the owner as opposed to taking the time to complete the responding form. This is a shortcoming in

While the above changes are, in most cases, a step in the right direction, there remain a number of critical changes which have yet to be implemented. It has now been three years since the amendments received royal assent and our industry (and indeed all condominium unit owners) are still waiting for the rest of Act's changes to come into force. These changes are

the process. Further, the regulations dealing with all parts of records, retention, and requests are lengthy and not particularly straightforward.

- **Directors' Training:** The requirement that directors appointed, elected or re-elected on or after November 1, 2017, receive mandatory training is a positive change. The Condominium Authority of Ontario directors' training program (which is free) provides an accessible and comprehensive program on the various topics which all directors should be familiar with. If directors are not willing to take the time after their election or appointment to complete the mandatory directors' training course, then it is correct that they should not be permitted to continue as a director.



important and significant, dealing with topics such as the adequacy of reserve funds, developer disclosure obligations, and modifications to the common elements and services. Hopefully, they will come into effect in a reasonable well considered timeline

ADDRESSING CONDENSATION IN CONDO PROPERTIES

"You'd be surprised what condensation can do if it isn't looked after," says Jack Albert, Associate at RJC Engineers (RJC). "Once that moisture is present, it can damage finishes, drywall, flooring, and even lead to health concerns in extreme situations."

Condensation occurs when interior humidity levels combine with winter exterior conditions at cold surfaces, most often windows and doors. The quality of the windows, as well as the details at the window perimeters where they transition to adjacent systems (e.g., precast concrete or brick), is often a large contributing factor. Air barriers and thermal control layers are used to protect these connecting points but can fail over time or be improperly installed.

Moreover, condensation can happen all year round but is especially pronounced in colder seasons. One reason is that air conditioning equipment is no longer removing humidity from the environment. Another is that condo owners will often use humidifiers to combat cold and dry air and enhance comfort. Additionally, in the shoulder season (particularly, the fall), condensation often shows up as nighttime

temperatures are dropping but interior humidity levels are still high, particularly with ERV systems.

Condensation can be a common issue in older buildings with less thermally efficient windows. It can also show up in newer buildings where poor building envelope detailing or lack of dehumidification can cause problems.

"It is something that we address all through the year, but typically get much more calls about condensation in the winter when the conditions are more extreme," notes Albert.

Combating Condensation

Appropriate window detailing will often prevent condensation. In the absence of that, however, residents have a few techniques at their disposal. They include opening blinds to allow heat to get to the windows, using exhaust fans when cooking and washing, and generally monitoring humidity levels throughout the season.

That's all well and good for preventing condensation, says Albert, but in cases where condensation has taken root over long periods of time, or the above steps are not eliminating the condensation, it pays to call on professionals: "This isn't something you want to leave unchecked over a long period of time, because the repairs will add up."

To that end, building envelope professionals like Albert will

work with mechanical engineers to evaluate those HVAC systems to make sure they're both working properly and working in concert with the building envelope system. They can also perform infrared thermography scans, conduct air leakage tests, carry out thermal reporting, and review building designs to find the root cause of the issue.

"There's always the possibility that the walls or windows weren't constructed properly to begin with, in which case we'd move to a repair or retrofit," Albert notes, adding, "Of

course, being proactive about condensation is a better bet. That's why we also work with developers in the early stages of a development to assist in design detailing and specification during the design phase to reduce the risk of condensation in the first place."

Condensation may not look like much of a problem at first glance. Still, like all building performance issues, it pays to take notice before the problem spreads.

TIPS FOR HOLIDAY HOME SAFETY

Condo Fire Safety TIP # 01:

Resident fire safety depends on the making the best decision when the fire alarm sounds in your building. Residents need to understand that the systems installed in their building are uniquely designed to protect them. The decision to "stay or go" during the event of a fire alarm, is your decision. It's the building owner's (property manager) job to ensure that these building systems are maintained as required and that the occupants are provided with the knowledge to make an informed decision. Residents must understand the building's approved emergency procedures and what could be their best chance of surviving a fire emergency. This is vital, as resident safety also depends on the actions of building management and other residents. As the calendar year ends and 2018 approaches, ensure you have communicated a reminder to the residents of their roles and responsibilities during a fire emergency. This is typically done through information sessions delivered by a specialist, or by simply providing copies of the building's fire safety plan procedures.

Condo Fire Safety TIP # 02:

Both building management and residents are never to hang holiday decorations from sprinkler heads/pipes, or in a manner that would impede their intended use. Choose decorations that are treated, flame-retardant, non-combustible and non-conductive. Use the proper lights for the environment. Indoor light strings/sets should not be used outdoors because they lack weatherproof connections. Some outdoor light strings/sets burn too hot for indoors. Inspect light strings/set before use. Check for cracked bulbs and for frayed, broken or exposed wires, and discard if faulty. This information should be included in all Condo "Party Room" Rental contracts so that as to properly inform the renter / user.

Condo Fire Safety TIP # 3:

Have your building security provide a constant "return on investment in your building's emergency preparedness. Make daily security patrols a part of your building's emergency management program. Ensure that the security guard is conducting patrols within your building and tasked with identifying unusually cold rooms during routine patrols. Identifying these rooms more than often allows property managers an opportunity to address frozen pipes, false alarms, temperature complaints, and HVAC concerns in advance of these issues becoming an emergency. An example of these rooms includes sprinkler rooms, electrical rooms, generator rooms, fuel storage rooms, and mechanical / electrical rooms and parking garages.



TEAM HOLIDAY LUNCH PHOTO

