

# NADLAN-HARRIS PROPERTY MANAGEMENT INC. Summer, 2022 NEWSLETTER

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# Message from the President

Dear Board of Directors,

Welcome, to our latest-summer newsletter. The weather has gotten warmer and the days longer. Summer is the time of plans and projects!

We are consolidating our efforts, position and learnings, and we are earnestly looking forward to how we can improve even more for ourselves and our stakeholders.

We would like to thank you all for the support that you've shown through the years.

Please take some time to read through our spring issue and enjoy the articles we have chosen for you.

#### Happy Summer!



Sincerely,

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

## **Company News**

We encourage all residents to log into your community website and use the fantastic features, as it is a great means of connecting with the community. **NEW features such as mobile access and consent to receive electronic communication have been implemented.** The platform will allow Nadlan-Harris Property Management Inc. to facilitate better communication, increase efficiency and allow residents an opportunity to provide their valued feedback. We look forward to connecting with you.

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#### SHORTAGE OF CONDOMINIUM MANAGERS<sup>1</sup>

Condominium management isn't the easiest job in the world. Yet there are benefits to those selecting this profession. In a world with fewer well-paying jobs, condominium management offers the potential for long-term employment. The downside may include long hours, heavy workload and what some in the industry consider inadequate financial compensation.

There are many reasons for this shortage.

- i. One is the recent requirement that condominium managers be licensed.
- ii. Another may be salaries paid by some condominium corporations. The average annual salary for condominium managers in Toronto, as reported by Payscale, is \$61,318. Some feel this is inadequate to attract the volume and quality of condominium managers currently required.
- iii. The problem is likely to get worse. Many managers, those who are more qualified, are nearing retirement. The pool of newly licensed managers is insufficient to replace them.

Condo boards are under pressure to keep costs down and avoid unnecessary increases in condo fees. One way to do this is paying less for condominium management.

"Better quality and better managed corporations tend to pay more for better condominium management" explains Liron Daniels of Nadlan-Harris Property Management.

"They recognize that better management generally produces better results. For condominium corporations this can translate to fewer problems, problems resolved more quickly at lower cost, and more satisfied residents.



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#### Improve productivity of your manager

Providing your condominium manager with the proper tools and direction can improve their productivity.

#### Condo boards should:

- Ensure the management office is a place of business. It is not a place to be visited or frequented by residents for non-business purposes. Socialization with residents, including directors, leaves less time to focus on the business of the corporation.
- ♣ Implement a document management system that stores documents electronically and offers easy access.
- ↓ Implement condo management software and require that management fully utilize it. Many corporations purchase condo management software then fail to direct management in its implementation and utilization.
- ♣ Encourage residents to provide an e-mail address to receive electronic communications. Inform them that most information is provided only in this manner.
- ♣ Eliminate printed notices except when legally required.
- Encourage residents to submit service requests through the system. Benefits of doing so include faster response, history of actions taken in addressing their requests, and status updates.

1https://tocondonews.com/archives/shortage-of-condominium-managers/

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# WHAT'S THE RIGHT-TO-DISCONNECT POLICY MEANS FOR CONDO CORPORATIONS $^{2}$

The government's boastful statements could understandably make an employer—and condo directors, owners and residents—worry that their employees or service providers, including management, were about to become completely unreachable outside their scheduled work hours.

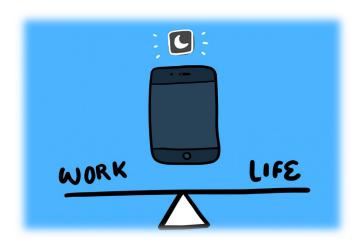
Well, not quite.

# Right to a disconnection policy, but no right to disconnect.

The new rules don't actually give employees a right to disconnect. In fact, they don't give employees any new rights to refuse work or ignore work communications. Instead, the new rules require some employers to simply have "a written policy in place for all employees with respect to disconnecting from work."

Employers are essentially free to determine the content of their disconnection policies for themselves. The only requirements are that the policy must:

- address disconnecting from work;
- include the date the policy was prepared; and
- include the date any changes were made to the policy.



The new rules tell us that disconnecting from work means "not engaging in work-related communications, including emails, telephone calls, video calls or the sending or reviewing of other messages, so as to be free from the performance of work."



#### What's the takeaway?

Although the new rules fall short of "requiring most workplaces have a right to disconnect policy," they do serve as an important reminder to employers and condo corporations on certain issues.

For instance, the new rules are a reminder that sending and reviewing messages, whether by phone, email, or instant message, is a type of work. And although the new rules may not create any new rights

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for employees, they shine a spotlight on unpaid, off-the-clock work that many employees perform when they invariably respond to messages after hours.

Condo directors needn't worry that their managers will all of a sudden become radio silent after their designated office hours.

 ${\bf 2} \underline{https://www.reminetwork.com/articles/right-to-disconnect-policy-condo-corporations/articles/right-to-disconnect-policy-condo-corporations/articles/right-to-disconnect-policy-condo-corporations/articles/right-to-disconnect-policy-condo-corporations/articles/right-to-disconnect-policy-condo-corporations/articles/right-to-disconnect-policy-condo-corporations/articles/right-to-disconnect-policy-condo-corporations/articles/right-to-disconnect-policy-condo-corporations/articles/right-to-disconnect-policy-condo-corporations/articles/right-to-disconnect-policy-condo-corporations/articles/right-to-disconnect-policy-condo-corporations/articles/right-to-disconnect-policy-condo-corporations/article$ 

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## WARDING OFF WATER DAMAGE<sup>3</sup>

As the rapid growth of condominium living in Canada continues, corporations and their suite owners need to be on alert for an omnipresent danger: water damage.

For condos housing hundreds of residents, easily addressable leaks of some form can occur at any given moment, whether from a leaky faucet, drain, or appliance. As buildings age, however, there is increased risk of more significant leaks and floods that can result in considerable water damage.

#### **Sprawling water damage**

Even mid-size condos often have more than 100 suites, all with their own set of appliances, plumbing fixtures, and HVAC systems. A broken washer, or leak in the fan coil or vertical heat pump of a suite on the ninth floor, can impact suites several floors below.

Recent news reports of sprawling water damage in Canadian condos have illuminated troubling causes such as faulty gaskets, frozen pipes and plumbing failures, all of which impacted multiple units.

Just as condo corporations and suite owners need to



cautiously maintain their plumbing and appliances, proactive maintenance of in-suite HVAC systems is also critical.

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Looking at fan coils, for example, here are some of the ways leaks and floods can occur:

- 1. Over time, drain pans rust and corrode, potentially creating holes for water to escape.
- 2. Deteriorating insulation within the fan coil cabinet can lead to debris falling into and potentially clogging the drain pan, drain hose, and condensate lines.
- 3. When turned off for extended periods of time during the winter, the pipes and coils can freeze and burst, leading to significant water damage.
- 4. As risers expand and shrink throughout the year, considerable strain is placed on the valves which can lead to leaks and cracks over time.

### **Educating communities about risks**

Evidently, education is the key to getting ahead of the curve. In

addition to actively maintaining plumbing and mechanical systems under its purview, a corporation should take an active approach to educating its community on the need for each suite owner to properly maintain their appliances, plumbing, and in-suite HVAC systems.



#### Corporations

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- Can share knowledge and best practices through notice boards or interactive displays, newsletters, general meetings, and welcome packets provided to new owners.
- Should raise awareness for necessary maintenance, repair, and retrofit work where needed.
- Can engage the original equipment manufacturer to provide condition assessments of aging equipment and estimate its remaining useful life.

Ultimately, while the risk of water damage is pervasive, so too are the preventative solutions. And through increased knowledge, shared community awareness and due diligence, many of the risk factors of water damage can be avoided.

 $3 \underline{https://www.reminetwork.com/articles/warding-off-water-damage/}$ 



## SWITCHING BETWEEN HEATING AND COOLING<sup>4</sup>



The seasons are changing, but the HVAC (heating, ventilation, and air conditioning) system in your condo unit hasn't been switched soon enough to compensate for outdoor temperatures.

Timing the switch "properly" is difficult to do for at least two reasons:

- i. There's more to switching between heating and cooling than simply flipping a switch
  It's impossible to predict precisely when to switch.
- ii. The condominium manager does not decide when to switch between heating and cooling—the Board of Directors of the condominium corporation does.:

#### SCHEDULING THE SWITCH



Once the Board chooses a switchover date, the condominium manager schedules an HVAC contractor to come on site and make the switch.

Contractors are in demand during "switchover seasons," so they are often

booked weeks or even months ahead of time.

#### PERFORMING THE SWITCH

The switch process itself takes a few days. Before the switch, the contractor typically performs preventative maintenance tasks such as:

- checking refrigerant levels
- o checking for refrigerant leaks
- cleaning and straightening condenser coils to ensure proper air flow
- checking air filters
- o checking gas connections for leaks

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- tightening electrical connections
- lubricating moving parts
- testing the thermostat to make sure it cycles the system on and off properly

This preventative maintenance helps keep the condominium's costs down by having the contractor:

- address any minor issues before they become large and expensive problems
- ensure the HVAC system works at maximum efficiency

Once the process is completed, it can still take time for the HVAC system to fully transition between heating and cooling.

### TIMING THE HVAC SWITCHOVER

In Ontario, many condominiums switch their HVAC systems to AC in late spring and go back to heating in early fall.

Condominiums also need to schedule an HVAC contractor's services ahead of time and during their busiest seasons.



#### WHAT CAN YOU DO?

Condominium managers arrange for seasonal heating/cooling switchovers, but they do so at the request of the condominium boards that hire them. Ultimately, the Board of Directors is responsible for deciding when to start this process, not the condominium manager.

Here is what you can do if you find yourself in this situation:

- Watch for notices from your board and management about the HVAC switchover. They will explain timing and other aspects about it that you need to know.
- Talk to your condominium manager if any information is unclear to you.
- Consider joining your condominium board if you are interested in the decision-making and management of your condominium corporation.

4https://cmrao.ca/newsroom/blog/switching-between-heating-and-cooling-whats-involved-with-hvac-systems?fbclid=IwAR3dv1ggm9aD\_3xHeOJComT3ol44UO3\_D2\_FZVVPOeYdgoqiCM7GP-GEuX4

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### EV CHARGING STATIONS<sup>5</sup>

Top 5 tips to install electric vehicle charging stations on the common elements.



# 1. Compliance with the *Condominium Act*, 1998 (the "Act")

Section 24.3 of *Ontario Regulation 48/01* provides that a condominium corporation may install an electric charging station on the common elements in the event the following criteria are met:

- i. The board has conducted an assessment regarding the cost of the installation;
- ii. The estimated cost is not greater than 10% of the corporation's current annual budget;
- iii. In the reasonable opinion of the board, the owners would not regard the installation as causing a material reduction or elimination of their use or enjoyment of the units that they own or common elements or assets, if any, of the corporation;
- iv. The corporation has sent notice to the owners that describes the installation and contains statements that the installation will not cause a material reduction or elimination of the owners use or enjoyment of the unit or common elements and the estimated costs to install and how the corporation intends to pay; and
- v. At least 60 days have passed since the corporation sent the notice.

Once the above requirements have been met, the corporation may carry out the installation.

If the costs are greater than 10% of the condominium corporation's annual budget or if the board is of the opinion

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that the installation would cause a material reduction or elimination of their use or enjoyment of the units or common elements, then a different process must be followed.

Specifically, the condominium corporation needs to send a notice to the owners that contains the following:

- A description of the installation, the estimated costs and how the corporation intends to pay;
- A statement that the board believes that the owners would regard the installation as causing a material reduction or elimination of the use or enjoyment of the units that they own or the common elements;
- A statement that the owners have a right to requisition a meeting within 60 days of receiving the notice;
- A copy of section 46 of the Act and section 24.2 of Ontario Regulation 48/01; and
- Any other information that the by-laws of the corporation require.

Under this process, the corporation may carry out the installation if the owners have not requisitioned a meeting within 60 days or if a meeting was requisitioned and the owners did not vote against the installation.

### 2. General Operating vs. Reserve

All costs associated with the installation of electric vehicle charging station on the common elements are considered common expenses.



Unfortunately, this installation cannot be funded from the reserve fund as such installations are not major repairs or replacements to the common elements.

Amendments to the Act were previously floated to permit condominium corporations to use reserve funds for this expenditure but they were ultimately pushed aside.

#### 3. Visitor Parking

Most declarations will contain language regarding the specific use of visitor parking spaces. Commonly, declarations will provide that the use of visitor parking spaces shall be for visitors to the building and for no other purpose.

If visitors are only permitted to park in visitor parking spaces, then an electric charging station in such parking spaces would be of limited value to the residents.

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#### 4. Status Certificates

In the event a condominium corporation is considering making an expenditure that is not budgeted for, then the common expenses payable for the units may increase. If this is a possibility, then the condominium corporation must disclose this fact at paragraph 12 of the status certificate.



#### 5. Electric Vehicle Consultant

Condominium corporations need to determine whether its existing infrastructure will permit the installation of one or many electric vehicle charging systems. There may be value in connecting with an engineer or electric vehicle consultant to review the options available for condominium corporations in the event they wish to install additional electric vehicle charging stations at the property.

## SUPPORTING RESIDENTS STRUGGLING WITH MENTAL ILLNESS<sup>6</sup>

Mental illness is more prevalent than it may appear. Studies suggest that almost one in five Ontarians have been affected by a psychiatric disorder.

As it is a legal duty under the Ontario Human Rights Code for organizations and institutions to be "accessible, inclusive, discrimination and harassment-free environments," there are some things to consider when dealing with residents who may be suffering from a mental illness.

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#### Take Notes

Document anything that may seem out of the ordinary about a resident. This may include wearing inappropriate clothes for the

weather, acting in a threatening or intimidating manner, behaving out of character, illogical or disorganized speech, statements that demonstrate potential paranoia, or actions that harmed or could have harmed the resident or others.



Documents may later be supplied to police, hospitals or used in court if necessary. Ensure that documents are kept private and confidential and are not used as a means to stigmatize or discriminate against individuals.

#### Request emergency contacts



It is prudent to request all individuals to supply an emergency contact when they become a resident. This helps a matter proceed in the event any resident becomes ill or injured.

The emergency contact may also be able to intervene in ways that a condo manager cannot, such as transporting the person to seek medical care, liaising with a psychiatrist, or taking legal action to become a guardian.

If there is no emergency contact and it is suspected that the person has a serious mental illness, it is possible to call the *Office* of the Public Guardian and Trustee (PGT).

#### Accept the challenge and get creative

Sometimes, it can be cheaper and less stressful to simply accept challenging behavior for what it is, and focus on developing a solution, rather than try to change the behavior itself. With many mental illnesses, a request to modify conduct is simply not going to result in meaningful change.

5https://www.millerthomson.com/en/publications/communiques-and-updates/condominium-stratabrief/april-19-2022-mt-condo/top-5-tips-to-install-electric-vehicle-chargingstations/?utm\_source=vuture2022&utm\_medium=email&utm\_campaign=mt-condo-strata-2022-april-19



#### Have an emergency plan

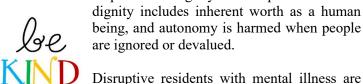
Just because someone has a mental illness does not mean that they will become violent. It is much more likely for people with mental illness to become victims of violence instead of the perpetrators. However, creating an emergency plan is never a bad idea.



If someone has been threatened or harmed, calling police can be prudent, or necessary, to ensure everyone's safety.

## Keep calm and be kind

The duty to accommodate includes performing those duties in a manner that respects the dignity of the person. Human



Disruptive residents with mental illness are rarely trying to be difficult. Most likely, they are experiencing difficult times themselves.

# WHY PROPERTY MANAGEMENT PLANS MAKE ALL THE DIFFERENCE<sup>7</sup>

The many benefits of developing a property management plan.

#### 1. Laying the foundation with a sound strategy

Well-crafted management plans

- apply physical, market, and financial data as a guide to managing a property, including making any capital improvements.
- help owners and investors make asset management decisions, as in buy, sell, or hold. It also
- articulate the owners' goals for the property, and
- allow the management team to agree on a course of action, timelines, and roles to help reach those goals.

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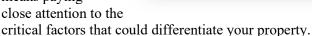
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#### 2. Developing a marketing plan

The pandemic changed everything. Property managers need to be in touch with what tenants and residents want, from updated amenities, the

latest technologydriven tools, safety, and security.

The list goes on and on, but every market and every property are unique, which means paying close attention to





## 3. Driving employee development

A well-defined management plan, with well-defined goals, timeframes, and responsibilities, helps management companies manage their teams.

It also protects the firm by laying out in detail the specific duties and responsibilities of the management company's team on behalf of building ownership.

#### What is a property management plan?

A property management plan is a roadmap drawn to maximize a property's potential and support ownership objectives, based on data and stated assumptions.



Keep in mind, however, that the world changes, and so must property management plans.

Think about the

change we've all endured lately - the pandemic, of course, the rate of inflation we're experiencing today, supply chain issues, a war in Europe, and a global talent shortage. No plan is static, and should be reviewed and revised as needed.

6https://www.reminetwork.com/articles/supporting-residents-struggling-with-mental-illness/



#### Why should I create a management plan?

Developing and maintaining a management plan allows real estate professionals to display their research and analytical skills, illustrate the ability to synthesize a vast range of facts and opinions into a coherent whole, and confirm effectiveness as communicators.

The skills achieved in successfully completing a management plan can be used to prepare a plan of action for existing clients, take on the management of new properties, or make proposals to potential clients about how expert property management can help them meet their goals.

The underlying philosophy here is that a property is best managed when managed by plan.

### HOW CLEAR MUST RECORDS BE?8

In the case of Sava v. York Condominium Corporation No. 386, the owner made a request for the condominium corporation's records relating to a refund of the special assessment.



The CAT determined that the owner had been given all of the available records, and therefore dismissed the owner's request for records.

The CAT said that a condominium corporation cannot be compelled to produce records that don't exist (unless of course the corporation is obligated by the Condominium Act and/or Regulations to keep the particular records).

7https://www.irem.org/learning/publications-news/blog/irem-blogs/2022/04/the-many-benefits-of-developing-a-property-management-plan?utm\_medium=email&utm\_source=rasa\_io

8https://dhacondolaw.ca/condo-law-news/how-clear-must-records-be/

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However, the CAT nevertheless ordered the condominium corporation to pay costs to the owner (namely \$200 for filing fees as well as \$871.50 for legal advice obtained by the owner). This was because the records that had been provided were inconsistent and confusing.



The **CAT** said:

I find that despite the fact that Mr. Sava did not obtain any new records as a result of this application, he did obtain a significant clarification and explanation of the records he had previously received.

He only received that clarification and explanation during the closing stages of this hearing.

The clarification that Mr. Sava received and when he received it, taken together, are sufficient to entitle Mr. Sava to an award of his filing fees of \$200 payable by the corporation.

The CAT explained that "a condominium corporation, while

required to provide access to certain corporate records, is not obliged under the Act to explain them".



In other words, the

CAT's reasoning seems to be that the condominium corporation had no legal obligation (under the terms of the Condominium Act) to explain the records. Therefore, the owner's only option was to apply to CAT in order to force the condominium corporation to provide the necessary clarification.

The further takeaway, is as follows: Although condominium corporations are not obligated to explain their records to owners, condominium corporations do have an obligation to offer clarifications or corrections if the records are confusing are unclear.

According to its website, the Condominium Management Regulatory Authority of Ontario (CMRAO) is a regulatory body providing oversight of condo managers and management companies.

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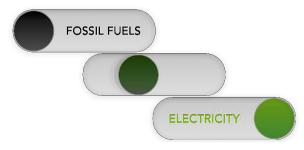


We normally think of the CMRAO as the body that oversees the licensing of Ontario's condominium

property managers. But the CMRAO's mandate also includes education, training, discipline and enforcement. In other words, there's more to the CMRAO than just licensing.

## FUEL-SWITCHING CHALLENGES EXPECTED TO EASE<sup>9</sup>

Climate, cost and capacity pose fuel-switching challenges for building owners looking to curb greenhouse gas (GHG) emissions in line with Canada's target for a 40 to 45 per cent reduction below 2005 levels by 2030. Industry panelists contemplating the electrification of mechanical systems during a recent Canada Green Building Council (CAGBC) conference in Toronto acknowledged that the leap to net zero comes with varying degrees of difficulty from region to region across the country.



The arrival of new technologies and ongoing replacement of fossil-fuel-fired power generation with renewable sources are expected to ease the transition to low-carbon heating and domestic hot water systems, but



that's occurring on a patchwork of timelines.

A carbon price on pace to reach \$170 per tonne by 2030 and the potential for

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other regulatory and investment-related imperatives are now reshaping conventional cost-benefit analyses.

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Yet, even as the commercial real estate industry is urged to readjust priorities from incremental improvements with quick paybacks to big-ticket, deep retrofits, energy efficiency continues to be a preferred gateway to decarbonization for many companies pursuing emissions reduction targets.

# CANADA'S ENERGY SAVING EFFORTS LAG U.S.<sup>10</sup>

Canadian provinces fell far short of energy saving efforts in the top-performing U.S. states in 2020. However, the gap between the leaders and the worst-performing U.S. states was wider still.

Evidence from Efficiency Canada's provincial energy efficiency scorecard and similar scrutiny of U.S. states produced by the American Council for an Energy Efficient Economy (ACEEE) show setbacks in both countries as the COVID-19 pandemic curtailed conservation programs.



A new report from Efficiency Canada compares key metrics from the two scorecards and finds Canadian provinces mostly scattered in the bottom half of a field of 60 jurisdictions for electricity savings and target setting, but positioned higher for energy efficiency spending and natural gas and non-regulated fuel savings.

<sup>9</sup> https://www.reminetwork.com/articles/fuel-switching-challenges-expected-to-ease/

<sup>10</sup> https://www.reminetwork.com/articles/canadas-energy-saving-efforts-lag-u-s/



# NADLAN-HARRIS SEMINAR WITH OUR MAIN FOCUS BEING ON SPARCPAY, VIRTUAL UPON & EMOTIONAL INTELLIGENCE

















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## WHAT NADLAN-HARRIS IS DOING ABOUT COVID-19 CORONA VIRUS?

Nadlan-Harris Property Management Inc. deeply cares about our staff's health and safety as well as the communities we work in.

From the beginning Nadlan-Harris has put in place protocols for the safety of our team and residents. The following protocols have been put in place:

- We have increase <u>cleaning and disinfecting protocols</u>. The Nadlan-Harris head office is beingsprayed 3 times per week with Hypochlorous Acid, which is a primary disinfectant agent of chlorine solutions.
- Nadlan-Harris head office has introduced the GermGuard Treatment Program, which has been proven to last on a surface for up to 6 months. The GermGuard program kills germs on contacts and is a great addition for in between regular cleaning. The treatment provides antimicrobial protection to high touch surfaces to reduce the risk of transmission of germs. (see pictures below)
- Keyless entry has been installed at Nadlan-Harris head office to minimize the touching of surfaces.
- Social distancing protocol has been put in place
  - Keeping a minimum of 6' away from each other.
  - We have staggered our head office employees to work from home
  - Remote set up was provided to all employees.
  - Accounting personnel rotate their time of coming to head office when needed topick and drop off information.
- Extra hand sanitizers and spray disinfectant has been supplied at the Head office

We believe in an open communication policy and we constant communicate to all our managers on weekly basis by providing updated information to communicate with their board of directors and the community.

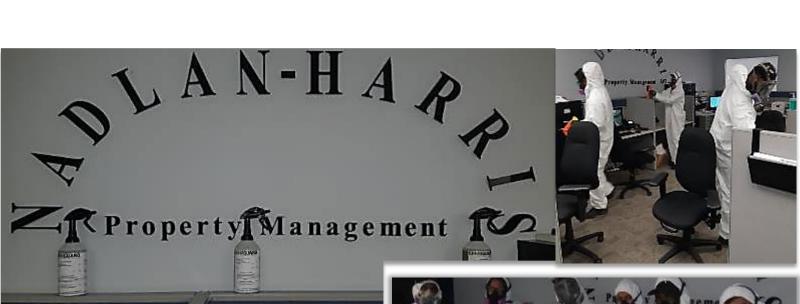
The team at Nadlan-Harris has received some inquires by directors of the board about approval of invoices and cheques being signed. Our team fully understands the concern.

Under the direction of the board, Nadlan-Harris will accept invoice approvals from the board of directors, via email. Cheques can be signed by Liron Daniels the President of Nadlan-Harris Property ManagementInc, and only by Liron Daniels. This of course is only temporary. Written direction is needed from the board of directors, to proceed with this option.

The Nadlan-Harris team has been provided Essential Work Documents, in the event they get stopped andquestioned as to the intent of their commute

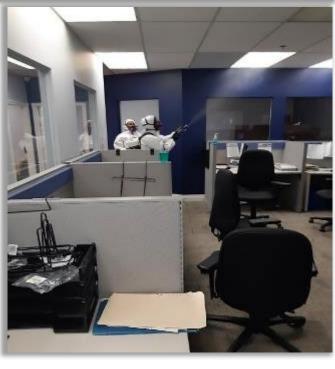
Our head office has been closed to the public since March, and only accommodates visits if it is an urgentmatter.













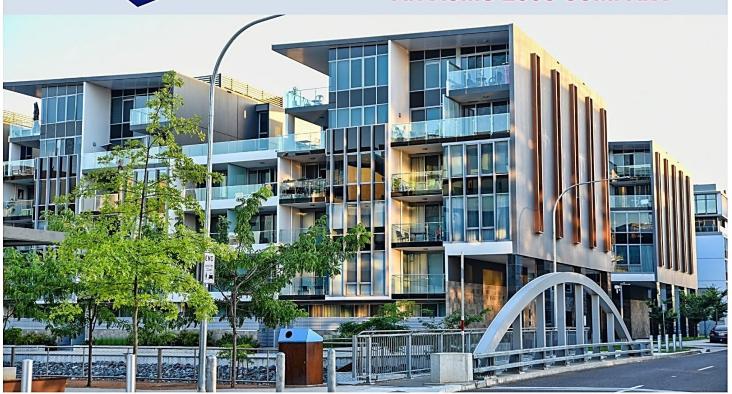
Condominium Residential Commercial Rental



# **NADLAN-HARRIS** PROPERTY MANAGEMENT INC.

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# We are a team of dedicated experts, specializing in professional property management of:

- High-Rise/Low-Rise Condominiums
- Residential/Commercial/Industrial
- Town Home Condominiums

- New Condominium Development Consulting
- Customized Community Websites
- Shared Facilities





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