



NADLAN-HARRIS PROPERTY MANAGEMENT INC. WINTER, 2021 NEWSLETTER

Message from the President

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Dear Directors,

As we approach the end of another year, we would like to express our gratitude to you and extend our warmest regards and wish Happy Holidays to you and your loved ones!

Author Hal Borland has said: "A year's end is neither an end nor a beginning but a going on with a wisdom that experience can instill in us". Each day is a new opportunity for new experiences and the possibilities are endless.

In turn, I would like to thank our managers for their ongoing hard work to maintain the health and safety of our residents and service providers.

May the New Year be filled with health and joy!
Please enjoy the articles we have picked for you.
Happy Winter!

Sincerely,

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



Company News

*We at Nadlan-Harris are very proud to introduce **Social Style Awareness Training** for our staff. We understand that we are the only property management company providing this training. What is Social Style Awareness....Your **SOCIAL STYLE** is your **preferred** way of acting and interacting. Some people work quickly, others more slowly. Some respond better to data and others to stories or personal experiences. **SOCIAL STYLE** training helps you understand your own preferences and those of others. Most importantly, it teaches you how to recognize the behavior of others and create **strong, productive relationships with everyone**.*

*The Golden Rule says to treat others the way **YOU** want to be treated. But the Nadlan-Harris Platinum Rule instructs our staff on how to treat residents and owners the way **THEY** want to be treated. The impact of the Platinum Rule is profound. This makes for harmonious interactions and relationships between our staff and the communities in which they work.*



The nuances of amenity access during COVID ¹

Condo corporations may feel conflicted over whether to implement a vaccine policy—one that would require residents and owners to prove they've had their two shots against COVID-19 before using a common amenity.

The province has been requiring proof of vaccination in select public settings since September 22, and condos can roll out their own policy as an optional response to creating healthier homes for their occupants.

It's a move that shows a corporation is acting reasonably safe to avoid dangerous conditions on its property, thus hindering liability exposure. A policy of this nature, however, may spark emotionally-charged debates from opposing residents. Enforcing it is even more challenging.

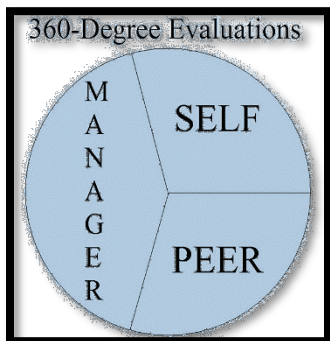
Managing a clash of ideologies

A patchwork of belief systems colliding with a vaccine policy is what one management professional calls a "minefield" in a condo community.

"The reason is because it's a heated, personally-charged issue," says **Ari Soroka**, *Director of operations at Nadlan Harris*. "There is an absolute clash of ideologies here. You're going to have a lot of issues when you do this, one way or the other."

Understanding why people adamantly refuse to be vaccinated is part of the story. Getting residents on board is often a case-by-case basis.

Every circumstance would have to be treated individually and with some sensitivity. There can be all sorts of reasons why people aren't getting vaccinated.



We just need to understand why and work with as many people as possible to get them vaccinated or to get them to accept the rule or policy and comply with that. Then you have to think about what you're going to do to enforce compliance. Most boards are trying very hard these days to preserve

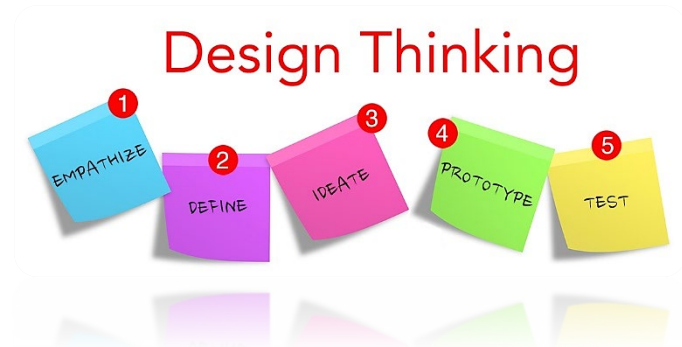
as much access to their amenities as they can, especially since people went through a whole year of social isolation.

Think before adopting a policy

Corporations are advised to do what's best for their communities. If they decide to require vaccinations for amenity access, a first step is understanding the commitment it will take to enforce that and setting realistic goals.

Condo boards are advised to consider:

- ✚ the nature of the amenity,
- ✚ how it's used,
- ✚ where it's located,
- ✚ and then assess the risk of COVID-19 transmission for that particular space.



Getting people on board

Enforcing a policy could be an arduous pursuit, with a lack of sufficient staff to screen residents and also arguments from residents themselves.

The idea is to be as reasonable as possible; to deal with individual needs and concerns, while sending the message that all owners of the condominium must be protected.

Concerns over condo fee contributions are also likely to

¹ <https://www.reminetwork.com/articles/nuances-amenity-access-during-covid/>



ensue. Owners have the right to reasonable use of the common elements; however, they don't have the right to endanger the health and safety of other residents to the extent that an owner or residents' use of the common elements would potentially endanger others.

Consequently, that's where they lose those rights, and even if they don't use the amenities, they still have to pay for those common expenses.

Diffusing fires

Resident-facing managers are strategizing ways to [bring harmony to condo communities](#) in the event of vaccine pushback.

"De-escalation is an art," says Soroka. "Unfortunately, it hasn't been taught in our industry enough. With human interaction, managers are left on their own, and I also encourage that kind of training for directors as well."



"No matter how upset or angry people are who attack you, the biggest thing is they need to know they are being heard. You sponge the anger and then once you get to a place where you can begin the communication process, in a modality they can understand, then the healing begins."

Those [skills](#) need to be taught to all your staff. Your security guards need to understand they're not the vaccination police; above everything else, you have to [maintain your professionalism](#) and [take emotion out](#)."



Have that plan in place, know what you're going to do when you encounter a resident who is not complying and maybe even put that directly in your policy. Specify those steps you are planning on taking, so boards, managers, owners, and residents know exactly what the policy is for people who don't comply.

The legalities of vaccine policies in condos ²

Condominiums under the *Condominium Act (the Act)* are deemed to be the occupiers of their common elements for liability purposes, and as the occupiers of their common elements, have a duty of care under the *Occupiers' Liability Act, (the OLA)* to ensure the reasonable safety of indoor common element amenity users.

Condos also have an obligation under the *Occupational Health and Safety Act, (the OHSA)* to take every precaution reasonable in the circumstances to protect the safety of their on-site employees and contractors. Consequently, under the *OHSA* and the *OLA*, condos are required to take reasonable measures to limit the spread of **COVID-19** as they have an obligation to protect amenity users and on-site employees from potential exposure.




In an effort to comply with their obligations under the *OHSA* and *OLA*, an increasing number of condos within the last two months have implemented mandatory vaccination policies, however, concerns have been raised with respect to the authority of condos to unilaterally implement such policies, as well as the legal protections available to amenity users and employees.

Workplace vaccination policies

If a condo's workplace is [unionized](#), the condo would be prohibited from unilaterally implementing a vaccination policy.

If a condominium's workplace is **not unionized**, the condo would be permitted to unilaterally implement a vaccination policy and require that all employees comply.

In the latter scenario, barring discrimination under the Human Rights Code, if an employee is unwilling to comply with a condo's vaccination policy, the condo would be permitted to terminate the employee's employment on a without cause basis.



In doing so, the condo would have to provide the employee with pay in lieu of reasonable notice of termination, in addition to any other pay and/or benefits that employee may be entitled to upon the termination of their employment, under statute, contract and/or common law.

Exemptions under the code

Protections must be put in place to make sure people who are unable to be vaccinated for code-related reasons are reasonably accommodated.

In this regard, it is possible that an amenity user or employee may claim that they are exempt from a vaccination policy under the code on the basis that:

- a. they have a religious objection that prohibits them from getting vaccinated against COVID-19;
- b. they have a medical exemption that prohibits them from being fully vaccinated against COVID-19; and/or
- c. they are unable to receive the COVID-19 vaccine for disability-related reasons that are unrelated to a medical exemption.

Seek professional assistance

Accordingly, a condo considering implementing a vaccination policy should first consult with their solicitor. If a condo is considering implementing a vaccination policy, it is advised that it be in conjunction with a privacy policy and a human rights policy to reduce the condominium's exposure to potential liability under the code. This ensures that accommodation requests are handled in a timely and consistent manner, while protecting the privacy rights of amenity users and employees.

<https://www.reminetwork.com/articles/legal-take-vaccine-policies-condos/>

CAO's Step-by-Step Guide: Installing Electronic Vehicle Charging Systems³

Introduction

As of May 1, 2018, changes to Ontario Regulation 48/01 under the *Condominium Act, 1998* ("the Act") establish a new process for obtaining approval to install **electric vehicle charging systems (EVCSs)** in condominium buildings.

More specifically, these new provisions:

- ❖ set out the process for condominium corporations to obtain approval to install an EVCS; and,
- ❖ set out the process for an owner to request and obtain approval to install an EVCS.

Installation by the Corporation

If a condominium corporation wants to install an EVCS in or on the common elements of the condominium corporation, they may be able to do so without a vote of the owners, or they may need to provide owners with an opportunity to vote on the installation. An overview of both situations is provided below.



Please note: If the corporation will be doing the installation, all **costs** associated with the **EVCS** installation are considered common expenses of the corporation.

Accordingly, all owners will be responsible for paying for the costs associated with the installation and the **EVCS's** ongoing maintenance, based on the statement of the proportions in which they contribute to the common expenses, as set out in the condominium corporation's declaration.

Step 1: Assessing the Cost of the Installation

The board must first assess the costs to the corporation for the

proposed installation of the EVCS.

Once the board has completed this assessment, they must then follow one of two paths depending on the results of the assessment.

Step 2: Determine whether Owners Can Vote

Based on the results of the assessment, the condominium corporation must then determine whether it can proceed with the installation without of a vote of the owners, or whether it must provide the owners with an opportunity to requisition a meeting to vote on the proposed installation.



1) The corporation can decide to install the EVCS

without input or

2) a vote from the owners only if the proposed installation of the EVCS meets two conditions:

- i. The estimated cost to the corporation is not greater than 10 percent of the annual budgeted common expenses for the corporation's current fiscal year, and
- ii. The board believes that the owners of the condominium corporation would not consider the installation of the EVCS as causing a material reduction or elimination of their use or enjoyment of the units they own or the common elements.

→ If the proposed installation meets these two conditions, then the corporation can follow the process described under the **Option 1: No Vote by Owners** heading below, otherwise, the corporation must follow the process described under the **Option 2: Possible Owner Vote** heading below.

Option 1: No Vote by Owners

Step 3 (Option 1): Send Notice to Owners



Once the condominium corporation has determined that it can proceed with the installation without a vote of the owners, the

corporation must then send a notice to all owners. The notice must contain:

1. A description of the proposed installation,
2. A statement that the board believes that the owners of the condominium corporation **would not** consider the installation of the EVCS to be a material reduction or elimination of their use or enjoyment of the units that they own or the common elements,
3. A statement of the estimated costs for the installation of the EVCS, and how the corporation will pay for the costs,
4. Any other information that the by-laws of the corporation require.

Step 4 (Option 1): Proceed with Installation

After at least 60 days have passed since the corporation sent the notice to owners, the corporation can proceed with the installation of the EVCS.

Option 2: Possible Owners' Vote

Step 3 (Option 2): Send Notice to Owners



Once the condominium corporation has determined that it must provide the owners with an opportunity to requisition a meeting to vote on the proposed installation, the corporation must then send a notice to all owners. The notice must contain:

1. A description of the proposed installation,
2. A statement of the estimated costs for the installation of the EVCS, and how the corporation will pay for the costs,
3. A statement that the board believes that the owners **would** regard the installation of the EVCS as causing a material reduction or elimination of the use or enjoyment of the units that they own or the common elements,
4. A statement that the owners have a right to requisition a meeting within 60 days of receiving the notice,
5. A copy of the text of section 46 of the Act, and section 24.2 and 24.3 of Ontario Regulation 48/01, and
6. Any other information that the by-laws of the corporation require.

Step 4 (Option 2): Determine next Steps

Once the notice has been sent to the owners, the owners can requisition a meeting within 60 days to vote on the proposed installation.

If at least 60 days have passed since the notice was sent, the corporation can proceed with the installation of the EVCS if the owners have:

1. Not requisitioned a meeting within 60 days of receiving the notice,
2. Requisitioned a meeting but quorum was not present at the meeting, or
3. Requisitioned a meeting where quorum was present, and where the owners did not vote against the installation of the EVCS.

Installation by an Owner

Ontario Regulation 48/01 describes the process that an owner must follow to make an application to their condominium corporation for the installation of an EVCS.

Step 1: Creating the Application

The application must:

1. Be in writing,
2. Identify the owner and the owner's address for service,
3. Be signed by the owner submitting the application, and Include drawings, specifications, or information relating to the proposed installation.

Step 2: Submitting the Application:

They must send it to their condominium corporation. For **paper applications**, sent by mail, courier, or deposited in the mail box.

For **electronic applications**, sent by fax, email, or any other method of electronic communication

Step 3: Response from the Board of Directors:

Once a condominium corporation has received an application from an owner, the board of directors must determine if the application is complete and meets the requirements listed in Step 1 and Step 2 above.

³<https://www.condoauthorityontario.ca/resources/electric-vehicle-charging-station-regulations/caos-step-by-step-guide-installing-electronic-vehicle-charging-systems/>

Step 4: The Agreement for Installation of an EVCS:

If the board accepts an application of the installation for an EVCS, then the condominium corporation and the owner must now enter into an agreement. This agreement must be entered into **within 90 days** of the board accepting the application.

Pandemic is fast tracking adoption of automation⁴

While the building industry has been slower to embrace technology, the pandemic has accelerated the automation push for many companies.



The benefits and challenges of automating procurement and vendor management have been some of the discussion points. Going paperless, faster payment, improved communication and better tracking of information have been cited as some of the main benefits when moving to automation. A big **advantage of automation** is vendors get paid faster.

It is advised to not go too fast with implementation and to make sure teams are ready to digest the changes or it could be a recipe for disaster. When going digital, we have to understand that technology is a tool – only as good as the person who holds that tool. It is not easy sometimes, but it can be if you have right people.



Rare decisions have acute carbon consequences⁵

Infrequent major investments can yield most profound GHG reductions. Daily vigilance is central to achieving operational energy savings, but rare decisions typically have the most acute carbon consequences in buildings.

⁴<https://www.reminetwork.com/articles/pandemic-is-fast-tracking-adoption-of-automation/>

⁵<https://www.reminetwork.com/articles/rare-decisions-have-acute-carbon-consequences/>



When decisions are made about reducing or eliminating carbon, they are 20- and 25-year decisions for things such as upgrading a boiler plant, or getting rid of a boiler plant or signing long-term green power purchase agreement.



They're big decisions and they're big investments of a different magnitude from any energy efficiency projects.

Those tasked with leading the charge for some of Canada's most progressive players, to date,



acknowledge that it is a formidable undertaking from a managerial, financial, technological and cultural perspective. Across large and varied portfolios, they'll need the analytical resources to identify where and when best to act, and they'll need the cooperation of their tenants.

CAT evolves in jurisdiction but not costs⁶

The **Condominium Authority Tribunal** (known as **CAT**) has gone through quite an evolution since its inception, which occurred as a result of the 2017 changes to the **Condominium Act** (the **Act**).

The **CAT** has seen its jurisdiction expand from being

only able to deal with records requests under section 55 of the **Act** to an ever-expanding jurisdiction, which now includes matters involving pets and animals, vehicles, parking and storage issues, and enforcing settlement agreements made in the CAT process.

Starting January 1, 2022, the CAT's jurisdiction will further expand to include nuisance, annoyance and disruption disputes.

While initially, very few, if any, condo corporations were successful in a records dispute, it appears that with its expanded jurisdiction currently in place the **CAT** has taken a more balanced approach.

Although many condo corporations have been successful in obtaining orders for compliance with their governing documents, on the issue of costs, the CAT, while awarding costs in some instances, is leaving condominium corporations with a large part of the expenses incurred to be paid by all owners, not just the offending owner.

If a condo corporation must pay for the costs incurred, this means that all owners are paying for these costs. In most cases, although there are some noteworthy exceptions, the courts have typically granted the condominium corporation the majority on a successful compliance application.



⁶<https://www.reminetwork.com/articles/cat-evolves-in-jurisdiction-but-not-costs/>



The Top-Ten Ways to Save

10 Places Boards Can Work With Their Property Manager
to Find Savings to Keep Condo Fees Down

ONE

DON'T Stick With the Status Quo

Condo boards may be comfortable with service providers but experience has shown us it is often well worth taking the time to review contracts and sourcing competitive quotes every 3 years.

TWO

LOOK for Inefficiencies

If it's an older building, it is highly likely there are more sustainable options for utilities. Switching to products that are more sustainable isn't only just good for the environment, it lowers utility costs significantly in the long run. Replacing products with low flow toilets, shower heads, flow valves, automating or regulating common area systems for low capacity overnight, all translate to savings.

THREE

ASK for No Interest Payment Plans

If the property management company has a good relationship with the contractor, this can be an option. Depending on the size of the project, this can equate to tens of thousands of dollars in savings for the condo board.

FOUR

STAY On Top of Rebates

Keeping abreast of changes to legislated credits by the provincial government, especially electricity applicability of Ontario Electricity Rebate (OER), choice between Regulated Price Plan pricing options, new metering options which become available such as for water, and review of the viability and potential benefits of bulk natural gas arrangements, is also an important responsibility of a condo property manager.

FIVE

PLAN Balanced Surpluses

When considering utilizing some of last year's surpluses to lower current fees, be sure to balance how this may affect future fees and ensure there are sufficient operating surpluses for unforeseen future operating deficits.

SIX

Opt for AUTOMATION

Utilize an online communication portal versus snail mail to reduce stationary, printing and postage costs. Investigate things like exhaust fans in underground parking garages that only turn on when they detect CO2 versus staying on continuously.

EIGHT

TAKE A Preemptive Approach

Maintaining a condo corporation requires many important decisions to be made on a daily basis. While prioritizing certain jobs may be tempting, replacements of HVAC systems like boilers, chillers and elevators can cost more. This is why proactive preventative maintenance contracts can reduce unexpected expenditures in the repairs and maintenance areas.

SEVEN

EVALUATE Emergencies

Emergency service calls can significantly drive the price of contractors up. If the comfort or safety of residents isn't at risk, your condo property manager should consider waiting to call in an expert until the next day.

NINE

Customization COSTS MORE

Your condo property manager should pay close attention to things like window replacements. The vendor could be offering a costly window that is customized, however, if your condo manager is creative, this may not be necessary.

TEN

AVOID Insurance Claims

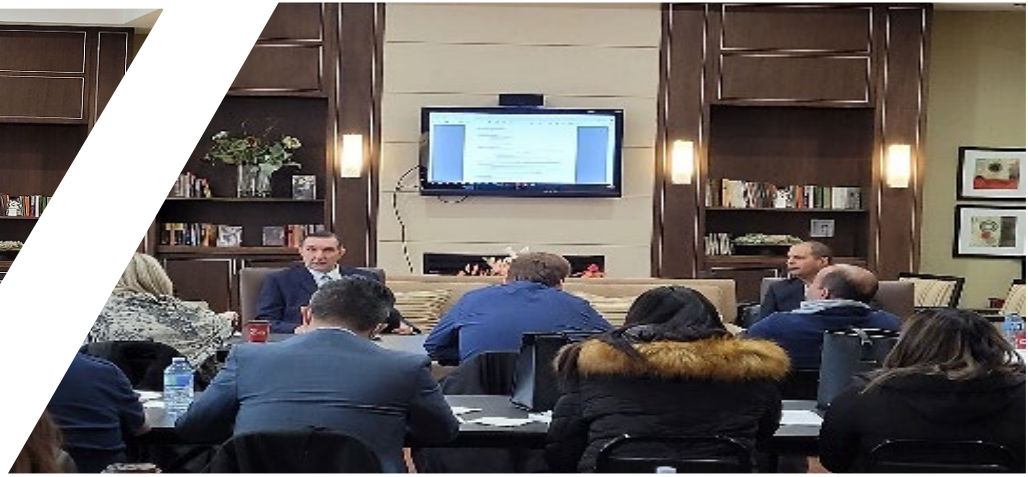
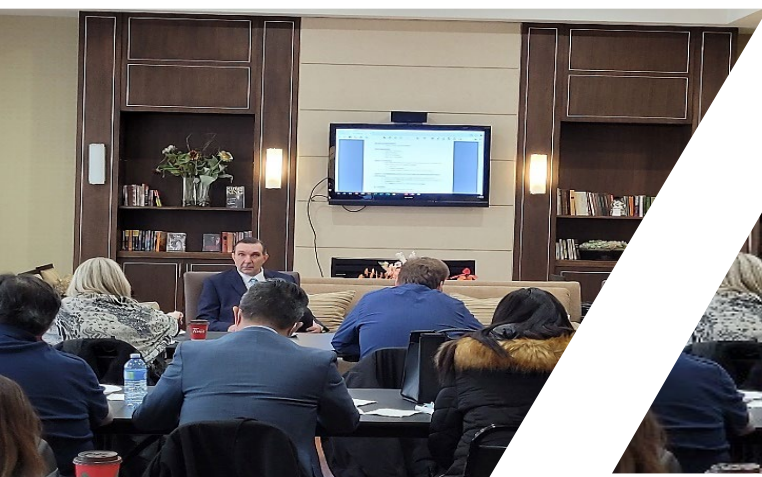
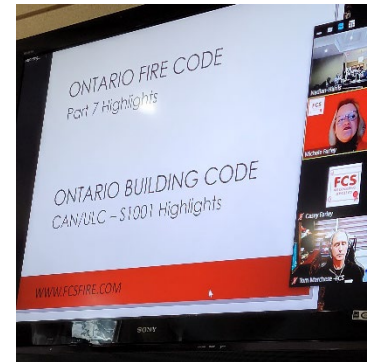
Claims can lead to large spikes in premiums and deductibles. Instead, the condo property manager can entertain new brokers and insurance programs to try and get competitive pricing for clients on insurance premiums. It is also worthwhile to ask the corporation insurance provider on ways to reduce these premiums. Introducing water sensors or passing a Standard Unit Bylaw could help offset some of those premium increases.



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FIRE SAFETY & ELECTRICAL VEHICLE CHARGING**



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Nadlan-Harris Holiday Event



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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 **cleaning and disinfecting protocols.** The Nadlan-Harris head office is being sprayed 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 to pick up 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.

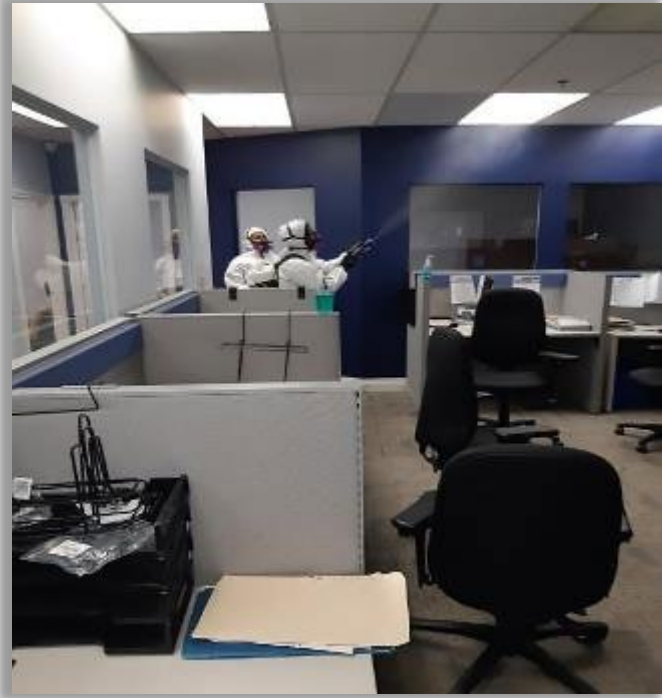
The team at Nadlan-Harris has received some inquiries by directors of the board about approval of invoices and cheques being signed. Our team fully understands the concern.

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 Management Inc, 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 and questioned 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 urgent matter.





Condominium

|

Residential

|

Commercial

|

Rental



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

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- Residential/Commercial/Industrial
- Town Home Condominiums
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- Customized Community Websites
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