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2024 SUMMER NEWSLETTER



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We Have Moved to 21 Bradwick Drive Unit #2, Concord ON L4K 2T4

¹CONDOMINIUM RE-PIPING: A SECOND WAVE OF PLUMBING FAILURE

A new plumbing crisis is emerging, reminiscent of the chaos caused by Kitec plumbing failures. This time, epoxy-lined pipes are failing, leading to blockages in water and heating systems. The cost of temporary repairs can be significant, leaving building corporations potentially responsible for costly replacements.

Mark Cohen, founder of Jermark Plumbing, notes a surge in failures, both in newer buildings with epoxy piping and older ones with copper pipes. The industry, already strained by pandemic-related delays, is struggling to keep up with repair demands, driving up costs.

Choosing a reputable re-piping company is crucial. Cohen advises thorough vetting, considering factors like experience, licensing, and subcontracting practices. Insisting on a 10-year warranty and avoiding companies without a solid track record can help mitigate risks.



Delaying pipe replacements due to cost constraints can lead to insurance issues, with some buildings facing increased deductibles or denial of flood coverage. Cohen stresses the importance of addressing leaks promptly, even if a Reserve Fund suggests otherwise.

Communication is key in managing such projects. Cohen recommends transparent communication with residents to alleviate concerns about disruptions and ensure understanding of the work being done.

For further inquiries or emergencies, Mark Cohen can be reached at mcohen@jermark.ca

or dispatch@jermark.ca. Visit www.jermark.ca for more information about Jermark Plumbing, specializing in high-rise re-piping since 1982."

- **Length of Time in Business:** Many new companies try to enter this market and fail, he says, suggesting the company chosen should have experience re-piping buildings for "at least 15 years, if not longer."
- **Master Plumber's License:** Does the principal of the company hold their Master Plumber's license or are they renting one from someone that may not be working daily for the company? A Master Plumber's license is needed to get a business license with the City of Toronto. "Some companies reside outside of Toronto as a way to sidestep the credentials," Cohen warns.
- **Ontario College of Trades membership:** Insist on having a copy of each plumber's Ontario College of Trades membership number, and verify they are working for the company you are using.
- **No Sub-Contracting:** Ensure the company does not subcontract the plumbing portion of the project. Make sure this is stated in the tender documents directly.
- **Make the "A" list:** Newer companies with less experience may have challenges completing large projects on time. Ask the "A-listers" to tender the project.
- **Ten Year Warranty:** Request a 10-year warranty on the piping in the tender documents.

¹ <https://www.reminetwork.com/articles/condominium-repiping-a-second-wave-of-plumbing-failure/>

WATCH: "[How Re-piping Saves Major Dollars in Repairs](#)" Industry Insights interview with Mark Cohen.



2 MAINTAINING GARBAGE ROOMS IN MULTI- RESIDENTIAL BUILDINGS



The article emphasizes the importance of maintaining garbage rooms in multi-residential buildings for hygiene and pest control purposes. It highlights insights from Frank Spadafora, General Manager of MJW Team, who stresses the risks associated with dirty trash chutes, including the spread of harmful bacteria and pests like cockroaches and rodents. Regular cleaning is essential to mitigate these risks and ensure resident health and comfort. Additionally, Albert Perri, Accounts and Business Development Manager of MJW Team, underscores the significance of using industrial-grade cleaning products and proper odour control methods to keep garbage rooms clean and hygienic.

Cleaning of waste disposal systems in buildings for equipment preservation and fire safety. Frank Spadafora from MJW Team highlights how neglecting maintenance can lead to equipment damage, affecting functionality and causing potential fire hazards. Implementing a maintenance plan not only prolongs equipment life but also saves on emergency repair costs. Fire safety measures, including fire dampers, are crucial components of waste disposal systems, ensuring containment of fires within the compactor. MJW Team offers convenient maintenance plans, including inspections and quality control, to support building managers in ensuring clean and safe garbage rooms. By prioritizing maintenance, boards and managers can enhance resident health and living conditions while managing costs effectively.

² <https://www.reminetwork.com/articles/maintaining-multiresidential-garbage-rooms/>

Life Cycle of A Condominium 5 Distinct Stages



³The life cycle of a condominium encompasses five distinct stages, each presenting unique vulnerabilities and budgetary challenges associated with aging.

In the initial stages, the building envelope is particularly susceptible to direct damage, which, if undetected, can lead to progressive indirect damage penetrating the interior. Condo corporations face ongoing costs resulting from overlooked issues. Inspections play a vital role in effective management across the life cycle, offering insights into hidden risks and addressing high-cost deficiencies.

Understanding a condo's life stages, hidden damages, and the importance of inspections enables condo managers to develop effective reserve fund plans with logical budget allocations. Let's delve into how condo buildings are vulnerable at each aging stage and why building envelope inspections are critical early on. Allocating funds for early direct damage repairs results in lower costs in later stages while avoiding costly secondary damage.

In the pre-natal stage, occurring in the first year, buildings are susceptible to minor issues. Although inspections during this stage are unlikely to uncover major problems, addressing any minor discoveries while under warranty prevents them from escalating into severe issues in subsequent years. Investing in inspections during this phase saves money in the building's initial years.

Throughout childhood (years one through sixteen), inspections remain crucial in identifying necessary repairs to extend the life of exterior materials and interior systems. Vulnerable building elements should be included in preventative maintenance plans, and warranties should be leveraged before expiration. Inspections and reserve fund studies every three years reveal the need for replacements and upgrades.

During adolescence (ages seventeen through twenty-nine), bigger-ticket items become apparent despite ongoing maintenance efforts. Inspections aid in planning reliable reserve fund studies to address high-cost items such as roofing, elevator updates, and heating system replacements.

In adulthood (ages thirty to forty-nine), costs become less manageable as major asset replacements become necessary. A healthy reserve fund is crucial to address expensive replacements, including fire alarm panels and exterior cladding upgrades.

Buildings over fifty years old experience similar vulnerabilities to childhood, requiring repetition in replacements. However, accurate budgeting requires consideration of advancements in materials, changing costs, and the life cycles of modern building elements.

Building inspections are essential in identifying hidden damages, such as moisture, air leakage, and thermal movement, which can lead to severe and costly interior damage if left unaddressed. These inspections help prevent indirect damage and facilitate a preventative maintenance strategy, reducing long-term costs and avoiding severe issues.



Condo managers can create effective reserve fund plans with accurate fund allocation at each life stage by leveraging insights from inspections. This enables them to contend with material advancements, cost fluctuations, and modern envelope efficiencies.

³ Thursday, April 11, 2024 By Vadim Koyen President of CPO Management Inc., a full-service property management company specializing in condominiums in Toronto and the GTA, emphasizes the importance of effective management throughout a condo's life cycle. With over ten years of industry experience, CPO offers comprehensive services to support condominium communities. Visit <https://www.cpomanagement.ca/> for more information.



Smelling pot smoke from your condo neighbours?



**BOB
AARON**
ADVICE

Since the legalization of cannabis, many owners and tenants living in Ontario condominiums have had the enjoyment of their units adversely affected by migrating odours from cannabis smoke and THC vaping.

But help has arrived from the Condominium Authority Tribunal (CAT). It was established by the Ontario government in 2017 as Canada's first online tribunal. It is dedicated to helping condo owners and corporations resolve disputes conveniently, quickly and affordably. Its jurisdiction was expanded in 2022.

The tribunal now assists in the resolution of disputes related to condo records, noise, odours, light, vibration, smoke, vapour, pets, animals, vehicles, parking, storage,

other types of nuisances, annoyances or disruption, and compliance with CAT settlement agreements.

A number of recent decisions of the tribunal demonstrate that the CAT will use its powers to provide relief to owners and tenants affected by cannabis cigarette smoke and THC vaping.

Earlier this year, the tribunal released its decision in the case of Toronto Standard Condominium Corporation 2010 v. Andrew Johnson. The building is located on Wellington Street West in Toronto.

For more than two years, the condominium had received numerous complaints about cannabis smoke and odour coming from Johnson's unit. Management issued warning letters to him on at least three occasions, but he continued to smoke in his unit and the common areas.

The rules of the corporation prohibit smoking cannabis in the units or on the common elements. As well, the building's declaration prohibits any activities that interfere

with the comfort or enjoyment of other residents.

A government regulation passed under the Condominium Act 1998 lists unreasonable odour and smoke among the prescribed nuisances that are prohibited under the legislation.

After reviewing the evidence, the tribunal found that Johnson was creating a nuisance and ordered him to stop smoking cannabis and to pay costs of \$4,890.07. Those costs can be collected by adding them to the unit's common expenses.

Fulvio Valerio is a tenant in Toronto Standard Condominium Corporation 2637 on Keele Street in North York. In the tribunal case against him, evidence was introduced to prove that he failed to comply with rules prohibiting the smoking of cannabis anywhere on condominium property, including his unit's balcony.

In January of this year, he was ordered to abide by the building rules and to refrain from smoking cannabis anywhere on the proper-

ty. He and his landlord, who owns the unit, were ordered to pay compensation of \$5,708.50.

One of the early tribunal cases under its expanded jurisdiction took place in 2022. Metropolitan Toronto Condominium Corporation 1002 proceeded against Nicole Ruiz, a tenant in the building on Guildwood Parkway in Scarborough. The evidence revealed that she was smoking in the unit in violation of the building rules. She was ordered to refrain from smoking cannabis in her unit. No costs were requested or ordered.

These and similar cases demonstrate that the tribunal will not fail to exercise its powers to alleviate or eliminate the adverse effects of cannabis smoke in Ontario's condominium community.

More information is available at condoauthorityontario.ca/dispute-resolution.

BOB AARON IS A TORONTO REAL ESTATE LAWYER AND A CONTRIBUTING COLUMNIST FOR THE STAR. HE CAN BE REACHED AT BOB@AARON.CA

The Condominium Authority Tribunal can and will use its powers to provide relief to owners and tenants affected by cannabis cigarette smoke and THC vaping

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If you're experiencing the smell of marijuana from neighboring units in your condo, there are several steps you can take to address the issue:

1. **Open Communication:** Approach your neighbors politely and express your concerns about the smell of marijuana entering your unit. They may not be aware that the smell is bothering you, and a friendly conversation could lead to a resolution.
2. **Discuss with Condo Management:** If speaking directly to your neighbors doesn't resolve the issue, consider reaching out to your condo management or homeowners association. They may have policies in place regarding smoking within units or common areas that they can enforce.
3. **Review Condo Rules:** Check your condo's rules and regulations regarding smoking and odors. If there are specific rules prohibiting smoking or strong odors that disturb neighbors, you can reference these when addressing the issue with management or your neighbors.
4. **Request Mediation:** If the situation escalates or if you're unable to resolve the issue directly with your neighbors, you may request mediation through your condo management or homeowners association. A neutral third party can help facilitate a constructive conversation and find a mutually acceptable solution.
5. **Explore Legal Options:** In some cases, if the smell of marijuana is persistent and significantly affecting your quality of life, you may consider consulting with a legal professional to explore your options. Laws regarding marijuana use and smoking vary by location, so it's important to understand your rights and any applicable regulations.
6. **Consider Air Purification:** In the meantime, you can also invest in air purifiers or odor-neutralizing products for your unit to help mitigate the smell. Ultimately, addressing the issue of marijuana odor from neighboring units in a condo requires communication, cooperation, and potentially involving condo management or legal professionals if necessary.



⁴ Toronto Star May 11th 2024-Cannabis in Condominiums

Emissions from Canada's Buildings



Source: Canada Green Building's Strategy Discussion Paper

CLIMATE RISK INSTITUTE



PROGRESS IN REDUCING GREENHOUSE GAS EMISSIONS IN CANADA'S BUILDINGS SECTOR

GHG emissions are not just numbers; they're the measure of our impact on the planet. Each reduction represents a step towards a cleaner, healthier future for generations to come."

Canada's recent greenhouse gas (GHG) emissions report shows progress in the buildings sector, with emissions totaling 89 Mt CO₂e in 2022, a 5.3% decrease from 2019 levels. Despite this improvement, there's still work to do to meet Canada's goal of reducing GHG emissions by 40% below 2005 levels by 2030. Minister Guilbeault credits the decline to reduced emissions from electricity generation. However, challenges persist, including the buildings sector's larger share of total emissions and increases in emissions from off-road vehicles. Efforts to address these challenges are crucial to meeting climate goals.

Canada's residential construction sector faces a critical shortage, needing over 1 million workers to meet demand for 5.8 million new homes. The industry projects a surge in housing starts, crucial for economic growth. CHBA urges government action to attract more workers, update immigration policies, and boost productivity. CEO Kevin Lee emphasizes the urgency, stressing the need for comprehensive solutions to address housing targets and affordability challenges."



The industry faces additional hurdles, including a significant portion of workers nearing retirement age. To address these challenges, CHBA calls on the federal government to take action in three key areas:

1. Encourage more Canadians, especially youth, equity-deserving groups, immigrants, and career changers, to consider skilled trades.
2. Update the immigration system to attract skilled workers, including streamlining entry for construction laborers.
3. Support increased productivity through CHBA's Sector Transition Strategy to expedite construction and improve affordability.

Lee emphasizes the need for comprehensive solutions, spanning financing, policy, labor, and productivity, to meet the ambitious housing targets. He advocates for policy changes to streamline construction processes and minimize additional costs, ensuring that Canadians can access affordable homes and kickstart construction projects.

Meeting Housing Targets: Urgent Call for Construction Workforce Expansion

⁵ <https://www.reminetwork.com/articles/buildings-sector-pulls-back-on-ghg-throttle/>

⁶ <https://www.reminetwork.com/articles/huge-labour-crunch-housing-targets/>

ELEVATOR RESPONSIBILITIES - OWNER OPERATORS



⁷Elevator and escalator owners and operators have specific responsibilities under the law to ensure the safety of everyone using these devices.

Device Compliance

Above all, elevator and escalator owners and operators are responsible for full compliance of elevating devices in accordance with:

- Technical Safety and Standards Act, 2000
- Ontario Regulation 209/01: Elevating Devices
- Elevating Devices Code Adoption Amendment 295/22 (pdf)
- ASME A17.1/CSA B44– Safety Code for Elevators and Escalators
- Ontario Regulation 222/01: Certification and Training of Elevating Device Mechanics
- All applicable Director's Orders
- All applicable advisories, bulletins, and guidelines
- All applicable manufacturers' bulletins

Incident reporting

- An “incident” is defined as a consequence to a person or property.
- Incident reporting is required by law
- Refer to –Director’s Guideline for more details.
- Promptly report all incidents, accidents, and hazardous conditions to the Technical Standards and Safety Authority (TSSA)

Other responsibilities

Elevator and escalator owners and operators must also:

- Stay current with all licensing requirements for elevators and escalators.
- Report any owner information changes (pdf) within 10 days.
- Report outages that last more than 48 hours using the Residential Elevator Availability Portal.
- Ensure devices are operated in accordance with all regulations and manufacturer’s specifications.
- Hire only qualified, registered contractors to perform maintenance work or make alterations to equipment

⁸To get started with the TSSA Client Portal, all customers are required to sign up as new users.

Existing clients must link to their existing TSSA account (Existing users should not create a new account).

New clients need to create a new account.

Step-by-step instructions can be found on the Training web page. Additionally, organizations are reminded that unique email addresses are required for each user – access to the Portal is not permitted for users sharing a single email address. For assistance or inquiries regarding the Client Portal, customers can contact TSSA’s Customer Contact Centre at 1-877-682-8772 or refer to the self-help resources on TSSA’s website.

⁷ <https://www.tssa.org/responsibilities-owner-operators>

⁸ <https://www.tssa.org/tssa-transforms-customer-experience-launch-new-client-portal>

NADLAN – HARRIS TEAM SUMMER SEMINAR

GUEST SPEAKERS:

HORLICK CONDOMINIUM LAW:

- LIENS AND CHARGEBACKS
- VIRTUAL MEETINGS
- CASE LAW UPDATE – LATEST CONDO LAW DECISIONS

CAL KANG SENIOR INVESTMENT ADVISOR AT IA PRIVATE WEALTH:

- DO'S AND DON'TS
RESERVE FUND
INVESTMENTS

CMRAO REP:

- CPE PROGRAM
- CMRAO COMPLAINTS
PROCESS

WELCOME TO ALL NEW TEAM MEMBERS!

SOME PICTURES OF OUR STAFF AT THE TRAINING SEMINAR “SUMMER 2024”





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