

WHAT CONDO DWELLERS ARE READING



WHAAAA!?!?



WHAT THEY DON'T WANT YOU TO KNOW

Lurking behind their closed door

Just how well has the Tribunal functioned? How many submissions have they been hearing and how are they getting resolved? What we really want to know is if the Tribunal is doing good work and being effective.

CONTINUED PAGE 5 ...

FROM THE EDITOR

What they Don't Want you to Know, our feature article and second on the Condominium Authority of Ontario (CAO), which is celebrating its fifth year of operation, delves into some of the numbers previously unavailable for the Condominium Authority Tribunal (CAT or Tribunal). While CAO does publish some information, much of this seems to be "promotional" rather than helpful, practical or useful.

Toronto Condo News spent six months obtaining information from CAO to understand how many cases the Tribunal receives, how they get handled and how this compares with similar regulatory bodies.

A PEEK

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Next month we look into the details of making a successful submission to the Tribunal by following one submission over six months to resolution. We offer tips and suggestions on how to be most effective throughout the process.



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INSURANCE CRISIS IN CONDOLAND – Part 2

Understanding and fixing the problem

We've heard the stories about higher insurance premiums and deductibles, and the inability of some communities to obtain insurance at any cost.

While this may be a crisis, it should not be unexpected by those most affected. Get ahead of this by understanding and fixing the problem.



The Problem

While insurance companies continue to insure high-rise condominium buildings, increasingly they feel this is a riskier part of their business and want to reduce exposure to the higher losses that can occur. They are being more selective in which buildings and units they insure. There is greater scrutiny of factors which increase risk such as building age, plumbing, piping and wiring. Local geographical conditions can play a role.

Some insurance companies have chosen to no longer insure condominium buildings, being of the opinion this is a market segment no longer profitable. Those remaining in the marketplace are raising deductibles and premiums, sometimes dramatically, to address this higher risk.

Condominium corporations, which are required to maintain insurance, are challenged to pay these higher premiums and deductibles while avoiding higher condo fees.

Understanding Risk

Insurance companies view risk as more frequent claims for higher amounts. There is no dispute that risk in high-rise communities has been increasing for reasons that include:

- Frequency of severe weather events that include heavy precipitation, heavy winds and extreme temperatures

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INSURANCE CRISIS IN CONDOLAND – Part 2... CONTINUED FROM PAGE 3

- Poorer quality newer buildings
- Aging infrastructure in older buildings
- Aging public infrastructure, such as water mains, below buildings
- Poor quality renovations and repairs

Water is the most frequent cause of building problems and insurance claims. Damage caused by overflowing bathtubs, leaking pipes and water infiltrations from outside, and occurring with greater frequency, are preventable through education, preventative maintenance and water detection systems.

Insurance companies and underwriters look at all of this when assessing risk they accept when insuring your building. This is reflected in premiums and deductibles.

Reducing Risk

Risk can be reduced through the actions of building management and residents.

Residents can be required to better manage their personal risk. A standard unit bylaw can remove unit upgrades from building coverage. An insurance deductible bylaw can make the unit owner responsible for the lesser of the cost of repair and deductible. Residents obtaining more coverage through their personal policies are incentivized to better manage their personal risk.

Communities can avoid over-insuring by obtaining a replacement cost appraisal rather than relying on estimated inflationary valuation increases.

Have a written plan for emergencies that include both fire and water to reduce their impact. Document who is accountable for dealing with problems, how they are to be handled, and what

measures are implemented to reduce problems and costs.

Be strategic in filing insurance claims. Unless damage is double to triple your deductible, it may not make financial sense to submit an insurance claim.

When damage is identified but not repaired, and preventative maintenance avoided, problems worsen. That unrepaired leaky roof or leaking dishwasher causes more internal damage that must also be repaired. Failure to deal with repair and maintenance eventually become more and higher insurance claims.

Be proactive. Condominium corporations have the right to enter and inspect units to undertake a building-wide plumbing and safety audit to prevent water problems, fires and other dangers. Consider having a plumber visit each suite to identify and repair small leaks, and to note the age of appliances. Have someone check and clean vents, ducts and chiller systems. Any time a suite is inspected or having work done make sure problems or concerns are documented by suggesting appropriate in-suite upgrades and repairs for owners to address. Those failing to address documented repair items may become responsible for damage to other suites or common areas caused by their failure to address known concerns.

Communities have control over insurance premiums and deductibles. Reducing the frequency of insurance claims and extent of damage will eventually lead to reduced insurance premiums and deductibles.



WHAT THEY DON'T WANT YOU TO KNOW... CONTINUED FROM PAGE 1

The Condominium Authority of Ontario (CAO) is celebrating its fifth year of operation. In this five-part series, [Toronto Condo News](#) looks at how CAO and the Condominium Authority Tribunal have impacted on condominium living and management, and present an inside-view of what it is like to appear before the Tribunal.

February 2022 - Fairness and Justice in Condominium Communities

March 2022 - What they Don't Want you to Know - Lurking behind their closed door

April 2022 - Making a Successful CAT Submission

May 2022 - Calling for the Expansion of CAT

June 2022 - Condo Disputes without CAT

In [Effectiveness of the Condominium Authority Tribunal](#), [Toronto Condo News](#) provided an overview of Condominium Authority Tribunal (CAT or Tribunal) operations utilizing public data provided by the Condominium Authority of Ontario (CAO). [Making a Successful CAT Submission \(April 2023\)](#) will provide a behind-the-scene look at how to succeed before the Tribunal including tips and suggestions obtained by following one submission through all three stages of the Tribunal.

numbers drop by about 50 percent. More recently, there has been an increase in the number of submissions. They are getting resolved more efficiently with fewer being withdrawn or carried forward to the next fiscal year.

The Landlord and Tenant Board (LTB), which deals with landlord and tenant conflicts, received approximately 80,000 applications per year – more than 1,500 per week - in the two years preceding Covid. This dropped to about 48,000 applications

Condominium Authority of Ontario

Cases Filed and How Resolved

April 1, 2019 to January 24, 2023

	Cumulative Counts	Year 1 April 1 to March 31, 2020	Year 2 April 1 to March 31, 2021	Year 3 April 1 to March 31, 2022	Year 4 (Partial) April 1 to Jan 24, 2023
Cases Filed to Date	1079	121	63	284	312
Cases Resolved Stage 1 - Negotiation	150	17	9	21	57
Cases Resolved Stage 2 - Mediation	238	28	15	66	83
Cases Resolved Stage 3 - Tribunal Decision	252	29	12	80	87
In process or withdrawn	439	47	27	117	85

Source: Condominium Authority of Ontario

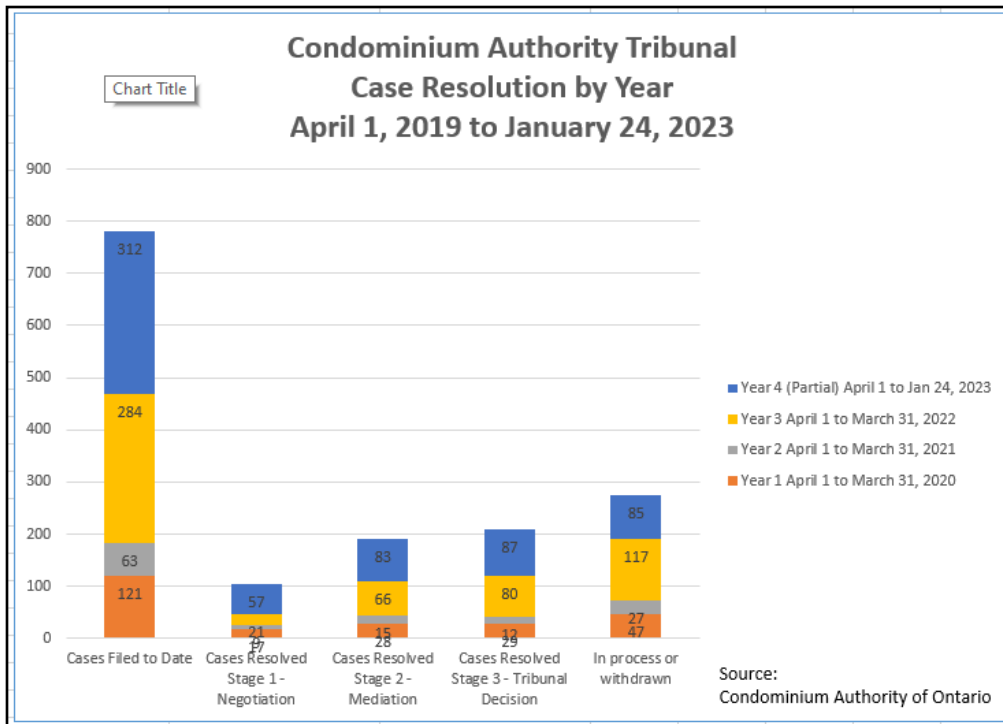
Cumulative Counts come from an alternate source and do not match annual tabulations

In its first year of operation, CAT received 121 submissions. Nearly 40 percent of submissions continued into the next year or were withdrawn. This represents a little more than two submissions weekly. During its second year of operation, these

because of the five-month Covid-induced closure. In British Columbia, the Civil Resolution Tribunal (CRT) is an online tribunal that handles over 5,000 submissions annually - between 120 and 140 weekly.

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WHAT THEY DON'T WANT YOU TO KNOW... CONTINUED FROM PAGE 5



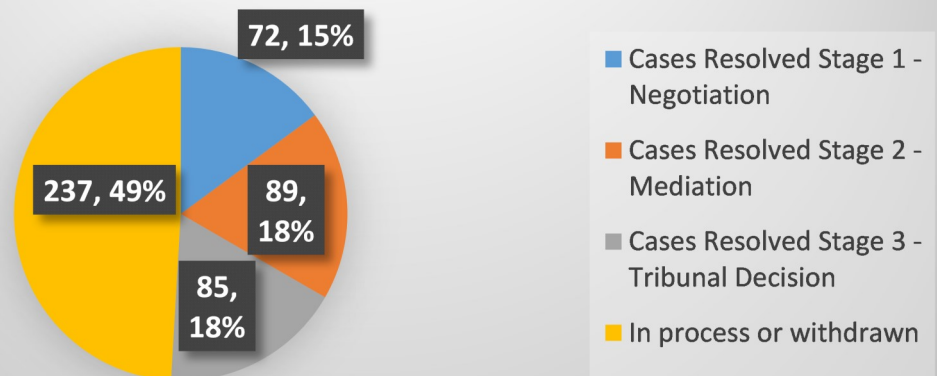
their concerns to the CAT.

Looking into how these cases were resolved, we see that 40 percent of all cases never got resolved and were abandoned. With no data on why cases did not get resolved, we can only speculate. It is likely that most of these cases were not sufficiently strong, the process was too difficult to navigate, or the Tribunal did not have authority to rule on them.

When looking at cases resolved by the CAT, they are fairly evenly split between the three stages. Cases requiring a Tribunal Stage 3 ruling, those

In light of these comparisons, the CAT hearing fewer than five submissions weekly in a region that includes a city the size of Toronto could mean that condominium living is a nearly idyllic and problem-free lifestyle. It could also mean there are problems preventing many from bringing

**Condominium Authority Tribunal
Cases Resolved by Stage
April 1, 2019 to March 31, 2021**



Source: Condominium Authority of Ontario

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WHAT THEY DON'T WANT YOU TO KNOW... CONTINUED FROM PAGE 6

that could not be resolved through negotiation or mediation, account for 23 percent of those accepted by the Tribunal, or about 39 percent of all cases submitted. The remainder were resolved at an earlier stage or withdrawn.

About 60 percent of submissions to the Tribunal result in resolution of a dispute.

Observations from the data

While the number of submissions to CAT have increased, they remain surprisingly low. There are many possible reasons for these disappointing numbers including a strong possibility that the CAT process is too intimidating or difficult for most to navigate.

This is the first review of Tribunal data based on previously unavailable information. It shows us that the number of cases submitted to and heard by the Tribunal is growing, but that the volume remains far too low given Ontario's condominium population. Reasons for this low volume need to be understood. We suspect these reasons include a process that is heavily dependent on written submissions requiring skills many do not possess, lack of comfort within the condominium community with a process that remains legalistic in nature, and an imbalance of power in favor of condominium boards with access to financial resources and legal expertise.

Why so many submissions are withdrawn before being resolved has yet to been explored. It may be that most are inappropriate for the Tribunal to address. It may be that the process is too cumbersome and confusing, or that the system remains overly weighted in favor of condominium boards and lawyers they employ.

Through a Freedom of Information request, **Toronto Condo News** obtained information about the number of cases submitted to the CAT through its first two years of operations and how they were resolved. Condominium Authority of Ontario then reached out to **Toronto Condo News** to provide data for subsequent periods. We thank them for their support and transparency.



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E-BIKE BATTERY FIRE RISK

There have been nearly 200 fires linked to lithium-ion batteries, used in e-bikes, scooters and hoverboards in New York City during 2022. More than 150 people have been injured including six people killed in fires caused by e-bike batteries. One Manhattan fire injured nearly 40 people.

These fires come without warning. When they do occur, they are so intense that any combustibles in the area will catch fire.

The fire department now requires city landlords to post a safety warning to apartment dwellers about fires caused by e-bike batteries. They have published an emergency safety bulletin to help prevent these deadly blazes caused by electric or battery-operated bikes, scooters and hoverboards.

E-bikes and other lithium-ion battery-powered micro-mobility devices have become popular. The

problem may be that many e-bikes rely on cheaper and uncertified batteries, and they charge them using extension cords or power strips thus increasing the risk of fires. Many choose to store and charge their e-bike batteries in their unit which “presents serious fire safety hazards” according to local officials.

Some New York City condominium communities are revising their rules to prohibit guests from bringing e-bikes, scooters or other mobility devices that use lithium-ion batteries onto the property. If one is brought onto the property and causes a fire, the owner is responsible for damages.



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TORONTO TIDBITS



Toronto

Toronto celebrates its 189th anniversary on March 6 (2023). To commemorate we share tidbits from our storied history.

Toronto, originally “Taronto”, referred to a channel of water between Lake Simcoe and Lake Couchiching; this Iroquois word describes an area with trees growing in shallow water.

Our PATH is the largest underground pedestrian system in North America. More than 30 km of linked walkways connect over 1,200 stores and restaurants plus major attractions including Toronto City Hall, Hockey Hall of Fame and Metro Toronto Convention Centre. More than 200,000 people use the underground PATH system daily.

There is a hidden subway station below Queen station, built to house underground streetcars and later abandoned. The shell remains and is referred to as Lower Queen or Queen Lower.

Now Toronto’s most exclusive neighbourhood and most expensive shopping area, Yorkville was originally Potter’s Field - the city’s first public non-denominational cemetery. The cemetery was closed in 1855. Yorkville was built on top.

Highway 401 (Toronto) is the busiest freeway on the continent. Also known as King’s Highway 401, its official name is the Macdonald–Cartier Freeway.

Humber College Lakeshore was originally home to a psychiatric hospital – asylums, psychiatric institutes and hospitals for those facing mental health issues. Underground tunnels connected the buildings.

Toronto is the fastest-growing city in North America. Our city offers a great lifestyle, safety, comfort and opportunities for earning income unavailable elsewhere.

Our streetcar system is the largest and busiest in the Western world. The system has more riders, length of track and number of cars.

Toronto Islands were not originally islands. The main island was once attached to the mainland. An 1858 storm caused a peninsula to separate and created an island. Subsequent storms and landfill, as the city grew, have created what we now call Toronto Islands which are accessible by ferry.

Speaking of Toronto Islands, Babe Ruth hit his first professional home run against the Toronto Maple Leafs at Hanlan’s Point Stadium on Centre Island over 100 years ago.

While on the topic of sports, Toronto is the only city in Canada with seven major-league sports teams - basketball, football, hockey, baseball, rugby, soccer and lacrosse.

Finally, Toronto weather is much improved over past years. Lake Ontario completely froze over in 1934 during the coldest winter of the 20th century. Toronto’s hottest day was two years later when temperatures hit 40.6 C. Within the city 80 people died during the heatwave.

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FINDING CONDO-SPECIFIC EXPERTISE



That person you used for renovations, repairs or other work may not have the expertise for working in your high-rise condominium.

High-rise homes are constructed differently than houses. They include concrete floors and ceilings. Some floors and walls provide greater sound protection than between the floors and walls of a house. Sound that does pass through can disturb other families. Walls can be narrower and utilize different material. Plumbing and electrical systems differ. Smaller spaces make it harder to do certain types of work. Deliveries and disposal of larger items requires planning and reserving an elevator.

Renovations can be restricted to weekday and daytime hours to minimize disruptions. Concrete walls should not be damaged or removed. Debris must be stored in the unit and taken off-site by the contractor with no temporary storage available.

Everyone deals with flooding at some point. A damaged hose or connection from the dishwasher or clothes washing machine, or overflowing toilet are not uncommon. After the source of water has been repaired, it can be easier to replace a few tiles than look for or address underlying damage.

Nobody else knows if there is damage or mould beneath that repaired floor in a house. In a high-rise condominium, water and mould growth can spread to units nearby and below.

Condo-experienced means understanding and working within condo rules and regulations. It means ensuring standards of quality that don't risk your safety and that of neighbours. When something goes wrong or a mistake is made – they do happen – condo-experienced means proper insurance which protects you from personal liability.

Condo Resource Guide helps those who reside in and manage high-rise buildings find condo-experienced contractors and service providers. It includes hundreds of vendors offering high-rise and condo-specific expertise.

[Condo Resource Guide 2023 is now available and can be found here \(click here\).](#)

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FEAR OF EXPRESSING AN OPINION

Condo owners want more disclosure from their boards. As owners they feel entitled to more information about how their home is managed and an accounting of expenditures.

Volunteer directors are reluctant to provide more information than is legally required for good reason. Society is changing in ways making it harder to provide full disclosure without being held accountable for changing perceptions, making unacceptable what once was acceptable.

In a survey of opinions by Public Square Research, only 19 percent of respondents felt comfortable sharing their opinions in public. Among co-workers and schoolmates only 31 percent felt comfortable sharing their opinions.

People are more self conscious about speaking openly and afraid to share their opinions. This extends beyond politics or religion which have always been controversial topics. Today many keep quiet for fear of losing their job or having their views mischaracterized.

Far too many are of the belief that those expressing offensive ideas should lose their job, and those with radical ideas should be censored. Taken to the current extreme, more choose to remain silent on matters that deserve to be discussed and resolved or improved on.

This societal trend makes it harder to govern the condominium home. Fear of speaking openly makes it impossible to discuss matters on a condo board. Yet controversial topics must be discussed and decisions made. Many more innocuous matters may be misrepresented and deemed controversial when some are dissatisfied by board decisions.

Privacy of conversation is essential to the proper functioning of the condo board. Directors must feel safe having conversations necessary for making decisions. They need to be assured that conversations remain private and not disclosed through meeting minutes or other means.

While this may be disconcerting to condo residents seeking broader disclosure, private conversations are necessary for a condo board to be effective.



RESERVE FUND ADEQUACY



The Auditor General's review of condo reserve fund studies found that 69 percent had inadequate amounts set aside and higher contribution amounts averaging 50 percent being necessary. This is consistent with an earlier U.S. study of 30,000 reserve funds that found 70 percent were underfunded by an average of over 30 percent.

How much money should be in a reserve fund?

The Condominium Act, Section 94(8), requires that a reserve fund plan be able to provide for a fund that is adequate "within a prescribed period of time and in accordance with the prescribed requirements."

There is no definition of adequate funding, nor is there a single approach given the differences in building construction, equipment and resident needs.

Reserve funds are typically based on a reserve fund study covering 30 years. The problem with this is that the greatest demands on a reserve fund occur after this period. New buildings begin in a deficit situation since reserve

funds start off underfunded as developers seek to keep condo fees low so as to sell units. There is no interest in considering the higher costs known to occur after the first 30 years.

Underfunded reserve funds worsen when unexpected events occur such as premature failure of building equipment and infrastructure, or dramatic cost increases. Condo boards may authorize specific actions that result in further underfunding, exhibit poor management or follow bad professional advice.

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FACE-TO-FACE OWNER MEETINGS

Condo boards should do right by the owners they represent and hold face-to-face meetings. It will be four years since condo boards have been allowed to hold virtual annual general meetings which have eroded the relationship between directors and those they represent. There is no good reason to deny owners direct access to their directors other than to mute them.

Most are fed up with pandemic restrictions that have been of questionable value and disrupted our communities. Virtual meetings are a poor substitute for in-person meetings. For hybrid meetings, those participating remotely are not seen and heard as if they were present in-person.

At an in-person meeting, owners are able to stand up, ask questions and receive an immediate response. At a virtual meeting, owners are asked to submit questions in advance or type them onto the screen. If questions are ignored or fail to receive an adequate response, obtaining clarification is not possible. Directors are able to screen out owners

they consider less friendly.

Condo owners are presumed to be making an informed decision when electing or supporting directors. This is hardly the case without direct interaction. The ability to ask spontaneous questions and receive spontaneous answers is more reliable than what occurs in the virtual environment. Limited owner participation in virtual meetings has protected condo boards and management from scrutiny.

Canadian Securities Administrators (CSA) has updated its guidance for online meetings, urging public companies "to provide for a level of shareholder participation at a virtual meeting that is comparable to that which a shareholder could reasonably expect if they were attending an in-person meeting." For condominium corporations, no such guidance exists.

Condo boards should not hide in their home and avoid meeting directly with owners.

RESERVE FUND ADEQUACY... CONTINUED FROM PAGE 13

The Condominium Act requires that a Reserve Fund Study be updated every three years by experienced building condition and reserve fund assessors. With this requirement, "the study can still be wrong 18 out of 25 times" explains Jon Juffs, Director of the Condominium/Strata Group at [McIntosh Perry](#) "simply because too many plans base reserve contribution fee increases on retail prices changes, the Consumer Price Index (CPI), which does not

reflect costs of common element replacement or major repair at an occupied building."

Reserve fund contributions should be sufficient to ensure funds are available for long-term repair and replacement of common elements. Over time this requires that condo fees be adequate for paying all operational costs PLUS at least 30 percent being directed to the reserve fund.

WINTER RESILIENCE



As with people, buildings struggle more in winter as temperature drops and moisture increases. Extreme temperature changes, which have become more common with climate change, cause more problems for condominium buildings than winter cold or summer heat.

A few changes can make high-rise homes more resilient, safer and comfortable.

External - The Façade

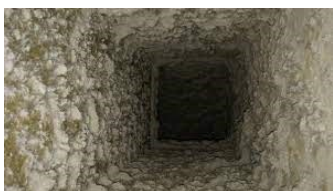


The “skin” of a building is intended to keep our home comfortable and dry. Even the best facades may have localized weaknesses that require assistance.

Clearing drains, gutters and catch basins reduce the risk of flooding both during winter and in the spring when the weather gets warmer. Back-flow preventers on sanitation lines help prevent flooding.

Window upgrades incorporating thermal technology make the home more comfortable while reducing energy costs.

Internal - HVAC Systems



More people spend more time at home during winter. Duct cleaning and better filters deliver

cleaner air with fewer allergens and viruses. Ensuring the HVAC system is properly balanced provides more consistent air temperature throughout a building while reducing bad odours, lessening any condensation issues, and subsequent water and mould damage.

The Front Door



This is the busiest area of a building.

A single entrance door with floormats allows considerable heat loss while creating a wet mess

that gets tracked into the building. Moisture and salt can damage floors, carpets, upholstery and walls.

New weatherstripping and caulking reduces heat loss. Better winter floormats absorb more moisture and removes salt from foot coverings. Less time needs to be spent mopping up a wet lobby. Salt damage is lessened.

A second set of doors increases energy efficiency and reduces heat loss.





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CONDOS ACCOMMODATE A TSUNAMI OF PACKAGE DELIVERIES



A growing tsunami of packages is flowing to Toronto's high-rises. Condo residents -- especially those who have difficulty getting around -- like the convenience of internet shopping, ordering online and having things delivered to their home. This presents package delivery and security challenges. Our infrastructure was never designed for this way of buying goods and services.

The Vertical Challenge

The cost of managing package deliveries, rarely considered by residents who think only of the few minutes spent retrieving a package, is of great concern to condo directors. Most high-rises were designed to accommodate deliveries of envelopes and the occasional package. Today buildings are inundated with packages, some receiving hundreds each day with volumes tripling as Christmas nears. Each package must be checked in, stored securely, and a resident informed of its arrival. Residents complain when a package is late or misdelivered. Concierge/security now spends a considerable part of the day dealing with packages rather than focusing on traditional duties. There's a high cost for receiving and managing package deliveries; some estimate \$20,000 to \$50,000 per building per year.

There has been a marked increase in parcel and food deliveries. Many high-rises have seen as much as a 100 percent increase, a volume that would have been considered average leading up to the holidays in December is now arriving on a daily basis at some sites.

Residential condos are viewed as a soft target for criminals and it's the corporation's responsibility to update practices to reflect new threats. A current resident database and package management system helps make parcel intake quick and efficient. Staff log in parcels to the online database, making multiple entries at a time, eliminating pen and paper logs to process a higher volume with the same number of staff. Other changes can include designating a larger location for parcel overflow, redesigning parcel rooms with added shelving, updating parcel waiver forms to limit parcel size, and helping residents by facilitating use of third-party parcel storage units.

High-Rise High Tech

A more high-tech approach incorporates the use of what are called smart parcel lockers.

Communities can add a wall of secure parcel boxes of various sizes. The delivery driver selects the addressee's unit number and chooses an appropriate locker size for a one-time use. To retrieve a package, the recipient receives a QR code on their phone, then goes to the delivery area to scan the locker for pickup. The locker area includes surveillance cameras.





PRACTICES TO REDUCE INSURANCE COSTS

Condominium insurance premiums and deductibles have been rising at an alarming pace. Much of these increases pertain to increased frequency of floods and resulting damage.

Condominium corporations have effective and practical solutions to reduce these increases and prevent damage.



Water detection systems are easily deployed to detect leaks as they occur, alert corporation staff, and even shut off the water to minimize damage. With water detectors deployed, many major building floods could be avoided resulting in a much smaller clean-up effort at a cost lower than the corporation's insurance deductible thus not impacting on insurance rates. Lower damage costs, more stable insurance premiums and smaller deductibles are the results of preventing building flooding.

Annual safety inspections play a crucial role. Ensure smoke alarms and carbon monoxide detectors are

working properly. Visibly confirm each unit's water hoses and pipes are not leaking. Toilets, faucets, below sinks, water pans and all visible water connection hoses should be checked. Check walls for signs of moisture. Clean lint traps, air ducts and chiller system annually. Repairing identified leaks will reduce current water bills.

Annual unit inspections should be documented with owners informed of noted deficiencies. When an owner fails to address noted deficiencies, and these deficiencies result in damage to other units or common areas, owners can be more easily held accountable for their failure to undertake repairs. In certain instances, should the owner fail to complete noted repairs, the corporation can undertake repairs and assess costs to the owner.

Condominium boards and managers can ensure their property remains in good condition and is a low-risk property for insurers. They do so by following an annual maintenance and inspection plan, performing regular building inspections, documenting findings, communicating results and ensuring necessary repairs are completed.



SPECIAL ASSESSMENT

Consider the alternatives



One of the most important decisions a condo board makes is to levy a special assessment. This is a recognition of past failure to collect funds necessary to maintain the home. Once approved, this requires all owners to pay an assessed amount without much notice.

A special assessment is acknowledgement that the condo corporation has made poor decisions in the past that now need to be rectified. With estimates of underfunding in condominium corporations as high as 70 percent, most communities will need to consider a special assessment at some point.

There is never a good time for a special assessment.

Delaying a special assessment only allows a bad situation to worsen. Costs escalate and soon everyone needs to pay even more.

Special assessments should only be considered when absolutely necessary. This means considering alternate options for obtaining funds and implications of delaying work a special assessment is to fund. Failure to replace a roof, for example, could cause considerable internal damage after which the roof must still be replaced. For a multi-year project where funds are not all immediately necessary, a better approach may be to increase monthly condo fees.

Communication is Crucial

From the outset, communication is crucial. It is better to inform owners of the situation and allow

them to prepare. Let them know the truth and that solutions are being considered. Once deciding to proceed with a special assessment, owners should be provided with details and reasoning. They deserve to know events leading up to the financial shortfall and decision in favour of a special assessment. They should also be aware of how funds will be utilized.

Provide advance notice of a pending special assessment and anticipated timing. This allows owners to put their personal affairs in order in preparation for paying the special assessment.

Consider the Options

Raising condo fees is an option when there is time to accumulate funds. When immediate work is necessary, increasing condo fees is not an option.

Special assessments allow funds to be obtained quickly. It may not always be realistic for all owners

CONTINUED PAGE 20

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**Common reasons for borrowing**

- 1 Repair and Replacement
- 2 Additions and Alterations
- 3 Refinancing of Guest and Superintendent Suite
- 4 Capitalization of Undermaintained Reserve Fund

THE FUTURE OF WINDOW CLEANING

Twice a year, give or take, high-rise dwellers look forward to the window cleaning ritual. All that dirt and grime gets cleaned off windows by those brave or crazy enough to hang on the outside of buildings holding a pail and squeegee.

The ritual may be nearing an end.

A window cleaning robot is in test to mimic the actions of human window washers. It removes the risk to people cleaning windows and the industry's reliance on manual labour. This is intimidating and dangerous work few are willing to do.

The robot can withstand wind and cold, work faster than humans, and can clean windows in cold or windy weather; periods when window cleaning is currently put on hold.

For now, we will have to be content on watching acrobats swing back and forth while cleaning windows when the weather is conducive.

SPECIAL ASSESSMENT... CONTINUED FROM PAGE 19

to come up with necessary funds in a relatively short period of time. Some may be unable to pay an assessed amount and could be forced to sell their home.

Borrowing funds from a bank or other institution offers immediate access to funds with repayment occurring over an extended period of time. David Morrison, CEO of [Morrison Financial](#), explains when borrowing funds can be appropriate for a condominium corporation. "This can be appropriate when there is a large capital requirement and insufficient funds in the reserve fund. This may be for roof replacement, underground garage repairs or elevator replacement. Borrowed money covers any shortfall between what is needed and what has been saved. It may be that the reserve fund is sufficient to pay for necessary work but would deplete funds set aside for other purposes. Borrowing the money offers a practical solution. One benefit of borrowing over a special assessment is that there is no impact on an individual's personal credit or ability to borrow."

Split funding allows those who prefer paying a special assessment to do so. It reduces the amount of external borrowing required. Owners that prefer not to pay a special assessment could

choose to borrow necessary funds through a condominium corporation loan. Those preferring this financing would have monthly condo fees increased until principal, interest and any fees are fully repaid.

Split funding provides flexibility. Owners can choose to participate in the loan or paying the special assessment up-front. All owners are able to borrow funds through the corporation. This may not be possible for those unable to obtain a loan or credit on their own.

Decisions on how to obtain funds to pay for corporation expenses are made by the board.

It takes years of poor decisions, secrecy and mismanagement to reach the point where a special assessment is necessary. Continuing this approach is unlikely to instill confidence in the board or its decisions. Fixing problems so that a special assessment will never again need to be considered requires not only money but a change in attitude and approach.



PLANNING OUTDOOR COMMON SPACES



Repurpose underutilized spaces with landscaping

As winter ends, people look to escape their indoor environment and make use of outdoor space. Both residents and building management begin thinking about landscaping. After a cold and hard winter, care and perhaps an overhaul is required.

Unlike a private balcony or backyard, landscaping of common areas involves conflicting choices. Is it better to fix up or redesign a courtyard, or repurpose the space as a community vegetable garden? It takes time to make decisions, develop a plan, obtain supplies and get the work completed.

When space permits, it makes sense to carve out spaces for different uses. Shaded areas and seating for reading, conversing and other passive activities; and paved or open grass for groups, activities and sports. Perhaps a playground for children. Spaces can be separated by planters and shrubs.

An alleyway, unused parking or other space can be

repurposed by incorporating nice stone flooring, planters and greenery, benches and a fence. Paved areas can be replaced with grass or a garden. Basic considerations with outdoor landscaping include creation of shadows and wind tunnels. Water runoff should be factored into design. Plant choice and selection of those that will thrive depend on available sunlight, shading and availability of water.

Community considerations add a unique dimension to landscaping and design. Noise mitigation and privacy requires that these spaces don't back onto someone's window, door or private patio. Lighting and video surveillance needs to be positioned so it doesn't shine or intrude into individual suites.

Landscaping and design of outdoor areas requires the expert services of a landscaping or design company. They understand what questions to ask, develop a plan for approval and implement while saving money and headaches by avoiding mistakes.



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IT SEEMED LIKE A GOOD IDEA AT THE TIME

Tenants who won't pay the rent or vacate

It seemed like a good idea at the time. Rent your home to others and make some money. Perhaps double down by purchasing a second rental property.

Many thought this was a great idea, have learned an expensive lesson and now know the risks. Here are a few of the many stories out there.

A London, ON man is \$20,000 in debt after his tenant has not paid rent for seven months plus legal fees in an attempt to have him evicted. The tenant had refused to vacate the property by a mutually-agreed-upon date, and stopped responding to calls and messages. The tenant agreed to leave in return for a payment of \$20,000.

One individual owned two houses but now sleeps in his car and is "drowning in debt". He is unable to evict his tenants who have not paid their rent for ten months.

In Abbotsford, BC, a tenant refused to pay rent for 18 months in 2021 and 2022. When finally ordered to evict, he destroyed the interior including cutting support beams in the roof, tearing out drywall and destroying insulation. The police were unwilling to lay charges because tenancy issues are outside their jurisdiction.

Closer to home, one Brampton family is sleeping on one mattress in the basement of their house. A couple renting the main floor refuses to leave. The family can't afford to go elsewhere. The last full rent

payment was in December 2021. The Landlord and Tenant Board refused to expedite the case because the landlord was unable to prove he was experiencing "significant financial hardship".



Tenants in default have been found to have provided fake documents – credit score, pay stub and job letters – to secure a tenancy. Nobody made calls to verify documents are real. Once they move in, tenants fail to pay rent. Once the landlord catches on, the wait for a Landlord and Tenant Board hearing can exceed ten months during which the landlord is not receiving rent.

In British Columbia, the government no longer allows stratas (condominium corporations) to impose rental restrictions in their communities. This is expected to provide a greater obligation for condo management and boards to act as a co-landlord along with owners renting out their units.

CONTINUED PAGE 23

IT SEEMED LIKE A GOOD IDEA AT THE TIME... CONTINUED FROM PAGE 22

So far, Ontario has not enacted similar legislation.

While rental properties in themselves are not problematic, landlords and communities suffer when forced to provide accommodation to individuals unwilling to pay their rent or act in a civil manner. Protections for renters failing to honour their obligations is a growing problem.

Condo-landlords come to regret a decision to rent out their unit after dealing with a problem tenant. When tenant issues occur in a high-rise condominium building, problems are magnified. The owner-landlord has a serious problem they can only resolve at great cost and after a year or more of effort. During this time their condominium corporation is likely sending them legal notices that will eventually be paid by the condo owner. Neighbours are disrupted, angry and may add to the landlord's woes by filing a dispute with the Condominium Authority Tribunal which will likely add to the landlord's headaches and financial woes.

Being a casual landlord is not as easy or profitable as some believe.



AMENITIES FOR MILLENNIALS



Amenities in high-rise buildings catering to the interests of millennials are a mixture of old and new.

Among newer amenities in new or soon-to-open communities is studio space for recording TikTok and other social media videos. These soundproof booths are equipped with video-ready content, pull-down backdrops and green screens. More extensive space may incorporate an audio-recording studio for podcasts and other presentations. Other newer amenities are wellness and work from home spaces.

Entertainment or relaxation spaces may include a cocktail lounge. Outdoor areas may include space for games such as shuffleboard, ping pong and chess.

Shared work spaces are being offered for the growing number of people who work from home. These flexible spaces can be converted to recreational or entertainment spaces on weekends and evenings.

Always popular amenities are exercise studios and gyms, party rooms, barbeque area, outdoor park and recreational space, and meeting rooms.

More residential units are being built to include a home office.



BRAMPTON RAMPAGE

Toronto Condo News would like to express our condolences and sympathies to families of the victims and everyone impacted by the events at the Bellaria Residences in Vaughan, Ontario.

On December 18, 2022, a resident of Bellaria Residences targeted current and former directors of this community. He travelled floor-to-floor to shoot and kill five individuals before being shot to death by police. Nobody appears to have considered this individual to be a physical threat to anyone.

Conflicts like this are rare. Disputes are usually resolved through discussions, courts or mediation. What occurred in Brampton is a rare, unpredictable and unavoidable situation caused by an individual with no history of being a threat.

Since 2016, the gunman had been harassing, aggressive and menacing toward board members and residents, but did not commit violence prior to the shootings. His mental state was obvious to neighbours. He made baseless allegations and was loud, disruptive and foul mouthed. After the condo board had asked the court to intervene, things quieted down until mid 2022 so the condominium corporation went back to court. An order forcing him to sell and vacate his unit was anticipated if not pre-empted by the shootings.

A Flawed Proposal

In response to this, one proposal that has been circulating is to keep condominium directors' home addresses private. This could be done by providing the condominium management office address as directors' address of service on status certificates,

information certificates, and the list of owners' addresses for service which any owner can request. This proposal is asking that the Condo Act be revised to keep director contact information private.

There was no way to predict and protect people from someone driving their van along the sidewalk over people, pushing another onto subway tracks, or being the victim of road rage. Yet these events occur. We don't enact rules or laws against actions that are impossible to predict and prevent.

This proposal would create a new level of privacy in high-rise communities for directors that suggests they are more deserving than other owners. It is unlikely that documents containing director contact information actually disclosed information that the gunman did not already know. Had this proposed change been in effect, it would not have included former directors that were targeted. Finally, this tragedy has never happened in the past and may never happen again.

This proposal is unlikely to offer practical benefit while making it more difficult for residents to know and be able to reach out to their neighbours.

This unfortunate and unavoidable tragedy was not a failure of security or management. The board did what they could to protect owners. Once problems were reported they investigated, verified claims and attempted to change the individual's behaviour.

Nothing could have been done to prevent this tragedy including offering directors a degree of privacy unavailable to other building residents.



WHERE TO ACCESS THE CONDO ACT

Can I access Condominium Act, ONLINE?

Is there an abridged version, for quick reference?

K. K.

Condominium Act, 1998, S.O. 1998, c. 19

Versions Regulations under this Act

O. Reg. 541/20	EXTENSION OF TEMPORARY SUSPENSION PERIOD
O. Reg. 377/17	CONDOMINIUM RETURNS
O. Reg. 181/17	DESIGNATION OF CONDOMINIUM AUTHORITY
O. Reg. 179/17	CONDOMINIUM AUTHORITY TRIBUNAL
O. Reg. 49/01	DESCRIPTION AND REGISTRATION
O. Reg. 48/01	GENERAL

Print Download

Response from Toronto Condo News

The Condominium Act is available online at <https://www.ontario.ca/laws/statute/98c19>.

PART IV CORPORATION	
General	
16.	Seal
17.	Objects
17.1	Agreement for management services
17.1	Dealing with title to real property
18.	Assets
19.	Right of entry
19.	Right of entry
20.	Exemptions described in declaration or phase
21.	Exemptions and lease of common elements
21.1	Shared facilities agreement
22.	Telecommunications agreements
23.	Action by corporation
23.1	Restriction on ability to sue
23.2	Contracts void
24.	Notices under the Expropriations Act
25.	Notices under the Planning Act
26.	Occupier's liability
26.1	No acquisition of title, etc.
26.2	Existing remedies
26.3	Information certificate to owners
Disclosures and Disclosures	
27.	Board of directors
28.	Election of directors
29.	Qualifications
30.	Consent
31.	Term
32.	Conduct of business
33.	Removal
34.	Vacancy
35.	Meetings of directors
36.	Officers
37.	Standard of care
38.	Indemnification
39.	Insurance
39.1	Procurement process, etc.
40.	Disclosure by director of interest
41.	Disclosure by officer of interest
Transition of Control to Discharge	
42.	First board of directors
43.	Turn-over meeting
44.	Performance audit
Owners	
45.	Meetings
45.1	Procedure for board calling a meeting
46.	Regulation for meeting
46.	Regulation for meeting
46.1	Record of owners and mortgages

There is no abridged or quick reference version we are aware of.

The Condominium Act can be difficult to read and understand. It was created by bureaucrats and lawyers with little consideration for the layperson.

The [Condo Archives](https://tocondonews.com/archives/) (<https://tocondonews.com/archives/>) was created to provide a more effective way to find information relating to condominium living and management. Articles are organized into categories for easy access. Click on any broad category grouping to the left to see available categories. You will find more than 2,000 articles. There is also a search bar where you can enter specific search criteria terms.

The Condominium Act provides the law. [Condo Archives](https://tocondonews.com/archives/) offers explanation, details, best practices and other information relevant to anyone residing in or managing a high-rise or condominium community.



Information and resources for the Toronto and GTA condo community

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