

WHAT CONDO DWELLERS ARE READING

EPIDEMIC OF BAD CONDO BOARDS



Rogue condo boards cause insurmountable damage to their communities. Here is one of the many letters received by **Toronto Condo News**.

I own a unit in a large condo that was built in the 70s. Our board has been run by the same cast of characters for over a decade and a half. During this time there have been rumours and stories. But now, the board is REALLY taking liberties and out of control.

CONTINUED PAGE 5 ...

FROM THE EDITOR

Our five-part series on the Condominium Authority of Ontario (CAO) which looked at how CAO and the Condominium Authority Tribunal have impacted on condominium living and management, combined with an in-depth look at the impact of inflation and poor reserve fund budgeting, has elicited many reader comments.

This month and next, we publish two of letters we've received that present a broad and practical perspective of the concerns of condominium owners. In **Epidemic of Bad Condo Boards**, our feature article this month, one reader identifies many of the frustrations of condo owners dealing with condo boards that fail to adhere to the Condo Act seemingly without consequence.

In **Not My Job**, page 2, we look at the tenant mentality affecting many condo owners, and leading to misunderstandings and conflicts that occur in condominium communities.

A PEEK

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NOT MY JOB

Few condo owners take time to read the governing documents of their corporation despite the home being their single largest purchase. Many come to condo living with a tenant mentality which leads to misunderstandings about responsibilities and obligations.



The Tenant Mentality

Condo fees are not rent. The right of owning a condominium comes with the obligation of owners to pay monthly fees used to pay the corporation's annual operating costs and to contribute to a reserve fund used for larger expenses in the future.

Some condo owners have no understanding of their rights, responsibilities and obligations, and need to be educated. They have no idea what it means to own their home, and feel they can do what they want despite having shared walls, floors and ceilings. They have chosen community living for its many benefits while failing to accept their obligations. They act as if there are no rules and no constraints. Such a form of residential living does not exist. Each condominium corporation has rules and requirements which everyone must abide by. These may include restrictions on parking, loud noise, pets or smoking. Problems arise when an unapproved renovation project disturbs other residents or if a re-design impacts on the integrity of other units.

The Board and Management are not Landlords

Many residents view their board and condominium manager as a landlord and expect them to handle virtually everything from waste management to resident conflicts and replacing lightbulbs.

CONTINUED PAGE 4 ...

NOT MY JOB... CONTINUED FROM PAGE 3



The condo board is an elected governing body typically comprised of owners with the same rights as all other owners. The corporation's governing documents dictate their authority.

Each owner should know their in-suite responsibilities. These are likely to include replacement of air filters, duct cleaning, pest control, window insulation and caulking, plumbing, maintaining fixtures, telephone, cable and internet. Some communities may have chosen to take on some of these obligations as a means to save money or minimize problems.

The line between owner and corporation responsibility can be complicated since pipes, walls and systems are shared. It falls on the condominium manager to communicate who is responsible when situations arise, as determined by governing documents. It may be that a concrete floor is repaired by the corporation while flooring is an owner responsibility. While owners can decorate and furnish their unit as they see fit, they are responsible for repairs, and for damage that occurs in common areas or other units because of their actions.

The condominium manager does not work for owners. The individual and/or management company is employed by the condo board and reports directly to them. This is typically the single point of contact for residents, owners and vendors on all matters pertaining to the community. They handle myriad day-to-day tasks, both administrative and operational, to keep the community running. Their focus is on common or shared areas of the community rather than individual units.

The Unit Owner

The unit owner is responsible for all maintenance in their unit inclusive of plumbing, electrical work, waste disposal and appliance repair. If the unit is rented, the unit owner fulfills the role of landlord for their tenant. Any and all concerns in a rental property should be directed to the owner rather than building management.



EPIDEMIC OF BAD CONDO BOARDS... CONTINUED FROM PAGE 1

They have skipped holding elections at our AGM and arbitrarily extended the terms for current directors.

They failed to establish Section 98 agreements and are trying to apply these retroactively.

They are running a \$1.2 million dollar deficit in the reserve fund.

They are getting away with all of this because there isn't a third party we can affordably report them to for enforcement, and it's extremely difficult to muster all owners to try to hold the board accountable.

The laws are based on an honour system, but the system is easily corrupted and abused.

Other than "get a lawyer" (which we already tried and can't afford), what is an owner to do???



easier for directors who prefer not to put the time in to do things correctly to ignore certain laws or rules. They may choose to ignore aspects of the Condo Act or their own governing documents while telling owners this is in their best interest. At some point, owners catch on that there are problems and become aware of earlier errors of governance.

(Editor's Note: This letter has been modified to improve clarity after speaking with the author.)

Similar scenarios are becoming increasingly common. In 2020, the Auditor General conducted a review of reserve fund studies that found 69 percent had inadequate amounts set aside and higher contribution amounts averaging 50 percent being necessary. As time passes, this is becoming increasingly clear as communities struggle to deal with a shortage of funds.

While specifics can vary, many communities deal with similar problems. The same people serving as directors for multiple terms can be good or bad. One challenge with directors serving multiple terms can be complacency. It can be

Over time, directors also learn that the easiest way to remain on the board is to avoid anything that

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CONTINUED PAGE 6

EPIDEMIC OF BAD CONDO BOARDS... CONTINUED FROM PAGE 5

causes condo fees to increase. This may include delaying on necessary maintenance or making promises to keep fees low. The community struggles with insufficient funds to maintain the building for many years before a "crisis" occurs. As directors become comfortable in their semi-permanent role, they make decisions or choices for their own convenience and find it is easy to ignore "inconvenient" regulations that nobody seems intent on enforcing.

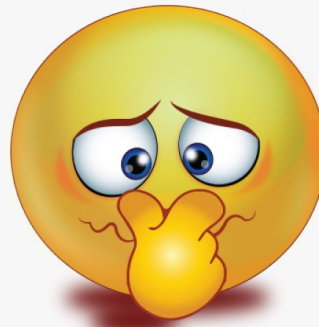
The Situation

The community in question was built in the 1970s. It comprises over 400 units. Their reserve fund has a deficit of \$1.2 million. It would not be surprising to find that condo fees are 50 percent lower than what they should be.

As residents initially moved into the building, many unit owners converted their balconies to sun rooms at their own cost and with permission of the board using an approved contractor and plans. The board has since allowed some owners to remove sections of structural walls to create wider doorways, and disallowed this for others. The corporation is now undertaking a balcony renovation project where they want to remove these sun rooms which is now a pre-existing feature approved by the board.

During the Covid pandemic, the corporation decided not to hold annual general meetings and elections. Terms for directors were extended. Meeting minutes show a deceased director being in attendance at board meetings.

There are many things wrong in this community which appears to be hurtling toward disaster. The most immediate problem is a shortage of funds. There is no choice other than to dramatically increase condo fees, implement a special assessment or consider a condo loan.



Certain issues beyond condo fees should be addressed.

Governance

It is clear that much is wrong about how the condo board is operating although much remains unclear. There is no option for failing to hold an annual general meeting, extending the term for individual directors, or falsifying board meeting attendance. These actions suggest a condo board that feels they are above the law. This needs to change before

owners can have confidence in the governance of their home and community.

Section 98 Agreement

Outdoor balconies are common elements maintained by the corporation for the private use of owners. Converting them to sun rooms is a change in common elements that required permission of the condo board which was provided. A Section 98 agreement specifies duties and responsibilities of a unit owner and the corporation relating to common

The laws are based on an honour system, but the system is easily corrupted and abused

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EPIDEMIC OF BAD CONDO BOARDS... CONTINUED FROM PAGE 6

element changes by an owner. In the absence of a Section 98 Agreement, the corporation is responsible for maintaining this common area.

It is not typical for a corporation to require a Section 98 agreement relating to a space the corporation previously agreed could be built then maintained by the corporation. Forcing owners to sign this agreement to retain what they currently have could result in extended litigation by owners against the corporation. A better solution would be for the corporation to find a way to retain what exists without placing new demands on individual owners.

Owner Action Needed

The writer is correct in that "the laws are based on an honour system, but the system is easily corrupted and abused."

Laws often exist without a clear means of enforcement. When it comes to condominium home ownership, it is expected that owners work together to address problems.

One solution is to have directors removed from office. This involves a process of requisitioning a meeting, removing them from office and electing replacements. Owners must have read the Condo Act to understand their rights and how to proceed. None of this is possible without majority support from owners which can be difficult to obtain if most are unconcerned about actions of the board.

Without replacement candidates which are an improvement over those currently in office, results can be disappointing.

An intransigent board may seek to thwart the process or ignore the law. Owners may have to spend time and money to pursue their rights. The Condominium Authority Tribunal can be an option depending on specific infractions and actions.

Finally, owners individually or as a group may choose to secure the services of a lawyer and other professionals as they pursue justice through the court system. This is no different than how they would pursue their rights had they owned a single-family home.

The condominium lifestyle is the preferred choice among those who reside in Toronto. When problems arise, understanding owner rights and being prepared to pursue them is the best approach to a happy, healthy and financially secure community.





MEDIATION FIRST

The Ontario Legislature intended mediation to be the first choice to address disputes arising in a condominium community. When disputes arise between management and a resident, mediation should be offered as an alternative before involving legal counsel or sending legal notices.

One condominium corporation chose to ignore mediation and the case came before an Ontario Superior Court Judge who was exceptionally clear about his thoughts regarding how the condominium corporation and legal counsel had acted.

The Judge hopes his ruling will help “bring the message home to property managers and condominium boards that there is not only a better way but the corporation’s constating documents are required to provide for it and there are consequences to ignoring it.” He further states it is “lamentable that management companies seek to take advantage of the fact that so many condominium owners are quite unaware of their right to proceed through mediation despite the obvious priority the Legislature intended to give to this dispute resolution mechanism.”

The dispute was about excessive noise during a six-month period that included barking, loud music in

the early morning hours, and drilling in the evening. The resident was not informed of complaints or problems until receiving a “cease and desist” letter and demand for payment of legal fees of \$1,369.34. Subsequent legal letters, bills and payment demands followed. Two years later, this dispute ended up in court with legal fees of \$20,000 claimed by the condominium corporation. The corporation sought possession of the unit so it could be sold. The Judge describes this as “an object lesson in how not to resolve disputes in a communal living situation.”

There was no documented breach of condo rules or justification for the legal demand letters.

Section 132(1) of the Condominium Act establishes a process for resolving disputes. It requires that every agreement “shall be deemed

to contain a provision to submit a disagreement between the parties with respect to the agreement to (a) mediation....and (b) unless a mediator has obtained a settlement between the parties with respect to the disagreement, arbitration.”

Commenting on the corporation’s legal letters, the Judge states “I have no doubt that the poisoning of the relationship between owner and management that came in the aftermath of the first letter created

The Judge hopes his ruling will help “bring the message home to property managers and condominium boards that there is not only a better way but the corporation’s constating documents are required to provide for it and there are consequences to ignoring it.”

CONTINUED PAGE 9

MEDIATION FIRST... CONTINUED FROM PAGE 8

the conditions of tension and friction that contributed greatly to the two that followed.”

In his Reasons for Decision, the Judge made numerous statements worthy of sharing:

“What is plain and obvious to me is that these disputes have been escalated almost on autopilot instead of being sensibly de-escalated and resolved. The plaintiff moved from lawyer’s letters with demands for payment of the resulting invoices to filing a lien to bringing this law suit to evict the defendant from her unit to sell the unit to satisfy the lien with barely a pause to consider whether this was in any way the most efficient and proportional way of defusing the situation. Each step was taken on a unilateral basis and it is hard to step back and describe any of this as being in any way preferable or more efficient than following the agreement that the law mandates and submitting the dispute to mediation instead.”

“In effect, a unilateral decision to send a bill for over \$1,000 for a lawyer’s letter has escalated to

more than \$20,000 in alleged liens and a motion to gain vacant possession for the purpose of enforcing the lien. A mountain has been erected out of what began as a mere molehill. None of this was necessary.”

“This fiasco has gone on long enough. The root of the problem is the ill-advised decision to escalate this dispute to an “on the meter” legal level with an ever-increasing conveyor belt of demands for legal fees instead of deescalating it through mediation as the Legislature plainly intended to occur.”

The case, which can be found [here](#), was dismissed and sent to mediation which is what should have happened.



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BUSINESS OF CONDO BUSINESS

You may excel in your field be it accounting, law, real estate, cooking or renovations. Being good at your craft differs from successfully running a business. Most who excel at their craft are content to be employed by someone who successfully guides the business. Those who excel at their craft and choose to operate a business quickly learn that specialized expertise is inadequate.

for years of poor financial planning.

Business management is a skill learned through academics and experience. The best business managers easily transition between industries and succeed in their diverse endeavours. They know

CONTINUED PAGE 11

Highly competent individuals serve as volunteer condominium directors while lacking the skills to provide effective oversight over millions of dollars in annual revenues. They lack the financial, personnel or business judgement necessary to be effective at a management level. The requirement that they take an online course to serve as a condo director fails to compensate for inadequate skills and experience. It is probably safe to assume that a majority of condo directors have never read the Condo Act or their corporation's governing documents which should be a minimum requirement.

The reserve fund provides owners with "assurances" their home is financially stable. When those who oversee budgeting lack even the most basic of financial skills, and may never have scrutinized their reserve fund study, it comes as no surprise when special assessments are necessary to make up



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BUSINESS OF CONDO BUSINESS... CONTINUED FROM PAGE 10

what they don't know, and how to obtain the necessary knowledge or expertise. Think of Richard Branson or Elon Musk as successful business leaders in multiple unrelated industries. Any of the dragons on Dragon's Den and Shark Tank are part of this elite group.

Many disagree when comparing condominium management to business. Yet that is exactly what it is.

Condo boards employ condominium managers to help fill their knowledge and expertise gap yet this is not enough. A great many condominium managers come from areas where they have never been in a managerial role. They have learned important skills to become a condominium manager yet lack the experience to truly excel. Condo boards, in an effort to minimize condo fees, employ those willing

to work for less rather than those with experience.

Consultants utilized by condo boards are specialists in their craft. While their advice is useful, it is up to the condo board to decide when advice should be followed, modified or ignored. There are a great many considerations in condo building and community management that are ignored by specialists who don't have to answer to condo owners and residents.

Should your corporation have one or more experienced business professionals willing to give of their time to help manage your corporation, it is in a fortunate and enviable position.



What is Toronto saying about Toronto Condo News?

"Great publication.

I look forward to the issues and I save them on my iPad for future reference."

"I think it is important for all condo owners to know this information."

"I really appreciate your excellent choice of stories; they are uncannily right on the mark as to the interests of condo owners and directors."



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MANAGING PET WASTE



One of the big issues in high-rise communities is how to deal with pet waste. While pet owners are responsible for cleaning up after their pets and to properly dispose of the waste, many fail to do so. They find it easier to leave pet waste behind, or bag but not properly dispose of it.

More than 60 percent of high-rise residents own a pet according to available data.

Unscopped pet waste is a health hazard to pets and people. It contains pathogens that can harm people and pets in close proximity. Aesthetically, it detracts from the community and reduces property values.

CONTINUED PAGE 13

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OIL LEAKS FROM CAR IN GARAGE



Oil leaks from cars are a common problem in condo garages and parking areas. and not quickly resolved.

While the space is privately owned, maintaining garage infrastructure is an obligation of the condominium corporation. Oil can damage the garage floor so vehicles leaking oil are a problem. So, when oil leaks from a car, disputes arise about who must clean it up and possibly repair damage.

Repairing oil damage is expensive. A single stain from leaking engine or transmission fluid can cost between \$100 and \$500 to repair.

It is common for condo corporations to have a rule against doing automobile maintenance in the garage, or to allow the garage floor to be stained with oil, grease or cleaning fluids. The corporation may have authority to require a vehicle to be removed from the garage if such leaks are identified



MANAGING PET WASTE... CONTINUED FROM PAGE 12

Communities establish rules and procedures pet owners are expected to follow for dealing with their pet's waste. Some communities choose to restrict pets to certain areas of a building or property. They may provide pet waste stations and stock with pet waste bags. Pet owners who fail to properly deal with their pet's waste can be required to pay for cleaning and repair of any damage that has been caused. This requires that problem pet owners be identified. Video cameras can be expensive and they only cover areas where installed.

Pet-friendly communities that balance the needs of pet- and non-pet-owners can implement a more economical and comprehensive long-term solution. Require that all pets are registered with the

management office, and that each owner provide a mouth swab DNA sample of their pet. This DNA information is stored and compared against unscooped pet waste found on the property to identify the pet owner. Identified individuals who may be required to pay for testing, cleaning and repair costs are unlikely to repeat their infraction a second time.





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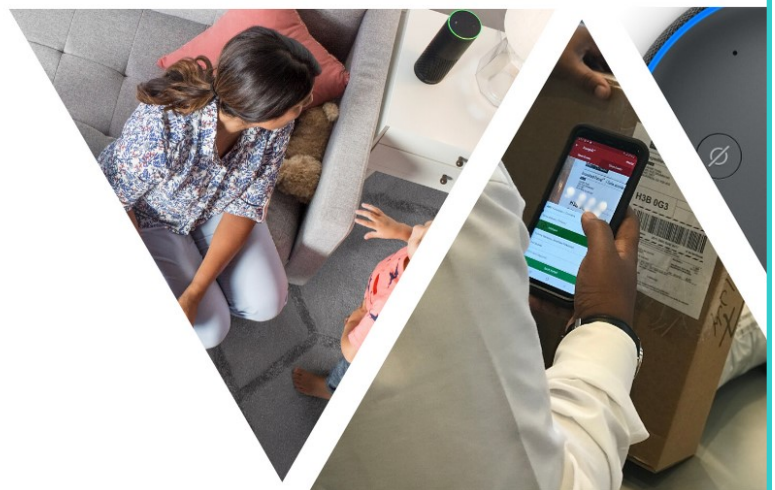
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ADAPTING TO A LOWER FORM OF COMMUNICATION



It was once considered unprofessional to communicate electronically. That Zoom meeting was once frowned upon. Done poorly, an unreliable connection or meeting crashed by a pet or child could cost someone their job. Nobody would risk discussing a major contract or speaking with a client in this manner.

Today there is no other choice.

Communications have evolved although not necessarily for the better. It is now perfectly acceptable to communicate electronically using shorter and unclear messages complete with spelling and grammatical errors, and indecipherable abbreviations of all types. Nobody cares about typos.

Online communications have become more “relaxed” even for important matters. In high-rise communities, a more formal approach to communication could reduce conflict among management, directors and owners.

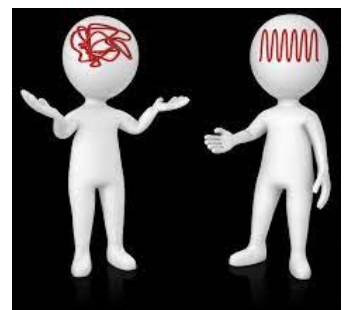
Virtual meetings have made communications appear more personal. We see another’s office or home and judge their surroundings. Pets and family members make unexpected visits. In the virtual world, screen backgrounds are personalized or used to hide actual surroundings. Cameras directed at faces allow people to dress more casually – allowing some to get away with not wearing pants. Much of this is perceived by some as relationship building and making interactions more personal. Increasingly, electronic forms of communication are less sincere, unreliable and not

trustworthy.

Despite living in close proximity to others in condominium communities, a great many disputes are the result of people not knowing their neighbours. When a conflict arises, too many assumptions are made about what others are thinking and doing. Conflicts escalate because parties never communicate directly which makes any underlying problems worse. Both sides have their own beliefs which presume some combination of malice, ignorance or selfishness. Interactions become hostile and relations deteriorate.

When concerns or disputes reach the condominium manager, a relaxed form of written communication should be avoided. Communications lacking in proper grammar, spelling and punctuation are unprofessional. They generally fail to effectively communicate a problem or concern. When such communications come from management, they fail to present the image of someone knowledgeable and in authority. In the give and take of daily communication, it is important to present an image of someone capable of resolving disputes by way of expertise, knowledge and professionalism. None of this is possible using poorly written communication and ungrammatical text.

Informal communication is a social convenience. It is an ineffective way to manage the affairs of and within a condominium corporation.





WATER CONSERVATION

Failure to manage water has consequences.

Water costs encompass everything pertaining to the delivery of clean water to your taps. This includes repairing and maintaining public pipe systems plus collection, treatment, storing, testing and monitoring of water quality. With so much fresh water available in Canada, we can be lazy about its conservation.

In the high-rise home, water leaks from pipes cause extensive damage because nobody is looking for them. This reduces building maintenance costs until water problems are detected. Repairing water leaks and the damage they cause costs far more than being proactive.

Some communities have an annual plumbing audit to identify problems and reduce water use. There are further savings in the use of electricity and gas to transport and heat water in a high-rise building. A plumber visits each unit to identify and repair small leaks, and recommend appropriate in-suite upgrades and repairs for owners to consider at additional cost. A plumbing audit typically includes a report on the audit's findings and work done. This allows management to be aware of in-suite water problems that could impact on common areas and other suites in the building. Water use savings of 15 percent to 30 percent are not uncommon plus additional savings in other utilities. The frequency of water problems is lessened thereby reducing water damage repairs, condo insurance fees and deductibles.



Some water leaks are easier to spot than others. Recognizing and addressing signs of water damage is crucial to preventing a minor problem from spiralling out of control. The sooner water leaks are noticed and dealt with the better things turn

out for everyone. Regularly check faucets and areas near water sources for problems. Look for leaking faucets, and water or damp spots on the floor below pipes or on a ceiling. Signs of water damage can include discoloration of wallpaper or tile, mildew or odour. None of this is normal and should be dealt with or reported.

Some areas of the home and building are typically hidden from view including below pipes, elevator wells, and rarely visited spaces. These are ideal locations for water detection systems that offer continuous monitoring for moisture and send out alerts if any is detected.

Reduce your personal use of water:

- Turn off the tap when brushing your teeth. This can save up to 16 litres of water each time.
- Keep a cold jug of water in the fridge or use ice cubes instead of running the water until it gets cold.
- Only run the dishwasher and washing machine when full.

CONTINUED PAGE 17

CUTTING THE CABLE

The Rise of Streaming Services

Consumers are losing interest in cable services.

At one time streaming services were limited and more popular programming unavailable. That is no longer the case. All is available at your convenience for those with high-speed and reliable internet access.

One forecast suggests that less than half of Canadian households subscribed to paid television (Pay TV) services in 2022. Less than twenty years ago individuals would turn on the television to news or a sporting event, and leave that channel on for hours.

Cable television may soon disappear along with landline telephone service. What were once marginal services have grown as older services fade away. The popularity of streaming services such as Crave and Netflix have transformed our viewing preferences. This follows the broader shift online that has affected newspapers and magazines.

Internet service providers have adapted by improving the speed and quality of their internet services. They have made it easy for larger numbers of consumers to easily access streaming services, cable programming and anything available on the internet.

There is no disputing the appeal of streaming services. They allow you to watch what you want when you want. Your favourite program is no longer restricted to a one-hour time slot one day each week.

It is now much easier to cut the cable chord and rely on streaming services for all your viewing inclusive of news and sporting events. Adding your favourite "channels" is easy.

With so many now moving away from cable and to streaming services, it makes sense for more communities to consider ways to discontinue cable and replace it with internet, internet TV and streaming services.



WATER CONSERVATION

... CONTINUED FROM PAGE 16

- Check for and address small leaks such as a leaking toilet. A single toilet can waste up to 200,000 litres of water per year and go unnoticed.
- One litre of tap water costs about one cent. One litre of bottled water costs about \$1.50 plus the cost to dispose of the bottle. Using tap water instead of plastic water bottles provide about 63 bottles of water for the same one dollar.

Imagine how much less water your building would need if everyone followed these simple practices.





EXTERIOR BUILDING REPAIRS

What happens on the exterior of your building impacts the inside. Roof repairs or replacement, window work and façade updates require the use of and access to interior spaces.

Construction projects are disruptive. Damage or breakage is inevitable, not intentional.

Exterior work creates vibrations throughout interior and shared walls causing damage and requiring repair. Nails may pop out of walls, and plaster can break or crack.

Windows may be damaged. Depending on the extent of work, it may be necessary to have residents remove items from and furniture away from walls. Residents should be informed, in advance, when noise from drilling and other activities is likely to occur so they can plan accordingly.

Window replacements are viewed as an exterior project despite nearly all work

occurring inside. Supplies are stored in common areas and transported by elevator to units when needed. Old windows are removed and transported through common areas. New windows are prepped and installed from inside. Everything within six feet of the inside working area needs to be removed so contractors can work without causing damage.

Parking area work is extremely disruptive. Noise

CONTINUED PAGE 19



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INFLATION IN CONDOMINIUM COMMUNITIES



"If you can't convince them, confuse them." — Harry S. Truman

The "official" rate of inflation or Consumer Price Index (CPI) is an unreliable indicator of how costs change. Use it when determining condominium corporation budgets and reserve fund estimates at your peril.

The CPI is "fantasy math" that should never be relied upon. It is based on a theoretical basket of goods that is continuously changing, and is so difficult to comprehend that even economists are unable to understand its workings.

The current rate of inflation, according to the CPI is around three percent, down from nearly seven percent. If its measurement criteria had remained stable the past fifty years, this would be closer to 15 percent. This lower rate of inflation makes it cheaper for government to operate. It reduces government payments for salaries, retirement benefits, and other programs which they fund. The lower the CPI, the less government needs to spend and the less they need to raise interest rates. Lower interest rates reduce the cost for government to continue carrying its debt.

Another factor keeping the CPI below the actual rate of inflation is its failure to reflect major expenditures such as home purchases and renovations. One tactic for keeping the published rate low relies on what is described as substitution. If the price of meat goes up, chicken may be substituted. For cheese, the substitution may be a less expensive cheese in the overall basket of goods. Despite the higher cost of purchasing many electronics such as a television, the CPI relies on a complex calculation that infers the price has actually dropped. While shelter costs, rent or mortgage, account for more than 30 percent of living costs, it represents considerably less in the CPI. Major expenditures such as travel are entirely omitted from the index.

For condominium management, the CPI fails to reflect the rising cost of salaries and contracts, contractors, equipment, supplies and virtually everything else included in the typical condominium corporation budget and reserve fund study. Relying on the CPI to approximate future cost increases leads to underfunded communities.

EXTERIOR BUILDING REPAIRS... CONTINUED FROM PAGE 18

and odour can travel throughout a building despite work being restricted to outdoor or underground areas.

During exterior building projects, interior spaces need to be protected from water and weather. Missing bricks, mortar and window sections should

be covered when not being worked on to protect the interior from water, cold and wind.

Most building repairs go smoothly. Those few that don't go smoothly cause added stress for the condo board, owners and management. Advance planning and good communication keep problems and complaints to a minimum.



CREATIVE LANDSCAPING AND TREES

High-rise communities wanting access to nature must do so with space limitations.

Outdoors can be a private balcony or deck attached to a unit with comfortable and fashionable flooring, furniture and plants. It may be a rooftop terrace or landscaped common area complete with barbecues, seating and activity space that can accommodate dozens of people at a time.

There are always space constraints in high-rise communities. Well designed spaces are those that consider lack of sunlight in some spaces, and soil issues, that must be surmounted to create a desirable landscaped space that can support many people. This requires expertise, creativity and flexibility.

There is no reason for communities to accept dead or unused space when even the smallest of spaces can be designed in a way that makes them usable. A shaded corner may be ideal for reading, meditating or quietly listening to music. A breezeway can made usable for games and sports if paved. Areas designated for different purposes can be separated by planters and shrubs to make them visually appealing. Barbecuing and outdoor dining spaces are always popular. Many desire areas for relaxing or where children can play. Some communities want a little of everything.

When that outdoor space is a roof or elevated terrace, professional outdoor flooring provides a

nice surface protecting residents from injury and the roof membrane from damage such as punctures that cause water to infiltrate.

Selecting the right plantings to match growing conditions is crucial. They need to survive in the ground or containers while dealing with wind, water, pollution, pests and sunlight common to the area. People and pets will abuse plantings. Spaces and containers require good drainage since most plants are unable to survive in wet soil. Self-watering containers that keep plants healthy without making a mess require less maintenance.

Landscape, gardening and design professionals help make the most of limited outdoor space and ensure these common areas continue to look good.

For private balconies, comfortable and fashionable outdoor flooring is popular along with comfortable furniture. For balconies without outdoor flooring, heavy metal furniture vibrates through concrete when dragged and should be avoided. Umbrellas are a hazard on high-rise balconies and should never be used.

Converting underused space to a desirable and appealing common area is one of the easiest ways to provide residents with a space to enjoy while increasing the resale value of homes in the building.



ELECTRIC VEHICLE CHARGING SYSTEMS

As the price of gas nears \$2.00 a litre, more are thinking about the savings from owning an electric vehicle which has an average purchase price of \$40,000.

Benefits include lower operating costs and reductions in emissions. The higher purchase price of an electric vehicle results in annual savings of \$1,000 to \$2,000 a year on fuel and maintenance costs.

Five percent of Canadians currently own electric vehicles.

Electric vehicles require charging. The majority of electric vehicle charging occurs at home which allows owners to avoid finding a charging station and waiting hours for their vehicle to charge.

When considering the purchase of an electric vehicle and residing in a high-rise community, their practicality includes three considerations.

Charging the Vehicle

There are 15,000 electric car chargers in Canada. Most are Level 2 systems which deliver about 200 kilometres of driving after a 20-hour charge. Only about 1,000 chargers are Level 3, which

provides around 250 kilometres of driving on an 80 percent charge in 45 minutes.

Battery Capacity

Depending on the vehicle, an 80 to 100 percent charge allows for about 400 kilometres of travel depending on weather. Canada's colder weather can reduce electric vehicle mileage by 20 percent and increase the time it takes to recharge a vehicle.

High-Rise Electrical Infrastructure

In high rise communities, the building infrastructure must be able to support the volume of electricity necessary to charge electric vehicles without impacting on other electricity needs by the corporation and residents. The cost of an at-home charging station in high-rise communities that have supporting infrastructure is between \$1,000 and \$2,500.

Specialty electrical contractors can assist building management in developing the best available solution in accordance with a community's needs, timing and budget.



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RATING CONDOMINIUM CORPORATIONS

Until recently, there has not been a way to rate the financial stability of condominium corporations.

Scoring systems are common for determining an individual's credit rating. They are utilized prior to providing an individual with a loan, mortgage or other form of debt including a credit card. Rating systems can inform on how easy it is to get around using transit. A Walk Score measures how easy it is to travel a neighbourhood by foot to reach services, necessities and entertainment. A Bike Score measures the ease of travel on two wheels.

Those purchasing or residing in a condominium have need of a comparable scoring system to understand how well a condominium corporation is managing their financial affairs.

Financial, Physical and Operational Health, also known as FiPHO, helps assess condominium corporations, co-ops and homeowners associations. This scoring system delivers a rating from 1 to 100 that provides insight into community living organizations. A higher score denotes a stronger organization.

FiPHO was created after the collapse of the Champlain Towers South condo in Surfside, Florida in 2021. This disaster highlighted the potential danger of mismanaging funds and delaying maintenance in high-rise residential buildings. It has been developed by Association Reserves, an organization that has provided more than 70,000 reserve studies. They have created a database called Association Insights and Marketplace (AIM)

that has identified more than 400,000 associations.

Boards of community living organizations can upload their financial, physical and operational details to generate a FiPHO score. A financial health score is based on a review of documents to assess whether the organization's finances are sound. A physical health score, which reflects the quality of community maintenance, and an operational health score, which focuses on how well the organization is functioning, can be generated after additional records are provided.

The board is required to complete its profile on the AIM website (free of charge) to create a FiPHO score offering a degree of transparency with owners and potential buyers. Buyers pay \$49.99 (US) for an in-depth report. The cost of the report is revenue for the organization.

FiPHO is currently available for community living organizations in the United States.



UNDERSTANDING CONFLICT OF INTEREST

WHAT IS CONFLICT OF INTEREST IN RESEARCH?



Your condo directors and condominium manager have a fiduciary duty or legal obligation. They have the right to act and make important decisions on behalf of the condo owners they represent. They are required to place their obligation to the corporation ahead of any personal gain. This means avoiding situations that could present a conflict of interest. More simply, board members and condominium managers should not personally benefit from actions or decisions made in their official capacity.

A board member who is a real estate agent should not be handling sales in a building. They, or their family members, should not have decision making authority for a company doing business with the corporation. Such conflicts should be disclosed to the board which can choose to waive the conflict. If not waived, the individual must recuse themselves from the matter being discussed or decided.

A conflict may be waived if, in the board's opinion, the individual's relevant expertise overrides the conflict. If the board member offers snow plowing services at a better price than the competition, the board may choose to waive the conflict.

Conflicts of interest are often a matter of perception. A director may provide renovation services, and recused themselves from discussions and decisions about a renovation project. The board may have still chosen their

company because of price, expertise or reputation. To avoid perception of conflict of interest, the relationship should be disclosed prior to any vote for approving the company. Full transparency reduces the risk of improper dealings while maintaining trust.

Residents place their trust in those who manage their home. Failure to disclose a potential conflict destroys trust that has been earned. A director breaching their fiduciary duty can be sued. Disclosing any potential conflict is not to be considered optional. Hiding a conflict is likely to blow up later on.

Owners have an expectation that the board and management of their community are thinking of the property and its residents first. Transparency and accountability are essential to maintaining trust. This requires full disclosure of what could otherwise be perceived as self-dealing.





FEED A PIGEON, BREED A RAT

The variety of sounds from birds is nature at its best. They appear harmless until one poops on your head or settles nearby. Here on the ground, we need to navigate the mess and disease from their droppings, and manage damage they cause to buildings. We want to enjoy birds while reducing any harm they cause.

Birds are beautiful creatures but the feces, nests and debris they leave behind cause problems. Ammonia in their accumulated droppings can degrade building materials while clogging drain pipes, sewers or HVAC equipment. Steel building components can be damaged. Corrosive droppings from starlings, if not removed quickly, can dissolve building material and encourage fungal growth in the soil which leads to diseased grass, trees and landscape plants. Cleaning, maintenance and repair costs all increase.

Anyone who lives in, owns or manages a high-rise building must adapt to the presence of birds. They are attracted to water, trees and shelter. People invite them to their homes with feeders or seeds on benches, patios and terraces.

Locally, pigeons are likely the main bird problem. They are comfortable being near and sharing their home with people. We find them in parks, on benches and in roadway underpasses. In our high-rise buildings they can be found on balconies, terraces and roofs. Pigeons create a large amount of excrement – more than one kilogram annually. Many insist on feeding them.

New York City's "Feed a Pigeon, Breed a Rat" public

service campaign is intended to discourage people from feeding seeds or other food items to birds which also encourages and sustains a rat population that can be even more destructive.

Pigeons, Canada geese, starlings and sparrows are all potential carriers of disease in their feathers, droppings and nests. Their droppings have been found to contain potentially dangerous viruses that include salmonella, meningitis, tuberculosis and encephalitis.

The three primary methods for dealing with unwanted birds in a high-rise community are exclusion, perch removal, and behavioral adjustment. The most common way of excluding birds from a space is netting which is relatively inexpensive, permanent and humane. Birds are not hurt and spaces are no longer accessible for nesting or roosting. Perch removal involves products such as spikes, traps, or wires to prevent birds from landing on a building. These deterrents are most commonly used for limited areas such as a railing or awning. Behavioral adjustment is the training of birds to avoid an area using deterrents which range from fake predators such as owls or cats to low-voltage electric shocks.

Crows are particularly difficult to remove from an area once entrenched. Once restricted to rural areas, their increasing numbers in cities and suburban areas are believed to have something to do with a steady and growing supply of garbage for them to feast on.

Keeping nature away from buildings and property remains a constant challenge.

BOTH SIDES OF THE PETS ISSUE

Some communities allow pets, with or without restrictions, while they are prohibited in others.

It is illegal to prohibit pets in rental buildings. The same applies to condominium buildings unless stated in the condominium declaration which may impose restrictions on allowed pets.

For those who work at home, or spend more time there, pets are increasingly important as companions. They can be a reason for getting out of bed in the morning or stepping outside during the day. They can provide security when walking at night or through isolated areas.

Pet friendly communities include amenities such as pet waste bags and disposal bins, walking areas, off-leash dog runs, grooming or cleaning area, and on-site pet care services. They may require pets to be registered with the management office, and charge fees to cover related cleaning, repair and enforcement measures. Some require that each pet provide a waste DNA sample to a designated service to facilitate enforcement of pet waste measures.

Communities impose pet restrictions to protect property and residents, and recognize that many want nothing to do with pets belonging to others. Reasonable pet restrictions may include:

- Weight or size limitations
- Maximum number of pets per unit
- Prohibiting any pet deemed to be a nuisance or potential threat by the board or condominium

manager, or a danger to residents

- Prohibition on unattended pets on balconies, patios, exclusive-use common elements, or some common areas
- All pets must be on a leash or carried while on the indoor common elements
- Pets entering or exiting the building only through designated doors

Many reasonably oppose relaxing pet restrictions. Too many pet owners allow excessive barking from their dog, or fail to prevent it from lunging at others. They fail to pick up after their pets and allow them to damage common areas. These are behaviours that should be managed by pet owners. Larger pets are a greater concern to those with young children and to seniors. Condo boards are rightfully concerned about ensuring pet care or discipline lapses are not a burden or threat to other residents.

Changing the declaration to allow or disallow pets in a community is difficult. It requires the consent of owners of 80 percent of the units by way of a vote. Getting around the situation by claiming a pet is an emotional support animal and falsifying documentation is unlikely to succeed.



HOW TO WALK A HUMAN

A Dogs Guide

Humans need exercise. If they don't get it they become "chubby". It's up to you to save them.



1. Allow your human to tether themselves to you. This keeps them from wondering off or running away.
2. Your human probably needs breaks. Be considerate and stop and sniff often.
3. Bark frequently. Humans have a short attention span.
4. When you go to the bathroom, walk away. If you have trained your human correctly, they will pick it up.
Good aerobics.
5. Periodically drag your human as fast as you can.
This is called interval training.
6. Do not allow your human to shorten the walk.
They are being lazy. Sit in protest if you must.
7. Once you are home, allow your human to remove their tether, then lick their face many times. This is positive reinforcement for a job well done.



NOISE COMPLAINTS AGAINST OWNER



I have been threatened by lawyers that they will file against me at my cost of \$5000-\$30,000 and up. Many times I asked what is considered acceptable noise and I received no response. I am now so afraid to even put my TV or radio on in case I get a complaint. I can't play my guitar or piano for fear of repercussions while I can hear others playing music and listening to TV or radio but only I am getting in trouble.

Do I have any rights at all here? Other than this problem I am happy here.

C. T.

(Letter has been shortened to fit available space.)

Response from Toronto Condo News

It appears that you have been the source of noise complaints in the past, and are now being blamed for noise complaints that are not being caused by you. Presumably, the corporation maintains a history of noise complaints which they follow up on and maintain records.

In answer to your questions, you have rights and cannot be forced to move based on what you describe as unidentified accusations lacking proof. You are required to comply with your corporation's governing documents which were provided when you purchased the unit. With regard to what is "acceptable noise", there appears to be no clear definition. This depends on specific circumstances. A condominium corporation is expected to establish rules that are equally enforced among all owners. Review your declaration and condo rules for clarification on requirements or expectations in your community.

Unstated in your letter is if you have responded to the corporation's accusations in writing. If not, this should be considered. Typically, the condominium manager should have spoken with you about any complaints they have received regarding your unit. A legal letter is often a last resort when other efforts have failed. Presumably, the corporation would have some documented proof or records prior to sending out a legal letter.

Toronto Condo News does not provide legal advice. We do encourage you to respond in writing denying you are the source of noise if that is the truth. You could inquire what documentation they have attributing the noise to your unit. Include relevant details you feel are appropriate.

If you feel your condominium corporation is not acting in accordance with its governing documents, or treating you differently than other residents, you can consider going to the [Condominium Authority Tribunal](#).



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