

Volume 20

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ON CONDOMINIUM
PROPERTY?

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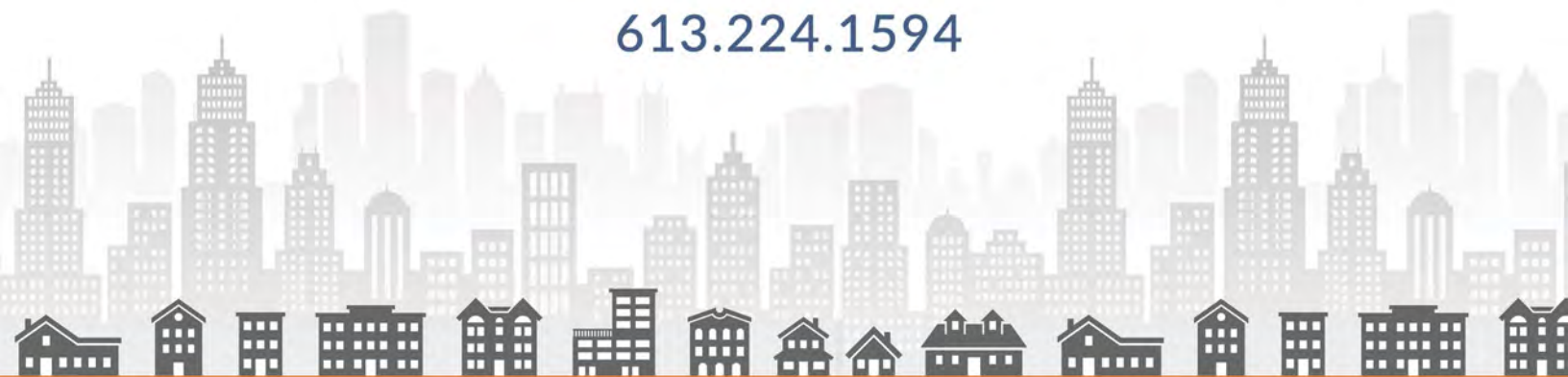


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Nancy Houle, LLB
 President-CCI-Eastern Ontario
 Lawyer/Avocate
 Davidson Houle Allen LLP

I really hope that by the time you are reading this message, Spring has actually sprung! As I write this message, it is still snowy and blustery, and we are well into April.

Assuming that the warm weather will actually arrive, you may start to see some strange flying objects circling over your condominium! Fear not, we are not being invaded by creatures from a galaxy far away. This little object may be delivering a package, or scoping out certain areas of your building for the Corporation's engineer, or it could be your neighbour filming a home video! In this edition, you will see the many uses, and issues, that are evolving as the drones become more prevalent in our communities.

While on the topic of technology, I hope that all Directors elected since November 1, 2017 have now taken their online Director's training. And, I hope that this training has shown that these sessions are just the "tip of the iceberg" when it comes to the knowledge needed to effectively manage and administer a condominium corporation. Fortunately, Directors had the opportunity to attend the CCI Director's Course. If you missed this session, you can still join us in Fall 2018! This weekend long course is an essential seminar for all new Directors, and for long-term Directors who have not yet had the opportunity to consider all of the recent changes to the legislation. All topics have been updated to reflect recent, and upcoming, changes to the Act and regulations.

Speaking of new legislation, continue to watch for further updates on the new cannabis legislation.

The recent "What's Hot on Pot" session was a huge success. [Though, I am not sure if it was because of the brownies...] Given the impact of this new legislation across the country, CCI National is preparing a summary of the legislation at a provincial and national level. Once this information is available from National, we will post it on our website, and send out an eblast with details. [See below on how to ensure you are getting our eblasts.]

With Spring AGM season upon us, don't forget that the new mandatory forms issued by the Ministry must now be used! Your owners will likely have questions about the new preliminary notice, notice of meeting, and proxy forms, among other things.

I would like to take this opportunity to thank our newest volunteers, who will be assisting with registration, marketing, condo strength and membership. The Board is really excited to have you on board. I also want to thank all members who joined us for "Condos and Cold Ones: A night of casual condo conversation". We had a great time getting to know some of our members in a casual, relaxed setting.

Don't forget to regularly check the website for updates on upcoming events! If you have not already done so, please contact our Administrator, Angela Tracey, and provide her with your email address so that you can receive our regular eblasts with details and registration documents for upcoming events.

Finally, don't forget to stop and see the tulips... when they finally arrive!



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Andrée Ball,
Director of Client Relations,
Keller Engineering

Spring has finally sprung! With this comes warmer weather, budding flowers and the return of migrating birds...wait is it a bird?

You may have seen these flying around in your neighborhood but have you considered how these can impact your Corporation and its residents. In **Game of Drones: Are Drones Allowed on Condominium Property?** Melinda Andrews, of Davidson Houle Allen, explores how to promote the safe use of drones within Corporations.

With the onset of Spring also comes another busy season – Annual General Meetings! In preparation for your AGM, you are most likely meeting with your fellow board members. Are your meetings running as efficiently as they could be? In **How to Run an Effective Board Meeting** Marko Lindhe, of Minute Solutions offers helpful tips which are useful both during your board meetings as well as your upcoming AGM.

Whether you are a Board Director or Condominium Manager, you have undoubtedly come across one or two (maybe more) conflicts while managing the affairs of the Corporation. These conflicts can be at board level or with owners. But is there a way that these could be avoided or defused once started? John Olsthoorn and Lori Morton of Q.Med offer some advice in their co-authored article **On the Front Lines**.

Drones are not just for recreational use or delivering packages of your recent online purchases. They can also be the “eyes” on your Corporation. During your recent Spring inspection, you may have noticed possible brick damage but it’s so high up that it cannot be assessed from ground level. Perhaps a drone can help. Justin Tudor of Keller Engineering, provides insight on the potential use and benefits drones can offer your Corporation in **Drones and Your Building Envelope**.

And finally, with Spring comes the Annual CCI-EO/AMCO Conference and Tradeshow which will be held on Saturday, June 9th. This will be the sixth year and will prove to be the largest conference yet. It is anticipated that 300 delegates from the condominium community will be attending the conference. Over 50 exhibitors will showcase their services and products. Don’t miss out on the opportunity to attend the concurrent sessions held throughout the day! Sign up online or submit your registration form to info@cci-easternontario.ca.

If your Corporation has a success story, share it with us. If you have an article idea, share it with us. If you have questions and need answers, let us know.

Contributing to CCI Condo Contact Editor's Contact Information

A benefit of CCI membership is the opportunity to share perspectives with one another by contributing and reading articles in CCI-Eastern Ontario's quarterly newsletter *CondoContact*.

If you are a condominium director, owner or manager, and have a unique tale to tell or advice to relay to other condominium boards, let us know! If you are a professional or represent a trade company offering services or products to condominiums and have a relevant article, let us know! The subject matter should be current, concise and helpful. Topics should relate to management and operation of condominiums and not be of a commercial nature.

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Game of Drones: Are Drones Allowed on Condominium Property?



Melinda Andrews
Davidson Houle Allen LLP
Condominium Law



If you are keeping up with current advances in technology you will know that drones are becoming increasingly popular. But with this popularity comes questions about how drones are used. In the condominium context you may be surprised to know that drone usage is becoming a hotly contested issue.

The term “drone” is the common name for an unmanned aerial vehicle. A drone is, essentially, an aircraft without a human pilot on board, and they are used both recreationally and commercially. Typically, the pilot operates the drone by using controls from the ground. Depending on the model, drones can have a flight range of several hundred kilometers at various altitudes. They often have additional technology added to them to provide certain functions.

How do Drones relate to Condominiums?

While it may seem futuristic, drones wind up on condominium property more than you would expect. For example:

- Drones with high-resolution cameras offer surveillance of condominiums, particularly in high-rise buildings;
- Real estate agents are now using drones to take aerial photos of condominium units and the surrounding property when they list the unit;
- Certain types of contractors also rely on drones to cost effectively locate exterior building defects in difficult to reach locations, often

identified using heat sensor technology to detect heat escaping through cracks or windows. Other types of drones contain technology to identify water penetration; and

- Some drone experts are suggesting that commercial drones are a viable option to be used by Canada Post to expedite postal delivery to isolated areas. In fact, the online retailer Amazon announced years ago that it is developing drones to deliver customer’s packages faster than mail delivery...even in Canada!

But with this increased use of drones on condominium property comes safety and privacy concerns. Last year, a story circulated of a “rogue” drone that flew into a high-rise condominium in Florida risking injury to people and damage to property. And having a drone buzzing outside your balcony is not only a noise and nuisance concern, but also likely an invasion of privacy.

How are Drones Regulated?

Not surprisingly, Transport Canada now closely regulates drone operation. The regulations for commercial drones (for work or research) are fairly stringent. However, the regulations respecting recreational drone use amongst hobbyists are not as clearly defined yet. Under the new regulations recreational users risk penalties of up to \$3,000 if they fly:

- Higher than 90 metres (300 feet) above the ground;

- At a distance of more than 500 metres (1,640 feet) from the operator;
- Within 75 metres (246 feet) of vehicles; or
- Near an airport or in a way that interferes with police of first responders.

While both Transport Canada's commercial and recreational regulations would apply to drone use on condominium property, they do not necessarily address a condominium's safety and privacy concerns.

So What Does this Mean for Condominiums?

The purpose of section 58 of the *Condominium Act* is to ensure that condominiums create rules to promote the safety, security, and welfare of owners and their property, and to prevent unreasonable interference with the condominium residents' use and enjoyment of the property.

With this purpose in mind, condominiums that are experiencing drone activity on their property are well within the purpose of section 58 to pass a rule respecting drone use.

It is up to each condominium to consider the nature and extent to which drone use may be regulated and to draft rules accordingly.

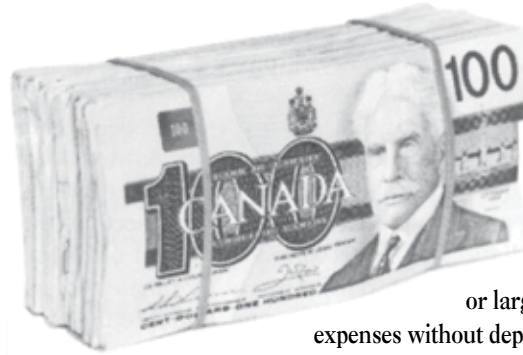
If drones are currently being used and are going to be permitted, the condominium will have to take the appropriate precautions to protect owners; for example, by restricting the time and location of drone use. Or the condominium may consider a complete prohibition.

Of course, there is plenty of "middle ground" to restrict drone use only in certain circumstances that would assist the condominium in carrying out its objects and duties; for example, by restricting use only to certain types of contractors (i.e. to inspect for defects).

Ultimately, whether drones will be allowed on condominium property is a context-specific decision for each condominium to consider. But in our view, rules regulating or prohibiting drone use are valid under section 58 of the *Condominium Act*. ■

*Melinda Andrews, Lawyer,
Davidson Houle Allen LLP Condominium Law*

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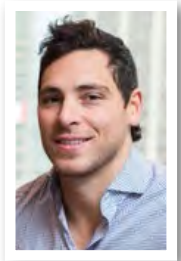
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How to Run an Effective Board Meeting



Marko Lindhe
Minutes Solutions



Formal meetings often bring together a myriad of personalities and personal agendas. Most board members have probably attended meetings slated to last one hour and have watched, with a sinking feeling, the clock tick past the three- or four-hour mark, with no decision or identified next steps in sight.

In the condominium world, meetings take place several times a year – often monthly, but sometimes more frequently if there are contentious or pressing items that require a decision. Every now and then, a meeting needs a lot of time to lay out the topics and discuss each one prudently, ensuring that everyone can share their piece and hopefully come to an agreement.

However, some lengthy meetings are strictly the result of poor organization or an inattentive or inexperienced chair. The stark fact is that long meetings can often be inefficient and costly due to meeting rooms that are booked by the hour or a third-party minute taker who is paid hourly. On top of that, there is the opportunity cost of participants' time. Most condo board members are volunteers and often busy people: the longer the meeting, the less time they can allocate to other matters, whether personal or professional.

Time and again, condo meetings, if only organized and orchestrated correctly, can be effectively conducted to achieve everything that is outlined. The issue often comes down to the conduct of the board, sheer disorganization and the inability to narrow down the salient topics. This is where guidelines on facilitating organized meetings can help tremendously. Here are a few things to consider:

a **Send the Meeting Package in Advance:** The meeting package should include all documents that are to be reviewed, discussed or approved at the meeting, including the agenda

and/or management report, financial statements, previous minutes and quotes from potential vendors. A well-outlined agenda will go a long way to cutting down your meeting time as it should clearly set out what is to be discussed and allows board members to prepare for anticipated discussions in advance. Reviewing the complete package, including previous minutes, prior to the meeting will allow conversations to take a more regimented course. Topics of discussion and amendments may arise from previous minutes, however, reviewing items in advance allows them to be approved promptly and potential changes can be discussed quickly.

b **Pre-Meeting Communication:** Email communication prior to meetings is a great tool to save time when the board gathers. Before meetings, boards should send via email a list of approvals that will be needed. If everyone agrees to the approvals in advance, they can be confirmed via resolution at the meeting and adopted into the minutes. This will significantly limit conversation about motions and topics on which most board members already agree. Reconfirming the meeting with members and guests 24 hours prior to start time will also help eliminate the potential for a meeting to not make quorum. It is not uncommon for a board member's availability to change right before a meeting and they may overlook the need to notify the rest of the board. A good practice is for boards to schedule their meetings at the start of the year, for the following 12 months, as this helps to reduce scrambling and rescheduling.

c **A Defined Start and End Time:** Everybody's time is valuable. Although discussions may go longer than anticipated, this puts a conscious timeline on the meeting, encouraging

participants to respect the clock. Announcing when there are 30 minutes left in the scheduled meeting time reminds participants a limited amount of time remains to complete any outstanding agenda items.

d **Appoint a Strong Chair:** The chairperson is essentially the quarterback of a meeting and should possess the ability to mediate conflict and prevent dialogue from getting out of control and off course. A good chair will effectively manage the agenda, take control when necessary and steer the meeting back on course from potential tangents. Sometimes subsidiary topics that are brought up are relevant; however, as opposed to a free-for-all on these new topics, it is up to the chair to allocate time to discuss these additional items. Anything newly posited should be put on the agenda of a subsequent meeting so that new topics can be addressed in an organized manner. A good chair will also repeat and summarize motions for clarification. After motions are passed, sometimes there is still discussion due to a lack of clarity; repeating these items will clear up confusion and assist the minute taker in recording the motions accurately.

e **Avoid Table Talk:** It is human nature for people to socialize and talk about everyday topics such as the weather, family,

sports, etc. However, to run an efficient meeting, these conversations should be saved for before or after the meeting.

f **A Compliant Board:** Yes, opinions and ambitions often differ in a meeting – that is the beauty of a democracy. However, board members should respect the time and opinions of others and acknowledge the current tasks at hand.

g **Minutes and Action Items:** A good set of minutes with clear action items will set you up for success at your next meeting. Clear action items will let people know what they are tasked with for the next meeting and will hold people accountable. If members forget what their tasks are for the next meeting, they can always consult the previous minutes to see what needs to be accomplished. Showing up to a meeting without having tasks completed, or even acknowledged, can cause the meeting to veer off course before it even begins.

If a board follows these steps, meetings will achieve a more professional discourse and debates can be controlled in a tactful and time-effective manner. ■

Minutes Solutions is a professional third-party minute taking company specializing in condo board meetings since 2008. Please don't hesitate to contact us with any questions: marko@minutessolutions.com

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MARCH

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On the Front Lines



John Olsthoorn
Q.Med



Lori Morton
Q.Med.



Condominium managers and board directors often find themselves on the front lines of “customer service” wishing they knew how to better deal with a difficult situation or person. Condominium managers, in particular, face this on what seems to be a daily basis.

How do you deal with irate owners and residents? What tools have you got in your skill box that can help avert the next world war at a condo? You may find yourself at the start of a dispute, and with the right tools, you may be in a position to resolve it before the conflict gets out of hand.

Time, effort, money and goodwill can all be lost when a situation gets out of hand. Here are several things you can do.

Listen, listen and listen

Are you really listening or are you just waiting for your turn to talk? When someone is upset, you are an obvious target. You can tell there’s a problem often by their tone of voice or their heightened emotions.

No matter how the problem presents itself, adjust your mindset. Try putting aside any feelings you might have that the situation isn’t your fault, that the other person has made a mistake or is unfairly criticizing you, and just listen.

Put yourself in his or her shoes. Whether you believe the problem is a valid one or not. It is valid to them. Hear them out.

Active listening is a skill that requires practice. It is the art of fully concentrating on what is being said rather than just passively ‘hearing’ the message of the speaker. To understand requires an attitude of curiosity and acceptance, and by keeping any judgement at bay.

You can restate and verify your understanding of what the person has said. It shows you are listening and have interpreted their concerns

correctly. Try using phrases such as *“what I think I hear you saying is....”* and *“did I understand you correctly when I heard you say...”*

Often, people just want to be heard and they want their feelings validated. By taking some extra time to listen to what someone has to say, the steam gets let out and things deescalate. Reflecting the feelings or emotions of the client shows you understand and acknowledge how that person feels and what their concerns are. Reflecting statements can look like this *“You are angry that your neighbour is....”* or *“You are frustrated that the lobby renovation is taking longer than scheduled”*.

Curiosity kills assumptions (not the cat)

Assuming you know what’s going on without verifying it can lead to further problems. We often mistakenly jump to conclusions based on previous experience with a situation or person. Like not listening, assumptions can result in higher levels of irritation and, in the end, resolving the problem takes longer and gets more complicated instead of easier.

Perhaps you are dealing with the chronic complainer who, this time, does have a valid complaint – and as much as having someone cry wolf all too often, assuming there’s no wolf can lead to disaster.

Being curious, asking questions and clarifying your assumptions can help you to better understand the situation. If you are not sure you understand the problem let the person know by saying *“I’m not quite sure I understand what you are saying.”* Or *“I don’t feel clear about the main issue here.”*

Clarifying questions helps to reduce misunderstandings and ambiguity and often are the *How, what, when, who* questions needed to gain more insight into the problem. By asking clarifying questions it allows the person to explain further which can lead to more insight

into the problem. “When did this problem start?”, “What does the noise sound like you are hearing?”, “When and where do you hear this noise?”

Moving forward – exploring options

After you have listened, probed and gotten a better sense of the conflict without making any judgements or assumptions, you’re in a better position to explore options.

People are more likely to agree to a possible solution if they have had input into its creation. Working together to come up with possible ways forward goes a long way to having workable long-term solutions. How do you do this?

By asking “Let’s see how we can resolve this issue together.” But don’t discard any idea before you have finished brainstorming to get as many of the options that you and others can come up with. Then, in looking at solutions, a good guide would be: “Which of these proposals works best to save all of us time, effort and money, and demonstrate good will?”

In a condo environment, solutions may be great for those initially involved in the dispute, but what about the greater condo good? To ensure the possible solutions are a win-win for all parties involved and/or those who might be affected by the possible solution, be sure to ask the question - “Knowing what we know now, what do you think will work for everyone?” Involving the people who are in the dispute in coming up with options that are not only possible, but also take into consideration the overall community you live in, produces better results.

One important tip: Your role as the condominium manager or board director is to ensure possible solutions comply with the Condominium Act as well as the corporation’s declaration, by-laws and rules.

These are just a few of the many tools you have at your disposal to more effectively deal with concerns before they escalate. Allowing someone to be heard and understood increases the chances that the problematic situation will result in collaboration and cooperation. Involving them in coming up with solutions helps ensure the issue doesn’t come up again soon. ■

*John Olsthoorn, GDCR, Q.Med.
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John Olsthoorn, a professional member of CCI-EO, is a mediator and workplace investigator at Laudusk – Conflict Management Services. John is also condo owner and a director on his corporation’s board.

*Lori Morton, Q.Med.
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Drones and Your Building Envelope



Justin Tudor, P.Eng.
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Drones seem to be everywhere right now. Advancement in camera technology have long assisted in developing new techniques in assessment and maintenance of buildings. The infrared camera allowed us to look at specific wall conditions without exploratory openings. Articulating cameras on borescopes allow us to inspect cavities using only small openings. Endoscopic cameras allow us to assess plumbing and sewer lines otherwise inaccessible.

Recently, engineers have been handed a new tool in the form of Unmanned Aerial Vehicles (UAV) or Drones. UAVs or drones have been around for years, however, due to their increasing quality and decreasing costs they have become more prevalent in accessible commercial purposes as of late.

The ability to easily and cost-effectively fly a camera at varying altitudes outside your building has blown open the doors for the future of building element inspection and assessment.

HOW CAN DRONES IMPROVE BUILDING INSPECTIONS?

Drones can improve building inspections in two ways: Simplifying access requirements and improving the reliability and permanence of the inspection data.

Historically, to inspect exterior building elements, engineers would inspect from balconies, from the ground or adjacent buildings using binoculars, or from suspended equipment such as swing stages and bosun's chairs. Drones have now allowed us to put eyes on the building without ever leaving the ground. Even just for a preliminary inspection, without cumbersome stages, limitations of what you can see from balconies we can get a much closer vantage point than available with just binoculars.

Following a drone inspection, an engineer will be provided with photographic or video documentation from the drone. As much as this does not replace the engineer's eyes, directly against the building

element, the value of the permanence of this data set, and the ability to go back and review the whole inspection footage as much as you'd like, cannot be understated.

WHAT DO I NEED TO INSPECT? WHAT TYPE OF DRONE DO I NEED?

Drones come in varying sizes. The size of the drone will determine its permissible payload, which in our case, is the camera. Depending on the level of detail you require in your inspection, the style of drone will vary. Different weather conditions or heights of the inspection will further adjust the type of drone required.

External repairs cannot be performed by drones (yet), and a qualified visual engineering inspection by way of swing stage may ultimately be required, however, UAV inspections can allow for a prompt preliminary inspection of localized elements. For a preliminary inspection of a localized building envelope element, you would consider using a drone with as high resolution of a camera as possible – typically requiring a larger drone.

The most practical applications of drones in building elements comes from assisting in full exterior envelope surveys or thermal roof scans. Whether you are looking to assess the visual condition of the brick veneer for all building elevations or if you are concerned about heat loss throughout the façade or roof, infrared and detailed camera inspections can provide a permanent picture of the entire building.

WHAT YOU GET FROM THE INSPECTION?

Largely the information is provided to you in a raw data or visual format. You will need to consider how you obtain this data and what you do with it to turn it into a report, useable to the building owners and managers.

Will you need an inspector on the ground directing the drone to specific areas or is it an entire building survey?

Will the pictures be sufficient or how will the data be interpreted to determine the condition of the building element or a surveyed quantity of deterioration?

POTENTIAL TIME AND MONEY SAVINGS

As discussed, on smaller element inspections, the drone essentially serves as a set of eyes on the building, before you put a swing stage and perform an inspection. The biggest value in the technology comes when substituting comprehensive visual surveys of entire building facades, typically done over weeks by a team of inspectors, can now be done over 2 days with three operators. The need for costly swing stage set up and relocation is removed entirely.

Using specially designed software, quantities and condition are assessed in the office after the inspection.

IT CAN'T BE THAT SIMPLE?!

It's not. As with all technologies, it has its limitations.

- Owners and neighbors have to be appropriately notified and provide permission where applicable.
- For the time being, the drone can only fly where the pilot can maintain direct line of site.

- The drone pilot and company must meet regulatory standards and file appropriate documentation before each flight.
- Trees may obstruct some area from the drone's line of sight, requiring supplemental, standard investigation techniques.
- Traffic must be controlled under the drone while it is flying, restricting the flow of vehicles on a private laneway or ruling out the UAV inspection almost entirely above a busy street.
- Regulations are constantly evolving requiring constant attention to where the industry is going.

Working within these limitations however, companies of varying sizes and capacity are showing up to bring this technology to building owners in overdue effort to decrease investigatory costs while increasing the reliability of these results.

Drones are changing our future for building science inspection, and their versatility should not be overlooked. Next time someone suggests performing a visual inspection or survey using a conventional technique, push a bit further and see if this is a project that can benefit from an introduction into the 21st century. ■

Justin Tudor, P.Eng., Keller Engineering



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