

Volume 24

CONDOCONTACT

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Buying into the Condo Lifestyle

Condominium
Culture Shock

Windows: The
Consequences of
Owner Modifications

Looking for a
Worry-Free
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Nancy Houle, LLB
President-CCI-Eastern Ontario
Lawyer/Avocate
Davidson Houle Allen LLP

CCI Eastern Ontario wishes you and your family a belated happy Canada Day! Now that July has passed, it's time to renew your CCI Eastern Ontario membership for 2019-20. On behalf of the Board of Directors, I'm excited to announce that it's now possible to create a new membership - or renew an existing one - online with our easy-to-use, and secure, form. You can find the form on our [website](#).

After being cooped up all winter – and into spring unfortunately – it's finally time to enjoy the summer sunshine. Now that rainy and chilly days are behind us, we can take advantage of the outdoors and fun summer activities.

But summer isn't just for fun – as condominium Directors and property managers were reminded at our Bleed Your Lines, Not Your Bank Account seminar. There is no shortage of work to be done during the

month we held our first two-day Director's Course: Beyond the Basics. Today Directors should already have a basic understanding of key issues following completion of the CAO's mandatory online director training. However, many condominium issues facing directors are very complex, and often a more in-depth analysis is needed to gain a better understanding of your role and responsibilities as a Director.

To fill the gap in Director training, the CCI-EO Director's Course: Beyond the Basics is the next step in Director education. Stay tuned for our next Director's Course in the fall! Our two-day Director's Course in Ottawa is tentatively scheduled for November 23rd and 24th. Condominium experts will also travel to Kingston and Hawkesbury to speak at our one-day Director's Courses in September. For more information and to receive updates by e-blast, contact our Administrator at info@cci-easternontario.ca.

“However, many condominium issues facing directors are very complex, and often a more in-depth analysis is needed...”

summer months. If you missed this seminar, you can still find out what you can do to prepare your condominium for the winter by viewing Matt Michaluk (Keller Engineering) and Rory Gooderham's (CMG) archived presentations [here](#).

June was a busy month for CCI Eastern Ontario. Along with our above-noted seminar, earlier in the

After listening to feedback from our members, CCI Eastern Ontario is hosting an Open Mic Night on August 22nd at the Montgomery Legion (330 Kent Street, Ottawa ON). This evening is an opportunity for you to network with Directors who are facing similar challenges and can offer advice. This is also an opportunity to learn about the successes of others or to learn about pitfalls beforehand.

We look forward to seeing you at Open Mic Night... bring your burning questions and comments, and your best advice!

Enjoy your summer!



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Michael Lewicki, Broker
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Cheryl Wood, J.D., Lawyer
Davidson Houle Allen LLP

The warm weather is finally here and it's a great time to get outside and enjoy the summer sun and get to know your community.

Buying into the Condominium Lifestyle is more than just buying a new home. One of the major benefits of condominium living is being involved with your community. Vince Bennett of Bendale Property Management explores the possibilities and benefits of living in a condominium community.

There are different aspects to condominium living that you need to keep in mind when buying a condominium. Kelli-Anne Day of Merovitz Potechin LLP goes over things you need to know to avoid **Condominium Culture Shock** and Lana Barnes of Exit Realty Matrix provides guidance that will help you if you're **Looking for a Worry Free Lifestyle**.

While it is always nice to get outside and enjoy, it's also nice to open your windows and enjoy the cool

breeze. So, if you're staying indoors to avoid the heat, open your windows – just make sure that you check out Bruce Fournier of WSP's article, **Windows: The Consequences of Owner Modifications**, by before making any changes to the windows.

Do you have any questions on your mind or challenges that your condominium is facing? If so, check out the Open Mic Night coming up on August 21, 2019, where you can ask your questions and network with condo directors, owners, and professionals.

We're looking for any questions that you may want to ask one of the Big Four Elevator companies. Check out page 20 for more information.

You can also send in questions, ideas or success stories to us. We're always looking for input.

Enjoy your summer.

UPCOMING EVENTS

Open Mic Night – Free seminar for members – **TONIGHT** – August 21, 2019

Kingston Director's Course – Education course – September 14, 2019

Hawkesbury Director's Course – Education course – September 21, 2019

Go to <https://cci-easternontario.ca/news-events/upcoming-events> for more details.

Contributing to CCI **CONDOCONTACT** 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 product to condominiums and have relevant articles, let us know!

The subject matter should be current, concise and helpful. Topics should relate to management and operations of condominiums and not be of a commercial nature.

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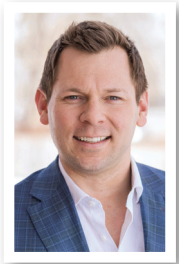
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Buying into the Condo Lifestyle



Vincent Bennett, RCM
President, Bendale



Is condominium style living worry-free? Well, they often say “you get out of it what you put into it”, and condominium living is no different. So, what *does* condominium living offer the average condominium owner different from the average single dwelling unit home owner?

There are many variations of condominiums, from high-rise *or vertical communities* to low-rise, townhomes and vacant land – each one uniquely different. Condominiums often appeal to a diverse spectrum of owners.

With such a diversity of individuals living in one community, it is necessary to establish order, harmony and directive. By purchasing a condominium, the owner then becomes part of a Condominium Corporation known as The Corporation. Each Corporation is governed by a Declaration, a set of Bylaws and a list of Rules and Regulations. These documents are the foundation of The Corporation providing structure and guidelines to adhere to while living within the Condo community and for operating the Corporation.

As a part of The Corporation, the owner has a dual responsibility. While they are responsible for maintenance and upkeep of their own unit (often within the interior walls), they also own a proportionate

share of what is referred to as “the common elements”. The common elements include such areas as the roof of the building, the elevator, the grounds, the hallways, basically any area outside of the actual unit, extending to their windows, doors and balcony area, and could also include such things as a swimming pool or gazebo.

But how does this group of individuals work cohesively and make decisions when the roof needs repair or the lawn needs mowing? Condominium living is setup in such a way that the owner is relieved of all major home owner responsibilities by leaving most of the decision making to an elected Board of Directors. The Board will often engage the services of a professional and accredited Condominium Manager to lend his or her expertise and guidance, and often a Superintendent to manage the site. The Board will also consult legal counsel where appropriate, adhere to the Condominium Act, and rely on organizations such as the Condominium Authority of Ontario to provide them with mandatory training.

By voting to elect a director, the owner can feel confident placing their trust in the Board to make the right decisions for The Corporation as a whole. Board members are required to act in the best interests of the Corporation and unit Owners at all times. Alternatively, if a condominium owner did want to have a say in the decisions being made, they could run for a position on the Board, learn more about the day to day operations, learn alongside the Condominium Manager and have an influence on their investment.


Condo living relieves a lot of the stress a homeowner may experience. Each year, the Board sets a budget for operational costs and Reserve Fund contributions. Common Expenses fees, or Condo Fees are calculated based on a unit's proportionate share – this is found in the Declaration which is established by the developer. In Ontario, Corporations are required to have a Reserve Fund Study completed, which is reviewed every three years by an engineering firm. The purpose of the Reserve Fund Study is to ensure there are adequate funds available to make major repairs or replacements to the common elements of the Condominium Corporation. Day to day repairs and maintenance are paid for from the Operating funds. On the very rare occasion, due to an unforeseen expense or premature failure of a large building component, the Board may need to levy a special assessment against the owners to acquire the necessary funds to address a timely repair. This should be the exception and not the norm when a Corporation is properly managed. Condominiums cannot plan for special assessments. And for that reason, the condominium owner has a greater expectation of worry-free living.

As well, under the guidance of the Condominium Manager, the Board is engaging the services of professional and reliable contractors to oversee the necessary repairs and work on site. Whether for minor repairs, preventative and regular maintenance, landscaping, or larger projects such as roof replacements – the Board and Management are administering and organizing this work on behalf of the Owners. It is the responsibility of the Board and Condominium Manager to ensure the services provided to the Corporation are being done in a manner that offers good value for quality work.


By removing the worry of decision making and common responsibilities, the condominium owner is afforded a great deal more freedom than the average single unit dwelling home owner. Leaving their unit unattended while going South for the winter, for instance, the owner doesn't need to worry about their home appearing vacant and vulnerable to break-ins. An Owner won't have to worry if their driveway is deep with snow or if there is ice on their sidewalk, nor will they need to examine their roof shingles and wonder when they will have to budget for roof replacement.

At the same time, by removing the ability to make decisions freely, a condominium owner is controlled by the governing documents regarding many aspects of their home and, even perhaps, the quality of their lifestyle. That may not be acceptable to some.

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These rules may dictate how many pets can be kept within the unit (or even what type of pet), whether hardwood floors may be installed, or even whether an owner may smoke in their own unit or on site. Rules and regulations are created to provide guidelines specific to their residents in order to create harmony in the community and for that reason can vary greatly from Corporation to Corporation. As a potential Condominium owner, it is important to review the Corporation's Declaration, Bylaws and Rules and Regulations, to understand the type of condominium you are considering, with a lawyer - well versed in condominium law or an experienced Condominium Manager.

Outside of the daily maintenance, condominium living offers the owner a great deal. It is a community of people, offering the opportunity to get involved and contribute, perhaps helping to establish a community garden, write a newsletter or sit on a social committee. At the same time, there is no expectation on the owner to become involved at all. It is to the owner's own comfort level, how involved they become in their community, but the opportunities are there!

More so than perhaps as a single unit dwelling owner, as you have a mutual interest in your investment, and its care and management.

Condominium living may not be for everyone, but it is a wonderful avenue to explore. When looking into a Condominium, be sure you take the time to understand the Condominium you are interested in. What does it offer you to suit your lifestyle and expectations? Can you live within the guidelines of the Corporation?


Condominium living can greatly enhance your lifestyle, and you can get a great deal from your investment with just a little bit of effort.

Vincent Bennett is the President and Chief Operating Officer of Bendale, a multidisciplinary management firm. Vince has been a condominium manager for 15 years and proudly manages a portfolio of condominiums ranging from townhouse to high rise. Vince was awarded ACMO's Manager of the Year Award in 2018 and was elected to the ACMO Board of Directors in 2019. ■



The 2019 Ottawa Condominium Conference held on Saturday, May 11, 2019 was a great success again this year! CCI-EO and ACMO members shared their knowledge and expertise as speakers with over 200 attendees and coupled with the tremendous support of exhibitors and sponsors alike, it certainly wasn't an event to miss! Special recognition is extended to the Conference Diamond Sponsor, Novatech DKI; the Conference Platinum Sponsors, RJC Engineers and Keller Engineering; and to the Conference Gold Sponsors, Elia Associates and Davidson Houle Allen LLP.

Thank You!



Engineers



Arrangements for 2020 are currently underway – stay tuned for more details and we look forward to seeing you there!

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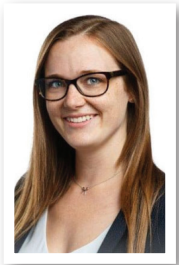


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Condominium Culture Shock



Kelli-Anne Day, JD, Lawyer
Merovitz Potechin



Condominiums are marketed to the public as a “worry-free lifestyle” – no need to mow the lawn in the summer, no need to shovel snow in the winter, access to amenities, and a property manager to take care of everything in between.

People are understandably drawn to the features of condominium living that increase convenience and shorten their to-do lists in today’s busy world.

The reality is, however, that there are many aspects of condominium living that are not immediately apparent to both first-time and long-time condominium owners. In our experience, most people have grown accustomed to the legal rights and privileges that come along with owning traditional detached or semi-detached homes. Many of these people have difficulty coming to terms with the fact that their property rights are not absolute and are instead subject to the discretion and preferences of other, unrelated parties.

This article will provide a snapshot of the aspects of condominium culture that may give rise to what may be dubbed as “condominium culture shock”.

Aesthetics

For many people, the decoration of their home is an important form of self-expression. When living in a traditional detached or semi-detached home, installing planters, patio stones, outdoor furniture, holiday decorations, door wreaths, flagpoles, light fixtures and the like is as simple as choosing the product you like and making it happen. Many condominium owners are of the view that they can

make whatever aesthetic changes they want to their unit and their exclusive use common elements because these areas are “their property”.

However, the reality is that certain aesthetic changes are not permissible at a condominium property. The governing documents of most condominiums impose restrictions on the type, size, and placement of many of the above-noted items. Sometimes there are outright prohibitions, whereas, in other cases, it may be necessary to seek the Board’s prior written approval for certain aesthetic changes or installations – even if they are temporary.

Many owners are therefore surprised to learn that they do not have free rein to decorate freely and become displeased when the Board tries to exercise its control over decisions that owners regard as either personal or innocuous in nature.

It is important to note that just as convenience and worry-free living are a central part of the condominium culture, so is aesthetic uniformity. This is achieved through the various restrictions imposed by the condominium’s governing documents. Owners are expected to familiarize themselves with these documents as a condition of their ownership and cannot expect to have the same degree of freedom with aesthetic choices that they would at a non-condominium property.

Rule Changes

In our practice, we also often hear from condominium owners who find themselves dissatisfied with changes to their condominium's rules. We frequently hear clients say things like "I have lived here for 14 years, how is it fair for the Board to change the rules after all this time?" or "the only reason I purchased this unit is because of the 'no smoking' rule, can the Board actually change something this important to me?"

Often, condominium owners do not understand that the very same rule that may have induced them to purchase their unit, is, and always has been, subject to change. The mere fact that a particular rule was a valued part of the status quo for an individual owner will not impact its implementation as long as the rule is reasonable, complies with the *Condominium Act, 1998*, as amended is consistent with the by-laws and declaration, and its passage follows the correct process.

In cases where an owner, or group of owners, is vehemently opposed to a proposed rule change, there is an opportunity to requisition a meeting within 30 days of the circulation of the proposed rule by the Board. This provides those in opposition to the rule with an opportunity to either defeat the rule and preserve the status quo, or to propose a rule that aligns better with their preferences. That said, if quorum is not reached at the meeting, or a majority of the owners in attendance do not vote to defeat the proposed rule, then the rule will come into force, and those in opposition will have to live with that result.

This scenario emphasises the important and unique function that democratic processes play in condominium communities. This is a stark contrast to the "my house, my rules" standard that typically applies in a traditional home.

Combating the Culture Shock

This article has described just two of the situations that may catch an owner or prospective purchaser off guard with respect to their rights and responsibilities in the world of condominium ownership. Instead of highlighting the restrictions that are imposed on individual owners' freedom of choice, and the flexible nature of the status quo, the narrative surrounding condominium culture continues to focus more on the notion of convenience and easy living. However, even from the two above examples, it is clear that there are many aspects of condominium culture that many would regard as inconvenient or difficult to deal with. For this reason, it is very important that potential purchasers look beyond this narrative to determine exactly what they are "getting themselves into". Similarly, existing owners are encouraged to take the necessary steps to understand where their rights and obligations begin and end.

Kelli-Anne Day is a litigation lawyer at Merovitz Potechin LLP. Kelli-Anne works alongside Chuck Merovitz to provide advice and dispute resolution services to condominium owners, boards, and property managers. Merovitz Potechin LLP has offices in both Ottawa and Manotick. Please visit www.merovitzpotechin.com to learn more. ■



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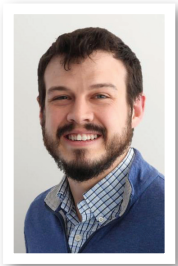
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Windows: The Consequences of Owner Modifications



Bruce Fournier, B.A.Sc.
WSP Canada



At first glance, windows seem simple. They provide a visual connection between the indoors and outdoors, they promote natural daylighting, and can provide natural ventilation. So it's understandable that some condominium owners take it upon themselves to make 'minor window improvements' or 'harmless window modifications' to suit their needs. Reasoning varies and is often valid; too much sunlight, not enough ventilation, or pesky condensation that seems to re-appear on those very cold winter days. And the temptation to modify isn't limited to a specific window vintage – it also arises with newly installed windows. Unfortunately, these well-intended attempts to improve or modify window systems can be counterproductive, create new problems, and may violate the condominium declaration if your windows are part of the common elements. Here are some examples of owner window modifications and their unintended consequences.

Fastening Into Window Frames

It can be tempting to secure blinds directly to your window frames, especially if you have inconsistent drywall returns or casings that are difficult to secure too, but it should be avoided.

Windows form part of your building envelope, separating interior spaces from the exterior environment. To do this, windows, like walls and roofs, must also act as control layers for rain, air, vapour, thermal, etc.. The continuity and integrity of these layers are provided by seals, thermal breaks, drainage cavities, hardware, and are designed and tested to meet the building code requirements of the day.

By fastening into your windows, you may be inadvertently puncturing one or more of those control layers. This can diminish the window's performance and increase the risk for air leakage, rainwater leakage, and condensation. You may also void the window manufacturer's standard warranties.

Removing Limiting Restrictors

Limiting restrictors are used on operable windows to restrict their opening distance to 100mm. The window limiter type will vary depending on the type of operable window, and some can be disengaged to facilitate window cleaning.

These devices serve an important purpose and should not be removed or permanently disengaged. They are installed to protect occupants, particularly children and pets, from a dangerous fall. If you have a limiting restrictor on your window, it is likely that it has been provided in accordance with the building code or because a professional has deemed it necessary to maintain public safety.

It is understood that limiting restrictors will limit natural window ventilation. This is a common and reasonable complaint. But public safety should take priority.

Solar Control Films on New Windows

Solar control films are available as an after-market addition. They are commonly installed on the interior surface of window glazing that do not have low-emissivity coatings¹ to control solar heat gain. Owners

who have south facing windows sometimes experience solar related discomfort (warm interior conditions) during the spring and fall, as the building mechanical systems transition from heating to cooling. Particularly those that live in older buildings. Solar control films can be used to address these issues.

However, the question is often asked if owners can install these films over their newly installed windows to compensate for their unique exposure and comfort requirements. The answer: it should be avoided. Today's windows typically already have low-emissivity coatings. Adding solar control films can result in 'long wave trapping' causing overheating and premature seal failure. This can lead to diminished thermal performance, 'fogging' of the glass, and will void the glazing manufacturer's warranty.

Window Curtains & Condensation

Ever noticed how heat registers are typically installed below or above windows? There's a good reason for this. In the winter, that heat flows or radiates across the interior surface of the window, raising its surface temperature above the dew point during the heating season. This is one of many mechanisms that can help manage surface condensation and frost build-up on the interior surface of windows.

While the condensation resistance of windows continues to improve, condensation can still form on very cold winter days. Contrary to what some owners believe, leaving your curtains closed can exacerbate condensation by impeding that flow of heat over the window's surface. The interior surface of the window becomes colder and will be more likely to experience condensation.

Curtains serve an important purpose – no argument there - but it's best to leave them open in the winter when they aren't needed.

So remember - before endeavoring on a DIY window improvement or modification project, speak to your Board of Directors.

WSP is one of the world's leading engineering consulting firms and has one of Canada's largest building sciences teams with Eastern Ontario office in Ottawa, Kingston, and Cornwall. Bruce Fournier is a Manager with the Ottawa Building Sciences team.

¹ A low-emissivity coating (low-emittance or Low-E coating) consists of an invisible metallic coating that improves the thermal performance of a glazing system by blocking infrared radiant heat transfer through the glass. Some coatings are also designed to reduce solar heat gain. ■

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Looking for a Worry-Free Lifestyle - Is Condo Living Right for You?



Lana Barnes, Broker
Exit Realty Matrix



Condominium lifestyles have become very popular in the last number of years as more and more are popping up everywhere. For first time homebuyers it is a great way to begin and build up some equity. When it is time to upgrade to a single-family home you can also keep your condo as a wonderful investment. For seniors downsizing it's great way to have a stress-free lifestyle and be able to travel worry-free.

Explore the pros and cons and always have a great team of professionals behind you to guide your decision whatever you decide to buy.

Condo living is not for everyone and if you are considering buying into the condo lifestyle, here are some things to be aware of:

- You have the Condominium Act, 1998 (with many recent amendments) and the Condominium's Declaration, By-laws and Rules that must be adhered to.
- Condo fees must be paid on a monthly basis (or in accordance with the condominium's Declaration or Bylaws).
- If you wish to renovate you may need permission from the Condo Corporation (yes, even inside your unit). Check the Declaration, which is a document that has all the regulations laid out for you.
- You need to have respect for the quiet enjoyment of others living around you.

But it's not all rules and regulations! Condominium living does have its perks.

- No maintenance required for any of the common areas unless stated otherwise in your Declaration.
- Excellent for Snowbirds - they can leave and be worry-free knowing their place is looked after.
- Reserve Fund for future needed Capital repairs.

Many years ago, I had a real estate lawyer that I work closely with say to me, *"where can you buy a home where there is already a bank account with money in it for repairs that has been funded with other people's money!"* This is so true - as a Real Estate Broker, when I sell a house to my clients there is no savings account for any needed repairs already in place.

When you are considering buying into the Condo Lifestyle it is always prudent to do your homework and also have a team of specialists on your side.

In my opinion, I would seek guidance from:

- 1 A Realtor® that is familiar with condominiums, the market and area that you are buying in. I would also have them check out the management company for the Condominium Corporation and find out if they are respected, liked and do a good job. This will help determine whether you will or will not

be happy living there. The strength of the management company can make or break a condominium.

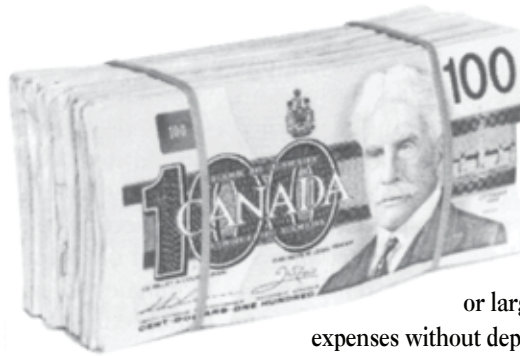
- 2 A lender that is also familiar with the inner workings of Condominiums.
- 3 A home inspector that understands the responsibilities of the Condominium Corporation vs. the responsibilities of the owners.
- 4 An insurance broker that is familiar with Condominiums. Yes, you do need to have your own coverage on your personal unit in addition to the insurance coverage that the Corporation has.
- 5 A condominium lawyer that will be able to go over the Status Certificate prepared for the unit. It is very important to order a Status Certificate at the time of purchase for the Corporation as it gives a financial overview of the Corporation and also indicates if any money is owing on the Unit. Any money owing on a unit follows the unit not the owner, so it is best to have that cleared up before taking possession.
- 6 I would suggest that you read the Declaration, Bylaws, and rules that you receive with your Status Certificate very carefully. Each corporation has their own set of rules and often people move in and haven't read them. This can lead to upset because they didn't know about a particular rule or restriction. It's best to read before you finalize the transaction in order to avoid surprises.

One final thing you must be aware of when you buy a condo is that you are buying into a community lifestyle which is very different from owning your own home. You are living in close quarters with different personalities, under certain terms, sharing certain amenities. It is definitely a consideration.

So, with all the facts above, is a Condo Lifestyle right for you? Whatever you choose, work through it with professionals who can help you make the best decision for yourself and your goals. Remember, their expertise can save you thousands.

Lana Barnes, a Broker at Exit Realty Matrix, has been assisting Buyers and Sellers for 20 years. Lana owned a Brokerage for 11 years, she sat for 8 years on her Real Estate Board where she was a Director, President and also sat on the board for Habitat for Humanity. Lana is currently a Director on two condo Boards. ■

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ALL CONDOMINIUMS ARE LEGALLY REQUIRED TO FILE CONDO RETURNS

Under the Condominium Act, 1998 (the Act) and Ontario Regulation 377/17, all condominium corporations are legally required to file condominium returns with the Condominium Authority of Ontario (CAO).

Any condominium corporations that have not yet filed their returns with the CAO and paid their annual assessments, must act immediately to avoid legal consequences for not complying with the Act, including late penalties.

PLEASE CONTACT THE CAO AT:
416-901-9356 or
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