

# CONDOCONTACT

## RESERVE FUND PLANNING



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A wide-angle photograph of a city skyline, likely Ottawa, featuring the Parliament Hill buildings and the Peace Tower, viewed from across a body of water at sunset. The sky is a mix of orange, pink, and blue.

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Volume 34

# CONDOCONTACT

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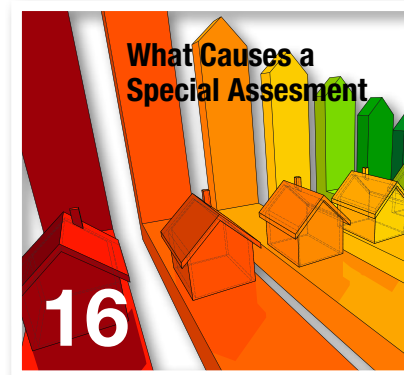
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Nancy Houle, LLB, DSA, LCCI  
President, CCI Eastern Ontario  
Lawyer/Avocate  
Davidson Houle Allen LLP

## Message from the President

**W**elcome to AGM, construction and Reserve Fund Study season... also known as Spring in the condo world!

As the weather warms up, the condominium community turns its mind to those ever-present spring activities, and the inevitable issues that will arise. While it is certainly comforting that there are consistent activities each spring that provide a measure of routine and stability for the condominium community, each spring can also bring on new challenges, ideas or projects.

Such seemingly routine tasks may include scheduling of work set out in the reserve fund study, drafting, approving and executing contractors for such work, or updating the condominium corporation's Reserve Fund. As anyone who goes through these seemingly routine tasks will know, these can quickly turn into extensive exercises, requiring endless hours or volunteer time on the part of the Board, and input from the Corporation's consultants. I invite you to peruse our Editors' summary, which will go over the interesting content we have on the topic of reserve funds – which will hopefully be of assistance for those going through these tasks.

I also take this opportunity to provide a brief update on the following key initiatives:

**1)** The members of the Management Advisory Council continue to provide invaluable insight to the Board of Directors by identifying areas of concern

for the community, and providing suggestions and comments on how best to serve the community. The Board is grateful for the time and involvement of the members of this Council, and we invite our readers to review the profiles of the members of this Council at the link: [here](#)

**2)** Ontario condominium experts have banded together to set up various committees to address Safety & Security in condominiums. I am happy to be part of the legislation committee that will be reviewing opportunities for legislative reform as it relates to better personal protection in condominiums, and educating government agencies on minimizing risks in condominiums.

**3)** CCI-National's Government Relations Committee, which I continue to Chair, is seeking to dialogue with the government with respect to the Federal Under-used Housing Tax. This tax ([here](#)) could impact some condominium corporations.

Your directors are looking forward to our Spring activities from the CCI National Leadership Forum in Saskatoon, the conference in Kingston and to our first annual CCI Eastern Ontario Golf Tournament in June, watch your inbox for details!

*Sincerely,*

*Nancy Houle, President, Canadian Condominium Institute Eastern Ontario*

## NEW MEMBERS

### INDIVIDUAL

Susan Fitzgerald  
Randall Kemp  
Melissa Howes

### PROFESSIONAL (PRIMARY)

**Ahmad Shahroodi**  
EFI Global

**Kyle Smallegange**  
Art Engineering Inc.

**Anthony La Torre**  
Leading Edge Building Engineers

**Ron Ainger**  
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# Message from the Editors



## HAPPY SPRING EVERYONE!

**T**his edition of *Condo Contact* looks at Reserve Fund Studies and some key questions that arise when thinking about reserve funds. Reserve fund planning is a critical factor in the success of a condominium corporation. Like other areas in condominiums, collaboration between directors, property managers, engineers, lawyers and contractors is key to ensuring that you keep your reserve fund on track. As a result, we hear from some of these key stakeholders in this issue.

Justin Tudor waxes poetic about reserve fund planning from the perspective of your reserve fund analyst. This fun sonnet hits home some key issues that relate to reserve fund planning.

Next, we look at when reserve fund planning gets off track. Section 94 of the *Condominium Act, 1998* confirms that all condominiums must conduct reserve fund studies to ensure that the reserve fund is adequate to provide for the expected costs of major repair and replacement of the common elements and assets of the Corporation. But why then do condominiums sometimes end up needing to levy a special assessment? James Davidson answers this key question in his article entitled "What Causes a Special Assessment".

**New this issue:** Director's Perspective – When you volunteer to be a director for a condominium corporation, you do not always know what is expected. In this, and upcoming editions, we will be asking directors for their perspective on the theme of the Newsletter. This will hopefully give insight to other directors and prospective directors about various issues that impact the condominium corporation.

Other key features to look for in this edition:

- **CCI National Update;**
- **Management Advisory Council profiles** – let's get to know some of the members;
- **Editor's summary** – an information round-up of webinars and articles from CCI National and other chapters.
- **Spring 2023 Business Directory** – A look at our business members (based on category) that can help with all your condo related needs.

Another quick note, you may have realized there's a fresh, new layout for our 'Condo Contact', we hope you enjoy it!  
Cheryll and Mike

## 2022/2023 BOARD OF DIRECTORS

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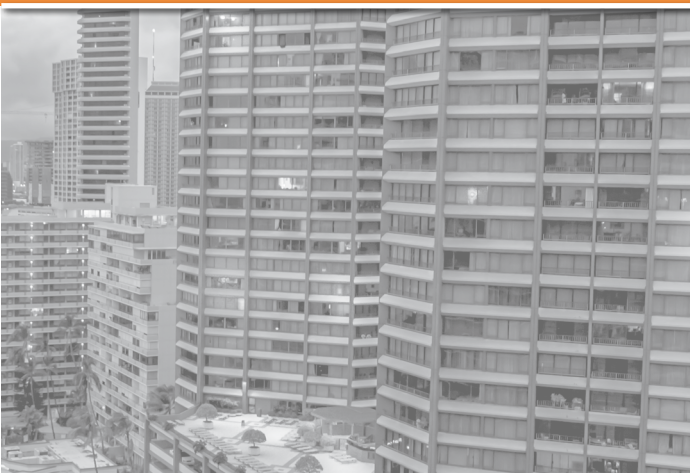






## INFORMATION ROUND-UP: EDITORS' SUMMARY

HERE'S OUR SUMMARY OF  
**HELPFUL  
WEBINARS  
AND OTHER  
RESOURCES**  
FROM CCI CHAPTERS



### WEBINARS/SEMINARS TO CHECK OUT:

- May, 2023 – CCI Eastern Ontario – [Condominium Director Certificate Program](#)
- May 12, 2023 – CCI Eastern Ontario – [2023 Kingston Condominium Conference](#)
- June 7, 2023 – CCI Eastern Ontario – [Ask the Experts](#)



### PAST:

- CCI Eastern Ontario – [Did You Know? City of Ottawa Bytes](#)
- CCI Eastern Ontario – [Call to Duty: Whose Duty is It?](#)
- CCI Huronia – [Short Term Rentals in Condos – Get Answers to your “Short” questions.](#)
- CCI Northwestern Ontario – [The Coming Reserve Fund Shock](#)



### RESOURCE CENTRE (CCI-NATIONAL):

- [Why Would a Condo Corporation Choose to Borrow – CCI London](#)  
If your condo does end up with an unexpected expenditure, this article looks at why you may decide to borrow funds to cover it.
- [Repairs, Maintenance and Renovations – Spring Clean Up Checklist – CCI Grand River](#)  
With spring here, this is a good list of reminders for maintaining your condo in spring.
- [Legislative Newsflash: CCI Toronto – Federal Underused Housing Tax - Update](#)  
Do you have a superintendent unit or guest unit that has a tax roll number? If yes, you need to be aware of the Federal Underused Housing Tax (and the Municipal Vacant Land Tax in Ottawa).

These are just a few of the many relevant and helpful articles that you can find in the Resource Centre.



### RECENT CASES:

Are you curious about recent case law from across Canada? Check out Condo Cases Across Canada ([www.CondoCases.ca](http://www.CondoCases.ca)), published by Jim Davidson, exclusively for CCI members!

## ALSO

don't forget the law blogs out there providing timely and relevant information related to the condominium industry.

Have you seen a webinar, article, or blog post that helped your condo or do you know someone in the condo industry that you think our readers would like to hear from? LET US KNOW AT [info@cci-easternontario.ca](mailto:info@cci-easternontario.ca)



# Reserve Funds

from a Director  
(or four)'s  
perspective

Interviews conducted by  
Natasha Mayhew, Eastern Ontario  
Property Management Group

When you volunteer to be a director for a condominium corporation, you do not always know what is expected. In this, and upcoming editions, we will be asking directors to share their experience as condominium directors. This will hopefully give insight for other directors and prospective directors about various issues that impact the condominium corporation.

In this issue, we asked four directors from different condo corporations in eastern Ontario for their perspective as it relates to **thoughts on Reserve Funds**.

The questions posed and answers are on the following page:





## Director 1

### 1. WHAT PROCESS DOES YOUR CONDOMINIUM HAVE IN PLACE FOR RESERVE FUND STUDIES?

We hire an engineering company to complete a RFS every three years with a site visit occurring every six years.

### 2. WHAT ARE SOME COMMON QUESTIONS THAT YOU GET FROM OWNERS ABOUT THE RESERVE FUND?

Owners do not ask me. If they have questions, I assume they are asking the property manager. I get the sense that many owners pay no attention to the Reserve or Operating budget. I do sometimes have an owner confuse operating expenses with reserve expenses.

### 3. DOES YOUR RESERVE FUND PLAN LOOK FORWARD FOR THIRTY, THIRTY-FIVE OR FORTY YEARS?

30.

### 4. WHAT IS SOMETHING THAT YOU HAVE LEARNED ABOUT RESERVE FUNDS IN YOUR ROLE AS DIRECTOR THAT YOU WANT OTHERS TO KNOW?

I think people need a better understanding of what reserve funds can be used for. For example, some folks think reserve funds can be used for regular maintenance or acquisition of new items. For example, when we installed security cameras, some owners did not understand why that expenditure could not be charged to the reserve fund. [See James Davidson's article which touches on operating vs. reserve fund.]

### 5. DO YOU HAVE ANY ADVICE FOR NEW DIRECTORS/OWNERS ABOUT RESERVE FUND PLANNING?

Yes. Try to learn as much as you can - this applies to Owners as well as Directors - after all, it is likely one of your most significant assets. Do not assume that as an owner you do not need to understand how your reserve fund works and if it is healthy. Attend as many webinars as you can. Never guess - always verify. Listen to the expertise and professional advice of your Property Manager. Read the draft RFS from front to back for accuracy - ask questions, if you don't understand something. Monitor the interest you are earning, move some funds into mutual funds or GIC's if you can get better rates.

### 6. WHAT IS THE MOST DIFFICULT ASPECT OF RESERVE FUND PLANNING?

Getting engagement from all Directors on the Board. Both the President and the Treasurer should be well versed active participants, however, every Director must play an active role.

### 7. ARE THERE ANY QUESTIONS YOU HAVE ABOUT RESERVE FUNDS THAT YOU NEED ANSWERED?

Yes. I struggle with spending money from the Reserve. For example, for our condo we have a lot of projects this year and we could come close to wiping out the

whole fund. How much of a buffer is too little? I realize that there is always the option to borrow funds for surprises, but I think that should be a last resort? I need to understand better the flexibility of advancing or delaying repairs and how to manage surprises, like the front stairs.

### ANY OTHER COMMENTS ON RESERVE FUNDS?

No.

## Director 2

### 1. WHAT PROCESS DOES YOUR CONDOMINIUM HAVE IN PLACE FOR RESERVE FUND STUDIES?

We had a formal study completed in 2022 by an authorized engineering firm, who visited the site and examined the property and noted age and condition of various aspects of property. They provided a study outlying the expected life of said components and average (estimated) cost of replacements. This then enabled us to draft a reserve budget that would be able to accommodate those findings and then some. A study is regularly updated every 3 years.

### 2. WHAT ARE SOME COMMON QUESTIONS THAT YOU GET FROM OWNERS ABOUT THE RESERVE FUND?

While I cannot remember a specific question regarding reserve fund, I get many questions about how come the Condo fees are what they are? As a board we attempt to keep the owners apprised within general meetings on why we do a reserve budget and how we have arrived at the decisions we have made, eg: we had just recently asked for a special assessment based on a very high-ticket item that was reaching end of its life.

“ I struggle with spending money from the Reserve. For example, for our condo we have a lot of projects this year and we could come close to wiping out the whole fund.



### 3. DOES YOUR RESERVE FUND PLAN LOOK FORWARD FOR THIRTY, THIRTY-FIVE OR FORTY YEARS?

The study we had prepared looked ahead for 48 years. While it is helpful to keep everything in mind for this period of time, we generally focus on the next 5 years when we plan capital expenditures and what adjustments we may need to make to budgets, sometimes deferring less critical expenditures and sometimes accelerating others.

### 4. WHAT IS SOMETHING THAT YOU HAVE LEARNED ABOUT RESERVE FUNDS IN YOUR ROLE AS DIRECTOR THAT YOU WANT OTHERS TO KNOW?

That this is not a static budget, nothing is written in stone. Priorities and timelines are adjusted all the time based on the needs of the building, and from time to time something unexpected will arise that needs special consideration, eg. special assessment required.

### 5. DO YOU HAVE ANY ADVICE FOR NEW DIRECTORS/OWNERS ABOUT RESERVE FUND PLANNING?

Keep an open mind, listen to the experts in their field, understand that you are spending other people's money and your job is to get the best value and service

from that expenditure and be able to answer for those choices.

### 6. WHAT IS THE MOST DIFFICULT ASPECT OF RESERVE FUND PLANNING?

Analyzing the data provided to you in the study and making good decisions to benefit the building while keeping in mind that owners want to keep increases to the monthly fees to a minimum.

### 7. ARE THERE ANY QUESTIONS YOU HAVE ABOUT RESERVE FUNDS THAT YOU NEED ANSWERED?

Nothing specifically about our reserve fund, but more a general question about Condominiums as a whole. I have heard stories of other buildings suddenly facing huge Special assessments due to some huge expense not budgeted for? How does this happen? Are we not all mandated to perform these budgets and have an auditor review these budgets at least yearly? Are these cases of poor property managers/management companies or failure of government oversight of this process?

### ANY OTHER COMMENTS ON RESERVE FUNDS?

No I don't think so.

## Director 3

### 1. WHAT PROCESS DOES YOUR CONDOMINIUM HAVE IN PLACE FOR RESERVE FUND STUDIES?

Defer to Property Manager

### 2. WHAT ARE SOME COMMON QUESTIONS THAT YOU GET FROM OWNERS ABOUT THE RESERVE FUND?

Defer to Property Manager

### 3. DOES YOUR RESERVE FUND PLAN LOOK FORWARD FOR THIRTY, THIRTY-FIVE OR FORTY YEARS?

Defer to property manager

### 4. WHAT IS SOMETHING THAT YOU HAVE LEARNED ABOUT RESERVE FUNDS IN YOUR ROLE AS DIRECTOR THAT YOU WANT OTHERS TO KNOW?

A director always has to pay attention to reserve fund balances; S/he also has to keep an eye on the reserve fund study document, especially as it pertains to short- and medium-term projected capital expenditures.

### 5. DO YOU HAVE ANY ADVICE FOR NEW DIRECTORS/OWNERS ABOUT RESERVE FUND PLANNING?

New directors should establish a reserve fund study and make sure that the document is updated on a timely basis. New directors should endeavour to periodically review the reserve fund study document. In addition, it would help if new directors have some knowledge of accounting or finance, or be prepared to ask questions.

### 6. WHAT IS THE MOST DIFFICULT ASPECT OF RESERVE FUND PLANNING?

Accumulating and maintaining sufficient reserve funds to meet projected capital expenditure figures in the reserve fund study document.

### 7. ARE THERE ANY QUESTIONS YOU HAVE ABOUT RESERVE FUNDS THAT YOU NEED ANSWERED?

No.

### 8. ANY OTHER COMMENTS ON RESERVE FUNDS?

No.



## Director 4

### 1. WHAT PROCESS DOES YOUR CONDOMINIUM HAVE IN PLACE FOR RESERVE FUND STUDIES?

We engage an engineering firm to conduct the RFS and provide advice to the board with a funding plan proposal

### 2. WHAT ARE SOME COMMON QUESTIONS THAT YOU GET FROM OWNERS ABOUT THE RESERVE FUND?

Owners have various levels of understanding of what a reserve fund is about, how the fund is planned, and what is eligible to use reserve funds. I see questions asking why improvements to the building don't use reserve funds, for which we need to explain that's not a permitted use. I also see people asking why we put so much into a reserve fund for which we need to explain the RFS process.

### 3. DOES YOUR RESERVE FUND PLAN LOOK FORWARD FOR THIRTY,

### THIRTY-FIVE OR FORTY YEARS?

30 years

### 4. WHAT IS SOMETHING THAT YOU HAVE LEARNED ABOUT RESERVE FUNDS IN YOUR ROLE AS DIRECTOR THAT YOU WANT OTHERS TO KNOW?

The reserve fund study is a recommendation to the board, but the board does have discretion on items. The RFS might say something needs to be replaced, but if we inspect that item and find it has a few more years to it, the board can choose to push that item further into the future.

### 5. DO YOU HAVE ANY ADVICE FOR NEW DIRECTORS / OWNERS ABOUT RESERVE FUND PLANNING?

Read the RFS and make sure you understand it. If you don't understand it, ask questions. This is the most significant expenses a building will pay so all directors should do their best to make sure they

understand what's going on with these funds.

### 6. WHAT IS THE MOST DIFFICULT ASPECT OF RESERVE FUND PLANNING?

Cash flow forecasting, putting money in investments like GICs, and making sure we understand when out-flows need investments to mature.

### 7. ARE THERE ANY QUESTIONS YOU HAVE ABOUT RESERVE FUNDS THAT YOU NEED ANSWERED?

I make sure to ask my questions as I go because there are always topics, we need expert advice.

### 8. ANY OTHER COMMENTS ON RESERVE FUNDS?

Nothing for me ■

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# MAC Profiles

## Yawar Khan

Capital Integral Property Management

### How do you start your day?

Exercise followed by emails

### How do you plan your day? (i.e. by crisis, by scheduled items)

I usually have a busy schedule of meetings, but I do leave time to be able to respond to emergencies. My evenings are usually very booked

### What is your preferred method of communication? (phone call, email, both?) \*

Text and phone. Email is overloaded and sometimes messages are missed.

### How many emails do you receive a day?

201-300

### What time do you start your day?

9-10 am

### What do you do to relax after a long day?

Watch a movie/favourite tv show?

### What do you use to manage your day?

On my phone

### How many years have you been in the Condo Biz?

10-14 years

### What is the ONE thing that you wish the public knew about Condos & Condo Living?

Condo living requires following rules! Please read your declaration, bylaws and rules and follow them.

### What is the ONE thing that you realized you need to know as a condo manager that the courses, or on the job training didn't prepare you for?

Condo management is more about managing people and relationships than anything technical. The best managers combine multiple skillsets, but they focus on ensuring harmony in the community. We are not the final decision-makers and must work with the residents and the Board to ensure that our stewardship of their community is aligned with their interests and desires.

### Do you prefer virtual Board meetings or in-person? (same questions for an AGM)

Virtual

## Martine Nolin-Simard

Gestion POM Management Inc.

### How do you start your day?

Upon waking, quick scan of emails, breakfast, shower and off to work!

### How do you plan your day? (i.e. by crisis, by scheduled items)

Mix of scheduled items (to do list and meetings) interrupted by emergencies, staff questions, owner and Board requests

### What is your preferred method of communication? (phone call, email, both?) \*

Email is preferred but many phone calls and texts spice up my day!

### How many emails do you receive a day?

101-200

### What time do you start your day?

7-8 am

### What do you do to relax after a long day?

Watch a movie/favourite tv show?

### What do you use to manage your day?

On my phone

### How many years have you been in the Condo Biz?

10-14 years

### What is the ONE thing that you wish the public knew about Condos & Condo Living?

Condos require a lot of attention and owners need to be involved and be present on the Boards.

### What is the ONE thing that you realized you need to know as a condo manager that the courses, or on the job training didn't prepare you for?

Support staff as there are so many things to think about and react on; need to delegate

### Do you prefer virtual Board meetings or in-person? (same questions for an AGM)

Virtual



# IT'S TIME TO RENEW YOUR MEMBERSHIP!

By renewing your CCI-EO membership benefits for 2023-2024, you will receive:

- Discounted member rates for CCI sponsored courses, seminars, and other events.
- Direct access to certified experts in the condominium industry and profit from their experience.
- The chapter newsletter with up-to-date information, news, and events.
- Access to CCI's Professional & Business Partner Directory.

As a Business Partner or Professional member, you can also take advantage of great opportunities like:

- Participating in CCI-EO's corporate sponsorship program - a great way to expand your business profile among the "who's who" of the condominium industry.
- Exhibiting at our educational events and networking with Directors.
- Becoming a valuable industry resource by writing articles for our newsletter and/or becoming a speaker at our education sessions.

If you have not received your membership renewal notice via email, please contact [info@cci-easternontario.ca](mailto:info@cci-easternontario.ca)

## Join us on October 25, 2023 for CCI Eastern Ontario Chapter's Annual General Meeting!

You must be a current paid member to participate in the AGM. If you would like to check that your membership is up to date, please contact the Office at [info@cci-easternontario.ca](mailto:info@cci-easternontario.ca) for assistance.

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Annual General Meeting

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# BUSINESS DIRECTORY


**SPRING 2023**

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McCay Duff LLP	Stephanie Courneyea	613-236-2367	scourneyea@mccayduff.com
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Leading Edge Building Engineers	Anthony La Torre	289 404 7333	anthony@lebengineers.com
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Read Jones Christoffersen Ltd.	Michael Park	613-767-6936	mpark@rjc.ca
Sense Engineering Ltd.	Albert Celli	613-884-4785	albert@senseengineering.com
Water-Protec Distr. div Northern Innovative Solutions	Rene P Berthiaume	613-677-9889	rene.berthiaume@water-protec.com
WSP Canada Inc.	Stephanie Robinson	613-690-3888	stephanie.robinson@wsp.com

## CONSTRUCTION AND LANDSCAPING

COMPANY	FULL NAME	PHONE	EMAIL
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Godfrey Roofing	Mike Godfrey	613-822-7663	mike.godfrey@godfreyroofing.com
Groupe Fenestra	Jocelyn Bedard		j.bedard@groupefenestra.com
KOTT Inc.	Dany Wester	613-838-2775	dwester@kottgroup.com
Ottawa Stump Removal	Murray Carson	613-983-7210	stingray613@gmail.com
Paul Davis Ottawa	Armando Correia	613-266-6731	armando.correia@pauldavis.com

## INSURANCE

COMPANY	FULL NAME	PHONE	EMAIL
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BFL Canada	Stephen Skolny	416-846-2277	sskolny@bflcanada.ca
ClaimsPro Inc	Shelley Glover	613-798-1998 ext. 234	shelley.glover@scm.ca
Gifford Associates Insurance Brokers	Terry Markell	613-596-9101	terry.markell@giffordassociates.ca
Gifford Carr Insurance Group	Trish Watson	613-596-9101	hello@giffordcarr.ca
Normac	William Shin	613-513-8258	william@normac.ca
Palladium Insurance Group	Sylvie Forget-Swim	613-824-0441	Sylvie@palladiuminsurance.ca

## OTHER SERVICES

COMPANY	FULL NAME	PHONE	EMAIL
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## FINANCIAL SERVICES

COMPANY	FULL NAME	PHONE	EMAIL
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## ENGINEERING

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## PROPERTY MANAGEMENT

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Capital Integral Property Management	Dan Fried	613-722-1232	dfried@cigrp.ca
Condo Management Group	Gerald Bourdeau	613-700-8811	gerry_bourdeau@hotmail.com
Condominium Management Group	Ian Davidson	613-237-9519	idavidson@condogroup.ca
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## REAL ESTATE

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Terra Firma RE [Solid Rock Realty]	Michael Lewicki	613-878-8036	mike@terrafirmare.ca
Valecraft Homes	Diane Brunet	613-837-1104	dbrunet@valecraft.com

# What Causes a Special Assessment?

By James Davidson  
Davidson Houle Allen, LLP

Condominium corporations have mandatory long-term planning. Why, then, are there so many special assessments?





Condominium corporations in Ontario are legally obligated to contribute to reserve funds for major repairs and replacements of their common elements and assets. Furthermore, condominium corporations are required to hire experts – reserve fund analysts – who prepare predictions about long-term major repairs and replacements (at least every three years). These predictions, which include assumptions about inflation and interest and provide recommended contributions to the reserve fund, are “reserve fund studies”. As noted in Section 94 of the *Condominium Act*, a condominium corporation that receives a reserve fund study is then required to prepare and implement a **“plan for the future funding of the reserve fund that the board determines will ensure that, within a prescribed period of time and in accordance with the prescribed requirements, the fund will be adequate for the purpose for which it was established”**.

A condominium corporation’s reserve fund plan does not have to be identical to the corporation’s latest reserve fund study, *but the study and plan are usually identical*. The reason is that condominium corporations and Boards are generally protected from liability if they follow expert advice (such as a reserve fund study). Furthermore, the expert’s advice is usually the best available evidence of the required contributions.

So again, if condominium corporations are all doing this long-term planning, why are there so many special assessments?

In my view, there are two basic reasons:

1. Reserve fund studies and plans are only predictions, based upon the available evidence at the time. Actual circumstances often do not turn out as predicted.
2. Reserve fund studies and plans only cover major repairs and replacements which are predicted to occur over the reserve fund study period. Some expenses are not covered by these predictions.

Here are some examples:

#### ACTUAL COSTS HIGHER THAN PREDICTED

In many cases, the actual costs for a particular project turn out to be higher than predicted.

#### ACTUAL COSTS INCURRED SOONER THAN PREDICTED

Sometimes, the common elements or assets may not last as long as predicted. In other words, some features may require repair or replacement sooner than predicted in the study and the plan.

#### REPAIRS OR REPLACEMENTS NOT PREDICTED

Some repairs or replacements may not have been predicted at all. This would apply, for instance, if a roof has a hidden defect (not detected during the reserve fund study) and the roof subsequently requires unexpected replacement.

#### UNEXPECTED OPERATING COSTS

Operating costs are of course not covered by the reserve fund (because they are not major repairs or replacements). [NOTE: In my view, if something repeats annually (or is part of a group of expenses that repeat annually), in most cases that expense is an operating cost which should be covered by the annual budget. As a general statement, the reserve fund is for *repairs or replacements that repeat less often than annually*.] If operating costs exceed predictions in the operating budget, this can of course trigger a special assessment.

#### REPAIRS OR REPLACEMENTS OUTSIDE OF THE STUDY PERIOD

Some repairs or replacements may not have been predicted in previous studies or plans, because they were outside the study period. Then, when those repairs or

replacements “come into a subsequent study period”, this may well “knock the reserve fund off track”.

#### HIGHER THAN PREDICTED INFLATION

If the actual inflation rate turns out to be significantly higher than the assumed inflation rate (for common element repairs and replacements), then the actual costs can exceed the predictions.

#### LOWER THAN PREDICTED INTEREST

If the actual interest rate turns out to be significantly lower than the assumed interest rate (for reserve fund investments), then the actual amounts in the fund may be lower than predicted.

#### UPGRADES

As a general statement, upgrades or additions do not qualify as “major repairs or replacements” and may also require owner involvement under Section 97 of the *Condominium Act*. This is something to be considered on a case-by-case basis. [An upgrade or addition that is necessary in order to properly maintain or repair the common elements or assets *may well* qualify as a proper reserve fund expenditure. But again, this is something to be carefully considered on a case-by-case basis (perhaps with the assistance of experts like the corporation’s engineer and/or legal counsel).] Anyway, the key point is as follows: If a condominium corporation is considering upgrades or additions, they might not be predicted by the reserve fund study and plan. If they are not predicted, they could result in a special assessment (or annual increase).

Any of these “unpredicted” expenses could of course trigger a special assessment or an increase in the annual common expenses (such as an increase in the annual reserve fund contributions).

“Actual expenses can often exceed, or fall outside of, the predictions. If the actual expenses exceed the predictions (and therefore the condominium corporation’s financial planning), an increase or special assessment may be necessary.

## SOME GENERAL COMMENTS

In my view, the key point is that reserve fund studies and plans are only “best effort predictions” for some – often not all – of a condominium corporation’s future expenses.

Actual expenses can often exceed, or fall outside of, the predictions. If the actual expenses exceed the predictions (and therefore the condominium corporation’s financial planning), an increase or special assessment may be necessary. If you have any genuine reason to suspect that your actual upcoming expenses may exceed, or fall outside of, the predictions in your reserve fund study / plan, I caution as follows:

- Remember that your reserve fund plan works “hand-in-hand” with your status certificates. A key purpose of reserve fund studies and plans is to help condominium corporations with their status certificates (particularly Paragraph 12). As long as you don’t have any reason to suspect that actual expenses may significantly exceed your predic-

tions (and could therefore result in an increase or special assessment), Paragraph 12 of the status certificates can likely say that the **“corporation has no knowledge of any circumstances that may result in an increase in the common expenses for the unit”**. But as soon as there is any genuine reason to suspect that actual expenses could exceed the predictions, you very likely need to include a “warning” in Paragraph 12.

- In some cases (if you feel that your reserve fund planning is significantly “off track”), you might also wish to consider arranging for an early next reserve fund study (earlier than the normal three-year deadline) because this may be the best way for you to make any required adjustments to your reserve fund planning (by way of lump sum contribution or increase in annual contributions), in order to “come back on track”, and hopefully clear out Paragraph 12 of the status certificates.

In summary, the reserve fund study and plan are living documents that try to predict upcoming costs to allow condominiums to be prepared for the eventual repair and replacement of the common elements and assets of the Corporation. Condominiums do the best they can to prepare for the future, but occasionally, special assessments happen. In those circumstances, condominiums need to remember its status certificates. ■

*James Davidson is one of the founding partners of Davidson Houle Allen LLP. Jim has been practicing condominium law for over 35 years. He represents condominium corporations, their directors, owners, and insurers throughout Eastern Ontario. His experience also includes building deficiencies, shared property interests, co-ownership and construction law. Jim is proud to be an associate (ACCI) and also a fellow (FCCI) of the Canadian Condominium Institute.*

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# APPLY FOR YOUR LCCI DESIGNATION!

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The Leaders of the Canadian Condominium Institute (LCCI) designation is a new initiative from CCI created to recognize its members from any profession or trade who have and continue to contribute knowledge and expertise to the condominium industry.

The LCCI designation is open to any CCI member who provides goods and/or services, through annual employment time and volunteer time, to or within the condominium/strata/co-propriété industry. The designation is open to any profession or trade.

**Review the application process, and apply online here**  
**<https://cci.ca/lcci/overview>**



# The Reserve Fund Planner's Sonnet

Justin Tudor  
President, Keller Engineering

Driving to a Board meeting on a dark and rainy night  
Preparing to discuss how to get the funding plan right  
Contemplating how many members in the room  
Confident this meeting would have been better on Zoom

Mercifully, the Board has convened a special meeting  
The focus: Reserve Funds, other matters shall be fleeting  
Two hours scheduled, much to be discussed  
This topic's important and must not be rushed

Discussing a bit of the Reserve Fund process  
What's needed, what's spent, and where are the losses  
Reviewing the need for more in depth inspection  
"Reserve Funds are Visual; and this roof needs dissection"

The draft had been provided, but scantily read  
Presenting a summary of the path ahead  
The building is aging and real work projected  
The Condo Act requires the building be protected

An increase in fees, but no special assessment  
A reasonable plan to protect their investment  
But an air fills the room, the tension enhanced  
"I have questions for you, not provided in advance"

"My aunt Mary, can roof this for this less"  
Has your aunt Mary, considered the rest?  
Has she included the full scope of the replacement  
Or is it a loose quote with broad limitations

The non-scoped quote may not align  
With the forecasted work, the planner has defined  
The planner will draw from industry practices  
To estimate the costs with reasonable exactness

"How rigid is this? Is this written in stone?"  
The work plan's a guide, and not referenced alone  
Boards should be prudent and monitor distress  
If an element has failed, is only part of the test

Can the caulking be done when the windows are cleaned?  
Does the unit need replacement, or just parts machined?  
The Reserve Fund process can't include every variable  
So Board's must be sure to leave options on the table

"Can we spread out the increase over ten years"  
That wouldn't be fair to your future peers  
The fund won't be adequate, it's just a charade  
And the reserve fund will update three times a decade

"Let's partially fund – just to get us through  
And deal with the future, when the update comes due"  
This is not a plan, but a promise to be  
In worse position when this plan becomes three

Adequate is adequate and we should not pretend  
That future owners will increase their spend  
On projects that Boards knew about today  
But didn't begin putting funds away.

"Why must I fund projects after I'm gone?"  
The legacy of the condo lives on  
If not for this rule, where would we be?  
Special assessments only! (to infinity)

The Legislation, it seems, has created the creed  
That Ontario Condos will have the funding they need  
For 30-year foreseeable major costs required,  
Today, those funds must start being acquired

"Should we look ahead to 50+ years?"  
Yes – it's standard practice to assuage fears  
Major work costs beyond the 30-year threshold  
Should begin funding now, before they are too old

"If we spread out the project over 4 phases  
Won't that limit the amount of actual raises?"  
When practical, this can, be a good approach  
But do not just fake it, when it matters most

If the work can't be done in multiple blocks  
Don't fund it that way, or you're in for some shocks  
Don't smooth out a cost just to lower your fee  
You will buy some time, but at great costs, you'll see

"We've created our own plan" extols the Board  
Not fully funded, but one we can afford"  
It rarely conforms to the legislation  
"I won't endorse it, I have reservations"

"I've provided my opinion and urge you to heed it  
My counsel, as always, is there if you need it  
I am a planner, I am not a minion;  
And this, of course, is not legal opinion"

A good planner's job should some days be hard  
Lest they cop-out and their futures be tarred  
Principled approach and knowledge at minimum  
Is required to maintain aging condominium

Wrapping up the meeting and resolving to issue  
An updated draft that the Board can commit to  
A successful meeting – neither bumps nor scrapes  
The planner moves on; not all heroes wear capes.





**IN-PERSON  
EVENT**

# 2023

# OTTAWA

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CCI-National is made up of 17 chapters from all provinces except Quebec, with 36,000 CCI members nationally. The Chapters are directed by volunteer Board Members – with over 200 Board members across the country. We are pleased to see that CCI continues to be active and vibrant. This is an update on CCI-National and the events or Chapter undertakings over the past few months.

Constance Hudak, BA Hon's, MBA, DSA  
Vice President, CCI Eastern Ontario  
Co-National Chapter Representative



# Influencers

In these days of social media the term “Influencer” is used to label persons who are key to a particular movement or activity. CCI - EO's Executive is chock-a-block full of Influencers especially at the National level of CCI. Starting at the top is **Andrée Ball** who is the President of CCI National - the alliance of 17 Condominium Chapters from across the country representing millions of condominium owners. Members from across Canada elected Andrée to this position in recognition of her extraordinary leadership and organizational skills. Andrée is Director of Client Relations for Keller Engineering.

tions Committee for CCI-National. Her committee will be presenting attendees to the NLF with insight as to how to engage with governments and changes that have recently occurred across the country.

Finally, there are influencers who have been recognized as Leaders of the CCI - LCCI. These are professionals or trade experts within the condominium industry have and continue to share and provide their knowledge and expertise with all of us. In the past year **Andrée Ball, Michael Lewicki, Anne Burgoon** (Eastern Ontario Property Management), all members of Eastern Ontario's Executive, have been so recognized. Most recently our President, **Nancy Houle** (Partner at Davidson Houle Allen LLP), and Co-Vice President, **Noah Johnston** (Vice President at Sentinel Management), also received their LCCI designation.



The 17 CCI Chapters from across the country meet annually to share updates in legislation and overall gains in the condominium industry and two of CCI-EO's Directors are key members of the organizing committee for the National Leaders' Forum ("NLF") to be held in Saskatoon May 30 to June 3, 2023. **Michael Lewicki** (Terra Firma RE) and **Stacey Malcom** (Condominium Management Group) both sit on the National Events Committee and work very hard to set an agenda of topics which help us to deal with the challenges of living in condominiums.

It goes without saying that liaising with government officials regarding legislation and change is key to influencing. As it happens our President, **Nancy Houle** is the Chair of the Government Rela-

It is important to note that this recognition of professional excellence is not restricted to CCI-EO's executive level (details on applying for LCCI can be found [here](#)). Many of our members are keen and active volunteers working on our educational events and communications and they too have been recognized for their work. Most recent inductees are **Cheryll Wood** (Newsletter Co-Editor and Counsel at Davidson Houle Allen), **Michelle Compton** (President at iCondo Property Management), and **Christy Allen** (Partner at Davidson Houle Allen LLP).

In all CCI - EO's "Influencers" are representative of extremely strong leadership at the National level. CCI-EO benefits from a very talented support team of volunteers. ■

# DON'T MISS THESE CCI-EO UPCOMING EVENTS!

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June

29

## CCI-Eastern Ontario Golf Tournament

June 29, 2023

*Pine View Golf Course, Gloucester, ON*

Join us for a pre-round meal, 18 holes of golf, followed by a dinner and awards ceremony - all for a good cause!

September

22

## 2023 Ottawa Condominium Conference

September 22, 2023

*In-Person - Ottawa Conference & Event Centre, Ottawa, ON*

Join us for a one day conference with experts from various law firms, management companies and service areas in the condo industry. Timely and relevant issues geared towards Board Members and Condominium Managers will be discussed. Take part in workshops and interactive discussion panels.

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### Condominium Directors Certificate Program 102 - Condominium Insurance Fundamentals

May 17, 2023 | 5:00 pm - 7:00 pm

*Education Couse*

### Condominium Directors Certificate Program 103 - Budget, Audit & Financial Statements Fundamentals

May 24, 2023 | 5:00 pm - 7:00 pm

*Education Couse*

### Condominium Directors Certificate Program 104 - Enforcement Fundamentals

May 31, 2023 | 5:00 pm - 7:00 pm

*Education Couse*

### Ask the Experts

June 7, 2023 | 5:00 pm - 7:00 pm

*More Details TBD*

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