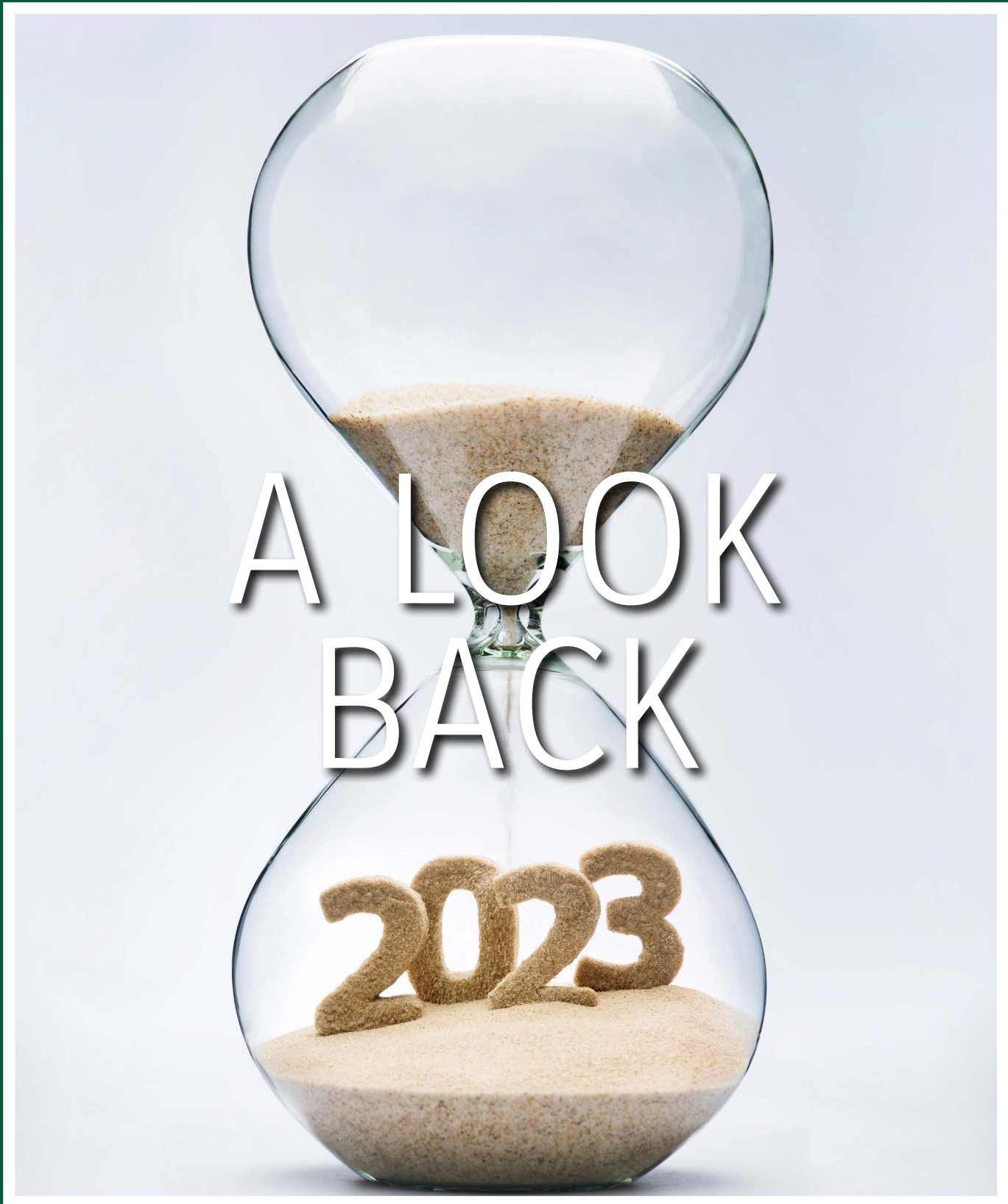


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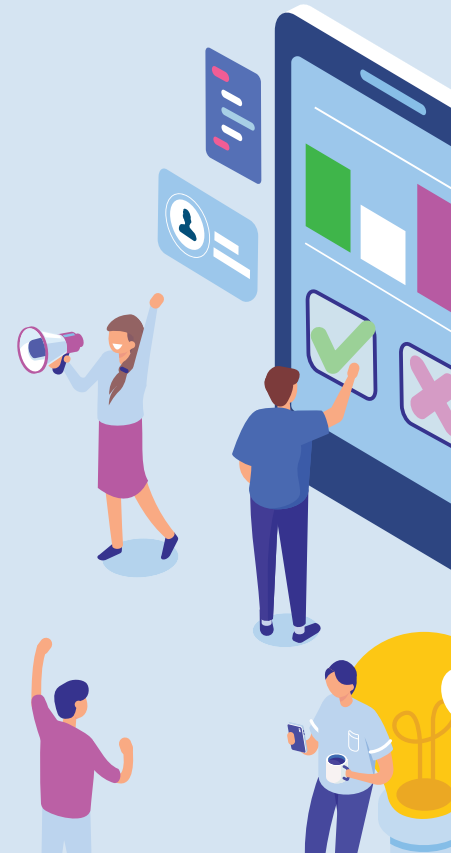
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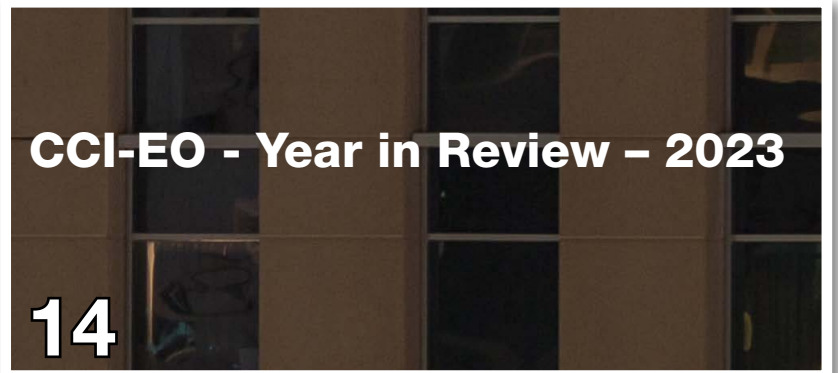
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Nancy Houle, LLB, DSA, LCCI
 President, CCI Eastern Ontario
 Lawyer/Avocate
 Davidson Houle Allen LLP

Message from the President

This year marks 41 years since the founding of the Canadian Condominium Institute on a national level, and 40 years since the founding of the Eastern Ontario (formerly Ottawa) Chapter.

While this past year has been a year of reconnection, it has also been a year with loss, leading us to focus on remembrance and appreciation. Moving through 2023, we have worked on reminding ourselves to value our connections, and take the time to recognize the contributions of all those serving the condominium industry.

As our members will recall, we lost a founding member of this Chapter earlier in the year, Norean Harris.

Recently, we were saddened to learn of the loss of another founding member of CCI-Eastern Ontario, Emile Deslongchamps. Emile was a condominium manager for over thirty years before his retirement. We know that Emile will be deeply missed, and that his contributions to the condominium industry will be fondly remembered.

In the last 40 years, our members, condo owners, property managers and professional partners have remained committed to giving back to this unique and varied type of community living.

The theme of this issue is 'a year of reflection', and in sitting down to write this message, I paused to

consider all that our Chapter has accomplished these past 365 days through a shared goal of continued growth and knowledge.

I encourage you to read through the articles and contributions in this issue, and to perhaps take some time over the holidays to read one of our archived issues, and share it with someone who may be new to your building or condo neighborhood to show them how vibrant and amazing our Chapter is!

I would be remiss if I didn't take this opportunity to thank each and every one of the members of our condominium community for supporting our events, conferences, and webinars, and for providing valuable feedback. Your continued involvement keeps the smiles on the volunteers faces through the year as we work to plan great events and content.

I've been privileged to be a member of CCI for over 20 years, and as I reflect on my time with this Chapter, and all the amazing people I have met and worked with, I am excited to see where our Chapter is headed!

I wish everyone a safe, relaxing, and rejuvenating holiday season!

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

NEW MEMBERS

INDIVIDUAL

Yadunath Mattai
 Wayne MacDonald
 Victor Anukem
 Michael B. Murphy
 Angela Briffett
 Sierra LeBlanc
 Samantha Landon

PROFESSIONAL (PRIMARY)

Nailah Ramsoomair
 Gowling WLG (Canada) LLP

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Message from the Editors



As we come to the end of another year, we are taking a moment to pause and look back at what this year has brought. There have certainly been challenges as condominium corporations and the industry as a whole have navigated difficult issues (safety and security, price increases, contractor shortages and more). At the same time, the year has brought opportunities for growth and improvement.

We are thankful for the condominium community and all of the volunteers that have given time and energy to making condominium communities strong and resilient.

This edition asks industry professionals, board members and managers to take a look back and peak forward provide their comments on this past year.

- **Matt Michaluk** – looks at the current crisis in construction – labour shortages and things condominiums should be keeping in mind as we move into the next year.

- **James Davidson** provides an overview of the trials and successes of the past year.
- **Natasha Mayhew** checks in with a manager and director to see how their year went and what would help make 2024 a success.

OTHER KEY FEATURES TO LOOK FOR IN THIS EDITION:

- **Apply Today for Your LCCI**
- **Editor’s summary** – an information round-up of webinars and articles from CCI National and other chapters.
- **Information on upcoming CCI events** that you don’t want to miss.

We hope that you enjoy this edition. As always, we welcome your contributions, please reach out if you want to contribute.

All the best for the holidays season.

Cheryll and Mike

2023/2024 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

Comments from the Electrical Safety Authority:

We are in the Electric Vehicle (EV) generation. A full 45% of Ontarians are considering buying an EV, and they will need somewhere to charge them in their place of residence. Any condo and apartment building in Ontario considering installing Electric Vehicle Charging Stations (EVCS) must file an electrical permit beforehand.

The Electrical Safety Authority regulates and promotes electrical safety in Ontario, and following the correct permitting and installation processes are key to this. We are here to support you to help ensure the proper steps are taken to ensure safe installation, regulatory compliance and long-term safety considerations are taken to future proof the EV charging capacity of your buildings.

In that spirit, we have developed an easy-to-follow guide to installing EVCS, including how to make sure you have correctly filed an electrical permit and to make sure installation is done by a Licensed Electrical Contractor. We have also developed an accompanying checklist as an easy point of reference.

[The EVCS guide and checklist can be found here.](#)

We would be happy to have a conversation with you about electrical safety in your buildings, especially when it comes to EVs, so please let us know if you have any questions or concerns.

Sincerely,
The Electrical Safety Authority



WEBINARS/SEMINARS TO CHECK OUT:

- **October 20, 2023** – [CCI Huronia Chapter – What is an Effective Condo Director?](#)
- **November 29, 2023** – [CCI Eastern Ontario – Security in Condominiums](#)



RESOURCE CENTRE (CCI-NATIONAL):

- [Happy Board, Happy Life.](#)
A look at the important role board members play in the daily governance of condominiums.
- [Looking Back, Looking Forward: Six years of the Condominium Authority of Ontario](#)
A reflection of the past 6 years of the CAT.
- [Beware: Your “Independent Contractor” May be an Employee](#)
A reflection of the past 6 years of the CAT.

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), 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

Director and Manager perspective: A look back at 2023



Craig Mason President, LCC 17

What was your condominium's biggest success?

I think our biggest success was being able to keep a balanced budget while investing into our building. Not raising fees or any special assessment to achieve this. And completing requirements from our reserve fund study.

What were the biggest issues that impacted your condominium this year?

Navigating coming out of the pandemic. Securing our contracts for the fiscal year.

What do you think CCI-EO could do in the upcoming year that would assist your community?

I think some information about bylaws and why they are there for all owners protection. Information on reserve fund study. Why are they important.

Pam Fowler Eastern Ontario Property Management Group, OLCM

What was your biggest success?

Professionally? Coordinating and completing a multi-phase, multiple contractor sewer project. Personally? Achieving my RCM designation.

What were the biggest issues that impacted your condominium(s) this year?

Snow overages and the required Special Assessments to help pay for them. Ice storms/heavy rain/high winds, with their impact on trees, basements and roofs.

What do you think CCI-EO could do in the upcoming year that would assist your condominiums?

More owner-based communications. Most owners only know the barest minimum about how a Condo Corporation functions and brochures or mailouts would be beneficial.

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In Memoriam

Émile Joseph Deslongchamps

JULY 7, 1936 – OCTOBER 9, 2023



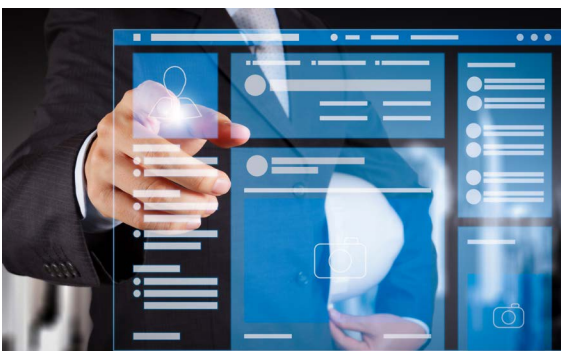
The Ottawa Condominium Industry mourns the loss of a pioneer, Emile Deslongchamps. He was the Controller and General Manager of the Ottawa DEL Property Management office from 1981-1996 and went on to found DES Services Inc., where he served as President from 1996-2017.

An Institutional Accountant by trade, an RCM decades before « condo manager education » was mandated, a founding member of the Ottawa CCI Chapter and one of the very first members to be designated an Associate of the Canadian Condominium Institute (ACCI).

Emile, a man of integrity and incredible work ethic, made significant contributions to the condominium industry during his career and helped to mentor and lead other condominium managers. His dedication to the industry inspired two further generations in his own family to join the field.

Emile will be fondly remembered as hard worker and dedicated professional. His contribution to the industry will always be remembered. He will be missed by all those that knew him and those that he mentored. May he rest in peace.

Security in Condominiums



At CCI-EO's recent seminar on Security in Condominiums, Constable Lemay presented a new website that was soft launched by the City of Ottawa Police – the [Community Safety Data Portal](#). This portal allows members of the public to view, download, and interact with data released by the OPS. This makes police activity, information, and data released by the OPS more accessible to the Ottawa community, including condominium board members, staff, owners, residents, and visitors looking to take steps to minimize risks and promote safety in their communities.

A feature of the portal is an interactive [Crime Map](#) that allows users to query crime activity and filter them by specific criminal offences and the time and date the incidents occurred. These can be further filtered according to police division, City ward, sector, or neighbourhood. This map includes crime occurrences from the current year to the previous day.

There is additional information about crime as well to try and help the community be more informed and stay safe. This portal will be especially helpful for condominium boards, residents, and visitors, as it allows them to better understand any safety or security concerns in their neighbourhood and helps them assess whether steps need to be taken to address particular concerns.



SAVE THE DATE

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January 24, 2024

\$30 for CCI-EO members, \$35 for non-members

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<https://cci-easternontario.ca/events/2024/01/24/lawyers-guns-and-money-jan2024>

CALL FOR VOLUNTEERS!

CCI-EO is currently seeking volunteers for our Conference Committee. This Committee supports both the Kingston Conference (held in May) and the Ottawa Condo Conference (held in September).

The Conference Committee support the organization of conference topics, speakers, seminars, program format, exhibit hall, sponsors, and more.

If you're interested in learning more about the Conference Committee, please contact info@cci-easterontario.ca.

CCI-EO – Year in Review 2023

2023 began with a terrible shadow cast by a tragic event from late 2022.



By James Davidson
Davidson Houle Allen, LLP

2023 began with a terrible shadow cast by a tragic event in Vaughan from late 2022. As most people are aware, a condominium owner, who had been involved for years in a dispute with its condominium corporation, killed five residents of the building (including three directors).

The events in Vaughan showed the serious safety risks that are sometimes faced by condominium Directors. Condominium corporations are statutorily obligated to deal with violations, including improper conduct, by persons on the condominium property. In meeting this obligation, the Directors can be exposed to unstable, sometimes violent individuals (as the events in Vaughan so tragically demonstrate).

The events in Vaughan showed the serious safety risks that are sometimes faced by condominium Directors. Condominium corporations are statutorily obligated to deal with violations, including improper conduct, by persons on the condominium property. In meeting this obligation, the Directors can be exposed to unstable, sometimes violent individuals (as the events in Vaughan so tragically demonstrate).

In the wake of the Vaughan tragedy, stakeholders in Ontario's condominium industry – including CCI – have been exploring legislative amendments that might offer greater protection for condominium Directors. Ideas include:

- Enhanced legislative requirements for violence and harassment policies in condominiums.
- Increased controls over access to residence addresses of owners and Directors.
- Increased possibility for intervention by mental health authorities in relation to condominium disputes.
- Increased Criminal Code or Provincial Offence protections for mistreatment of condominium Directors and Officers.

In my view, condominium Boards also need to be vigilant when engaged in any sorts of disputes with owners / residents. An ever-

present question should be: Is there any risk of violence? Whenever in doubt, Boards should seek input from legal counsel, security experts and mental health experts about any steps that might be taken to manage risks of violence (including the unique risks of violence against condominium Directors). Condominium budgets should include provision to cover any related costs.

LEGISLATIVE AMENDMENTS

Amendments to Ontario's *Condominium Act* have "slowed down" in recent years (compared to the frantic pace of amendments that we saw in the late 2010's). However, there was one set of key amendments in 2023. Effective October 1, 2023, a number of amendments to the *Condominium Act* came into effect in relation to virtual meetings and related matters. By way of overall summary, the amendments serve to:

- Facilitate the virtual transmission of notices and other condominium documents.
- Allow corporations to conduct virtual/hybrid meetings (of both the Board and the owners) and to conduct voting either virtually or in hybrid form.
- Make permanent the temporary provisions of the *Condominium Act* that allowed for virtual meetings, and for electronic voting and delivery of meeting materials, which had been set to expire on September 30, 2023.

A key additional note is that the amendments allow persons to attend a meeting of owners by voting in advance of the meeting.

KEY CASELAW

In terms of caselaw: My main message is that the Condominium Authority Tribunal (CAT) has continued to grow into its role as a reliable and efficient decision-maker in Ontario condominium law. I'm increasingly impressed by the effectiveness of the CAT in handling its expanded jurisdiction, most notably the CAT's important jurisdiction over pretty much all nuisances in Ontario condominium communities.



In 2023, we've seen the CAT make many helpful decisions under a number of categories, including the following:

- Alleged nuisances from noise.
- Alleged nuisances from smoke.
- Other types of nuisances.
- Pets (and related human rights issues).
- Issues related to vehicles.
- Records requests.

However, two cases stand out for me, because they have some important things to say about complaints and about how complaints are to be handled by condominium corporations.

In the cases of *Mermut v. York Region Standard Condominium Corporation No. 1381*, and *TSCC 1978 v. Hackman*, the CAT firmly spelled out the duties of condominium Boards to reasonably investigate (not to ignore or discount) complaints from residents. These cases stressed the enforcement, and related investigation, obligations of condominium corporations.

At the same time, the CAT confirmed, in the case of *YCC 444 v. Ryan*, that complaints must be reasonably expressed. In the *Ryan* case, the CAT held that the complainant had not met this obligation and ordered the complainant to cease and desist from noise and abusive communications towards representatives of the condominium corporation and towards the alleged violator.

In my view, these cases, taken together, nicely summarize the reciprocal obligations

of complainants (to reasonably express their complaints) and condominium Boards (to reasonably investigate complaints that are received).

ONE AREA OF CONCERN

I do have one continuing area of concern in relation to decisions of the CAT. In particular, I'm concerned that some 2023 decisions have shown that the CAT is reluctant to enforce indemnification provisions in a condominium's governing documents when it comes to responsibilities of landlords for costs caused by their tenants. Instead, the CAT seems to take the view that a landlord is not responsible for "In-CAT" costs caused by a misbehaving tenant as long as the landlord has made reasonable efforts to encourage the tenant's compliance.

In my view, this is not consistent with the general principle (as also expressed in most indemnification provisions) that landlords are fundamentally responsible for costs caused by their misbehaving tenants, even in cases where the landlord is not personally responsible (in that the landlord has made reasonable efforts). The long-standing principle has previously been that condominium landlords should be 100% responsible for their misbehaving tenants and should protect the other innocent owners from the related costs. I'm hoping that the CAT may be persuaded to return to this long-standing principle in the years ahead.

Subject to this one minor concern, I would say that 2023 was an excellent year for the CAT. ■

APPLY FOR YOUR LCCI DESIGNATION!

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.

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

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- 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

Construction in Crisis - Where has the skilled labour gone?



As winter approaches and Condominiums reflect on the past year, it is tempting to snuggle up by the fire and concentrate on keeping warm during the cold months, however, it is even more important than ever to look ahead towards the planning of future capital projects.

While the main reason to start planning earlier for your spring/summer capital projects has been the potential cost savings as contractors are inclined to pursue and price projects more aggressively earlier in the year, Condominiums need also to consider the impact caused by the decline in the construction labour force and in particular, skilled trades.

Many skilled workers are approaching retirement age, and the industry is grappling with the potential loss of invaluable experience and expertise. It is estimated that 300,000 construction workers are to retire in Canada in the next decade with more than 80,000 of those in Ontario alone, states a report from construction lobby group BuildForce Canada. This is further impacted by the

lack of influx of younger workers into the industry which is not keeping pace with the rate of retirements, leading to a shortage of skilled labor.

The push for new homes to help restore housing affordability will provide additional strain on the availability of contractors causing further shortages.

The increasing shortage in the construction labour force and diminishing interest to pursue a career in the skilled trades by the next generation of workers will directly impact the volume of work that can be completed within a given timeframe and may also affect the quality of work as less experienced workers take on more responsibilities. These vacancies in the construction work force will also result in increased costs of projects.

has all



Condominiums need also to consider the impact caused by the decline in the construction labour force and in particular, skilled trades.

By Matt Michaluk, P.Eng.,
Director of Engineering
Keller Engineering

The skill set of the construction labor is another critical factor influencing the volume and quality of work. Advancements in construction technology require workers to possess a broader range of skills, including proficiency in modern tools and the ability to adapt to evolving construction methods.

Training and education programs play a pivotal role in addressing skill gaps within the construction work force. Investing in training, apprenticeship programs, and continuing education opportunities can enhance the skills of workers, ensuring they are equipped to meet the demands of modern construction projects.

Federal and Provincial Governments are doing what they can to prevent a crisis in the construction industry, such as providing incentives to employees entering a skilled trade and to employers who offer apprenticeship programs, changing the rules

around apprenticeships to make it easier to obtain a licence, while advertising and promoting skilled trades. Although these are steps in the right direction, it will take time to catch up to the needs of the industry. Collaboration between industry stakeholders, policymakers, and educational institutions is essential to increase enrolment in the skilled trades.

What does this mean for a Condominium planning a major capital project?

As Condominiums look ahead and start planning their next major capital project, they will need to consider the impact caused by labour shortages and a decline in the availability of skilled trades. These considerations include:

- Increased project costs as contractors may be forced to pay more for the available skilled labour.

- Delayed start times due to contractor availability.
- Prolong construction schedules. Projects that may have been able to be completed over one or two years may take longer to complete.
- Quality of the work may suffer due to less qualified contractors performing the work.

The construction work force shortage is not something Condominiums can overlook. While policy makers and regulatory bodies are doing what they can to prevent the oncoming storm, it will take time to right the ship. With early proper planning and ensuring that Reserve Funds are adequately funded, Condominiums can manage some of the impacts when attempting to complete their capital projects; however, the future is unclear as the vacancies in the construction work force continue to increase. ■

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REACH YOUR TARGET AUDIENCE WITH CONDO CONTACT

Condo Contact is a quarterly publication by the Canadian Condominium Institute - Eastern Ontario Chapter that reaches our highly engaged members in the condominium industry, including managers and directors.

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MEETINGS

September 2023 – Volume 35

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