

SUMMER 2017

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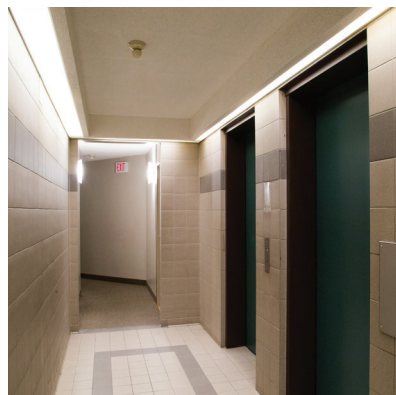
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INSIDE

President's Message 5

Editor's Message 7

Dates Announced for New Condo Law Changes 8

LEGAL CORNER

Weeding Out Unwanted Smoke...

And Making Sure The Condo Doesn't Go To Pot! 9

ENGINEERS' CORNER

Engineering the Right Consultant for Your Condo 12

SERIES

First in the Series - Good Meeting Minutes 15

SAFETY CORNER

CPTED in Condominiums 17

Condominium Director Training 20

Save The Date - CCI-Eastern Ontario AGM 20

New Members 22

Board of Directors 22

Your Condo Connection:

The Great Canadian Condo Contest 24



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

Happy Summer Days to All!

It seemed a long time coming, but the sunshine has finally arrived! However, there are no lazy summer days for most in the condo industry. There is no shortage of work to be done to prepare for all of the upcoming changes in the industry!

As our Editor's note summarizes, in this issue, we are focusing on current hot topics, including the proposed legalization of marijuana and security. Our next edition will be our biggest edition yet, and will be focused solely on the rolling out of the changes to the *Condominium Act, 1998*, and the new Regulations, as well as the introduction of the *Condominium Management Services Act*. The release of this edition is timed

to coincide with the timing of the coming into force of the new legislation on November 1, 2017.

In light of all of the new information that we will need to absorb, and new practices we will need to implement, your Board of Directors at CCI Eastern Ontario is working hard on its educational programming. We will ensure that the Director's Course meets, and exceeds, the minimum educational requirements for Directors, and we are developing new content for our FREE evening seminars tailored to address the changes in the legislation.

At the same time, we are making every effort to keep our members' costs to a minimum! We have introduced a new sponsorship program which we hope will be of interest to our business members.

Be sure to take some time this summer to stop and smell the roses, and gather your strength! It will be full speed ahead in just a few short weeks!

“Be sure to take some time this summer to stop and smell the roses, and gather your strength!”



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Justin Tudor, P.Eng.
President
Keller Engineering

What's that smell? That's not tobacco smoke, it's...marijuana. It is expected that Canada will legalize the use of marijuana by July 2018. Do you wonder what duties your Corporation will have to accommodate users of medical marijuana? Will you need to amend your current rules and regulations in order to enforce the use and growth of marijuana where you live? The co-authored article by Nancy Houle of Davidson Houle Allen LLP, Richard Elia and Meghan Molloy both of Elia Associates, titled **Weeding Out Unwanted Smoke... and making sure the condo doesn't go to pot!** explores matters which should be considered prior to the legalization of marijuana.

If I've learned one thing in all my years of working with Condominium Corporations it is that no two are alike. From high-rises to townhome complexes to commercial properties to common elements, etc. What might work for one most certainly will not for the other. So how do you find the right consultant for the job? Stephanie Robinson and Gerard Gransau of WSP Group, provide recommendations to be considered when hiring a consultant in their article **Engineering the Right Consultant for Your Condo.**

Many of our readers frequently attend Board Meetings, Annual General Meetings, and Special Owner's Meetings where several important items are discussed and decisions are made. But who's taking the minutes? What part of the discussion really needs to be recorded? What information should be shared? Marko Lindh of Minutes Solutions explores these questions in his article **Good Meeting Minutes.**

“If you have questions on the Condo Act Amendments, send your inquiries to info@cci-easterontario.ca.”

Are you as safe as you could be? Security in Condominiums is generally a top priority for its owners and residents. In his article titled **Crime Prevention Through Environmental Design in Condominiums**, Scott Hill, of 3D Security Services, discusses three basic principles which can have a profound effect on the overall security rating where you live.

This summer has been rainy which has caused delays not only for construction work but also the release of the Condo Act Amendments! Proclamation was scheduled to occur on July 1st, 2017. Many of us were rushing to prepare and organize our affairs in time for the July date. This date has been changed to November 1st, 2017. This additional 4 months simply gives us the extra time we need to ensure that we are ready. In preparation for this, the Fall issue of Condo Contact will be our greatest repository yet of all things related to the Condo Act Amendments. There is still time to send CCI-EO any burning questions you may have or clarity required on a particular amendment. Let us know, please email us at info@cci-easterontario.ca.

Until then, we've included a recap page with all the information we have thus far on the first phase of the Condo Act Amendments.

Justin Tudor is a professional Engineer. He is the president of Keller Engineering, a well known engineering firm in Ottawa. Over the past 35 years, Keller Engineering has worked on a wide range of condominiums across Canada, performing reserve fund studies, performance audits, building investigations and recapitalization projects.

Contributing to CCI Condo Contact Editor's Contact Information

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

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

ARTICLES MAY BE FORWARDED TO:

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CCI-EO

IS IN THE NEWS -
ELECTRIC CARS
AND CONDOS.



Dates Announced for New Condo Law Changes



Ontario is making progress on its commitment to increase consumer protection in condos and improve how condos are run. The ministry is excited to announce a number of new protections under the amended Condominium Act (Condo Act) and the Condominium Management Services Act (CMSA) that will be taking effect this fall, and in early 2018.

New Condo Law Changes:

Condo Act – New changes to the general regulation under the Condo Act are now available on the [e-laws website](#). These changes include increased protections for condo owners, including improvements to how condos in Ontario are governed and greater transparency and accountability of condo boards. (Please note that it may take several days before updates are added to [Ontario Regulation 48/01](#)).

Condo Authority Tribunal – A new regulation is also available on the [e-laws website](#) that supports the establishment of the Condominium Authority Tribunal. The tribunal will offer alternative dispute resolution services for certain types of disputes prescribed by this regulation.

Condo Manager Licensing – As a reminder, a new regulation regarding licensing of condo managers and management providers was previously released and is available on the [e-laws website](#).

When Changes Take Effect:

On November 1, 2017 – Most Condo Act changes, including the new tribunal, and the licensing provisions of the CMSA will come into effect.

On February 1, 2018 – Remainder of the CMSA will come into effect.

Designation of Administrative Authorities:

On September 1, 2017 – The Condominium Authority of Ontario (CAO) will be designated as the condominium authority for purposes of the Condo Act and will become responsible for the administration of certain provisions of the Condo Act, including management and oversight of the tribunal. You can find more information on the [CAO's website](#).

On November 1, 2017 – The Condominium Management Regulatory Authority of Ontario (CMRAO) will be designated as the administrative authority for purposes of the CMSA and will become responsible for administering the CMSA including licensing condo managers and providers. You can find more information on the CMRAO's website.

The Condominium Authority of Ontario (CAO)

CAO fee amounts have been confirmed. These fees will help ensure that the CAO can provide new services and protections for condo owners in Ontario. Please visit www.condoauthorityontario.ca to view the fee summary.

WHAT'S COMING NEXT:

The ministry will be releasing in the near future:

- A series of new forms under the Condo Act to make it easier for condo corporations and owners to comply with the new requirements.
- A set of plain language guides and fact sheets to help Ontario's condo community better understand the new condo law changes.
- The education and exam requirements for condo managers.

The ministry will also be seeking public input on future regulations, including:

- Public registry of condo corporations.
- Complaints procedures, code of ethics and insurance requirements for condo managers.

Weeding Out Unwanted Smoke... And Making Sure The Condo Doesn't Go To Pot!



By Richard A. Elia
Elia Associates



Megan Molloy
Elia Associates



Nancy Houle
Davidson Houle Allen
LLP Condominium Law



As most of our readers will be aware, the federal government recently introduced a host of legislation which, once passed, will ultimately result in the legalization of recreational marijuana across Canada. Promising to establish a “strict legal framework” for the production, sale, distribution, and possession of pot, the government has made it clear that the objective of [Bill C-45, \(the “Cannabis Act”\)](#) is to restrict access to cannabis, protect public health and safety, and to deter criminal activity.¹

While the concept of “legal” marijuana use is relatively new, smoke is still smoke. The pot smoke of tomorrow can be equated to the cigarette/cigar smoke of yesterday: it should not come as a shock to anyone that while smoking pot may become legal, it will not provide users a licence to light up whenever and wherever they want.

This is especially true in condominium corporations, where the upcoming changes to the existing legislation will likely lead to an increase in both the smoking and growing of marijuana within condominium units. In such cases, we will also likely see an increase in both the nuisance factor for neighbours, and the number of complaints and/or concerns by affected owners. Accordingly, the purpose of this article is to provide our thoughts on issues to consider in light of the upcoming changes to the legislation. [The obligations of Directors and/or the Corporation under current legislation are beyond the scope of this article.]

Harmonious community living necessitates that individual rights are often limited by rights of the collective community. Condominium owners are generally well advised to embrace

a broader community perspective, and appreciate that they are collective owners of the entire condominium – and not just their individual units. However, surrendering even some right to self-interest does not mean that one neighbour’s privilege to smoke pot outweighs the rights of others to use and enjoy their home.

In terms of smoking on a condominium property, it appears to us that marijuana can essentially be equated to tobacco, subject to special rights surrounding “*medical marijuana*”. Both tobacco and marijuana smoke is known to permeate walls and can constitute an annoyance when it ends up in other owners’ personal space.

In addition to this nuisance, and as far as concerns the growing of marijuana, the potential of owners growing large quantities of marijuana within their units can carry with it increased risk of flooding, moisture damage, explosion, electrical fires and other hazards, which can impact both a condominium’s liability and its insurance premiums. Marijuana cultivation can also affect utility usage and place an unfair cost burden on other unit owners.

In these contexts, the broadening of approved use, and forms, of marijuana raises several potential issues, including

- 1** the creation and enforcement of Rules related to the use and growing of marijuana;
- 2** the duty to accommodate users of medical marijuana under human rights legislation; and
- 3** privacy concerns relating to owners who may be authorized to use marijuana for medical purposes.

The Creation and Enforcement of Rules

Smoking and Marijuana

Many condominium corporations may already be equipped with tools to address some of the potential challenges which will accompany the legalization of marijuana. While smoking in or on interior common elements is currently prohibited by the [Smoke-Free Ontario Act](#), many condominiums have also passed rules which prohibit smoking on the exterior common elements, and some have also prohibited smoking anywhere on the property, including the units.

In general, condominium occupants will be permitted to smoke marijuana only where people are permitted to “smoke” on the property.

However, given the recent legal developments on this issue, going forward, it will be important for condominium corporations to re-examine their rules surrounding nuisance and smoking and consider an expansion of these rules to include marijuana. Having said that, even if a condominium corporation decides to permit marijuana smoking within units, or on exterior common elements, this does not mean owners are entitled to create a nuisance or commence a commercial grow-op operation to be run out of their living room.

While condominium corporations can take a poll of their owners to get a better idea of preference, to completely avoid this problem, condominiums can consider moving towards a completely smoke-free community [note that grandfathering of “prior smokers” might apply in many cases]. The prohibition of smoking is enforceable in Ontario and can be accomplished by passing a rule/amending the Declaration.

While it will be possible to otherwise ban marijuana specifically (subject to human rights considerations as discussed further below), consideration of rules which capture both tobacco and marijuana smoke likely makes sense.

Growing Marijuana

For residential condominiums, even though growing marijuana may be legal (from a criminal law perspective), this does not necessarily mean that condominium residents have the right to grow marijuana on the condominium property.

Condominium corporations can certainly consider implementing a prohibition in their rules and/or Declaration to prohibit the growing of marijuana on the [common elements](#).

It might also be possible to prohibit the growing of marijuana in the units by amending the Declaration or passing a new rule. Particularly if growing marijuana could cause harm to the building (for instance, as a result of excessive humidity or heat), or if it could lead to the excessive consumption of water or electricity. On the other hand, since the number of marijuana plants will be limited by federal law, it may be difficult to distinguish between growing marijuana and growing some other type of plant (in terms of potential harm or excessive consumption of utilities) in the units. Accordingly, condos can consider:

- A rule which relates to the number of plants (whether marijuana or another type) which are permitted in the unit; or



- If an absolute prohibition is the desired outcome, in order to minimize arguments about the reasonableness of a restriction in relation to the units, amending the Declaration.

The Duty to Accommodate

Notwithstanding any Rules, or amendments to the Declaration, which may be implemented, medical marijuana users may have the right to smoke where smoking is otherwise prohibited, depending upon their specific needs (for marijuana) and their specific medical prescription.

The [Access to Cannabis for Medical Purposes Regulations](#), which currently regulates the medical cannabis regime and the existing licenced producers, will continue to govern the production, distribution and sale of cannabis for medical purposes even when the *Cannabis Act* comes into effect. The use of medical marijuana triggers a duty to accommodate, which means condominium corporations will continue to have to make accommodations for unit owners requiring marijuana consumption for medical purposes to the point of undue hardship.

Privacy Concerns re: Collection of Information on Medical Conditions

When a condominium corporation is required to consider a request for accommodation under human rights legislation, it may be required to gather personal information from the owner of the unit to fully review and consider the request.

Accordingly, condominium corporations should ensure that they have implemented the necessary privacy policies to comfort owners that any personal information which is collected is stored and controlled in accordance with the corporation’s privacy policies.

SUMMARY

In short, second-hand smoke, whether from tobacco or marijuana, must be controlled.

In most cases, the condominium corporation will need to investigate any problem involving unwanted migration of second-hand smoke (often with the assistance of an expert), in order to track down the cause of the migration, and to determine who is responsible to stop it.

There are many possible solutions, including; sealing between units and/or the common elements; adjustments to air handling and/or exhaust systems; air purification or filtration; air pressure adjustments; etc. In some cases, the corporation may have an obligation to solve the problem, while in others, the onus will fall to the owner

or smoker. Most commonly, both parties will have a joint obligation to reach a reasonable solution.

With the upcoming changes to legislation governing marijuana, condominium corporations will be best served by reviewing their existing governing documents, and considering what, if any, amendments to the Declaration and/or Rules may be required to address these new issues and challenges.

Further amendments and additional clarity are expected to be provided between now and July 2018 as the *Cannabis Act* moves its way through the legislative process and as regulations are released and stakeholders provide their feedback.

Condominium corporations should pay close attention to the provincial governments as they begin to develop their approach to the recreational regime, including any differences in approaches to distribution and sale among the provinces and territories.

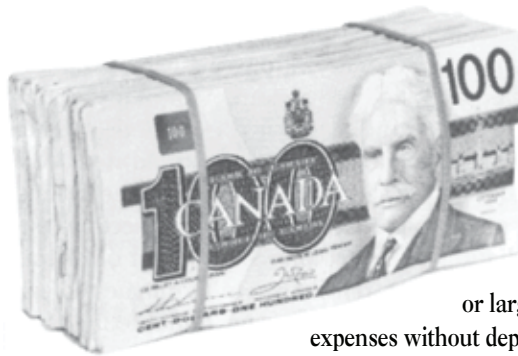
In the interim, condos – don't panic! At the end of the day, legal smoke is still smoke, nuisance is still nuisance, and the proposed *Cannabis Act* does not change that. ■

Richard has been actively involved in the area of Condominium Law for over 20 years, advancing the objective of effective and ethical advocacy. In 2001, Richard opened Elia Associates, which has grown to have offices in Ottawa, Barrie, Toronto and Oakville. Richard actively participates as a member of several chapters of the Canadian Condominium Institute. He holds a Masters of Law and the ACCI designation.

Megan Molloy is a litigation associate specializing in condominium law with Elia Associates. She represents condominium corporations and unit owners in a variety of civil, corporate and commercial matters relating to the Condominium Act, 1998.

Nancy Houle is a founding partner at Davidson Houle Allen LLP. She has practiced exclusively in the area of condominium and joint-property ownership law since being called to the Bar in 2002. Her practice includes general corporate advice to condominium corporations, financing and secured transactions, building deficiency litigation, and proceedings involving disputes between condominium corporations and residents.

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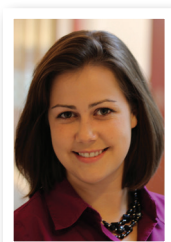
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By Stephanie Robinson, B.A.Sc.



By Gerard Gransauil, P.Eng.

Engineering the Right Consultant for Your Condo

A condominium complex is a complicated sum of many different elements, and that's just the physical building. If your condominium has no major repair or replacement projects coming up, it could be years between visits from your Engineering Consultant (up to six years between your Class 2 Reserve Fund Study updates). So when the roof leaks or the foundation wall cracks, and you are in the market for professional advice, a number of questions arise:

- How does the Board find the right engineering firm to trust?
- With the Corporation's hard-earned money on the line, how can the Board ensure they get the best advice to make their repair projects run smoothly?

Below are our top four recommendations for your Board to consider when hiring a Consultant.

Finding the Right Consultant

Clearly, if the Corporation already has a trusted engineer, there are many benefits to maintaining that relationship – knowing the Board's objectives and familiarity with the site leads to cost efficiency, better design, and simplified accounting, among others. But if it is time for a change, how do you begin the search for a great consultant?

- *Get a Recommendation* – Most of us feel more secure in our decisions if we can rely on the recommendations of others; we ask friends if they would recommend the cars they drive and we sift through the online reviews when choosing a new laptop. Start with people who you trust and are likely to know the best Consultants in town: the Property Manager or colleagues at their firm; the corporation's lawyer; the service contractors. Ask a friend or colleague who lives in a neighboring condominium; strike up a conversation with attendees at the next CCI seminar; go online and crowdsource your fellow Condominium Directors through *CondoSTRENGTH*. Whoever you talk

to, be sure to ask if the Corporation was happy with the service and if they plan to hire the Consultant again.

- *Get Online* – if asking those in the know doesn't work or isn't enough, legwork may be required: refer to listings of license holders from your provincial engineering regulatory body, for example, in Ontario it's www.peo.on.ca or look for ads in trade publications such as *Condo Voice* or *CondoContact*. If taking this route, make sure the Board's objectives are clearly defined, and list the qualifications the Board requires from their Consultant, examples include:
 - *Longevity* – the firm has been in business >20 years so the Board can rely on consistency of quality over the long term;
 - *Capacity* – the consultancy is sufficiently large that big projects can be tackled in a timely way, and that there is backup to staff in the event of unforeseen problems;
 - *Multi-disciplinary* – the company has experts in related fields to ensure the right specialty advice is as close as the next desk over.

Preparing an RFP for Consultants

As mentioned, there are definite advantages to being loyal to an engineering Consultant. There will come the time, however, when choosing a new consulting partner will be required. If the Board is considering a Request for Proposal (RFP) or Request for Quote (RFQ) process, we recommend including the following information to facilitate making an “apples-to-apples” comparison between proposals:

- 1 A well-defined project Scope of Work (more on this below);
- 2 A clear explanation of *why* the project is being undertaken (ie. recommended by another professional, due for lifecycle replacement, to improve aesthetics, to reduce increasing maintenance costs, to confirm condition of an asset and timing for repair etc.);



- 3 A list of necessary and desirable qualifications, such as: professional engineering license for the location of the work; experience with the type of work planned; references for projects of similar scope and size; or ability to communicate in both official languages ;
- 4 A history of performance and repairs on the subject area, including previously prepared documents (ie. drawings, evaluation reports, Owner surveys etc.), or a list of documents that are available;
- 5 A statement of the Corporation's priorities for the project, such as cost, schedule, aesthetics, innovation etc., and a definition of a **positive outcome** for the project. Answer the question "What does "success" mean to the corporation on this project?"; and
- 6 A clear explanation of how the competing proposals will be evaluated. Consider a point scoring evaluation system based on company and project team experience, understanding of the project, ability to meet timelines and fee structure. *Lowest fee should not always be the primary deciding factor.*

Defining the Scope of Work

Whether preparing an RFP for the design of a multi-million dollar garage repair project, or preparing a contract for snow removal, properly defining the scope of work is arguably the single most important step for success. A well-crafted scope of work should do the following:

- 1 Define the project deliverables and timelines;
- 2 Clarify, as much as possible, the where, how, what, when and by whom of the project;
- 3 Quantify as many variables as possible (e.g. number of meetings with the Board, number of draft submissions to the Board, number of suites to review, number of site visits etc.);

- 4 Set the standards and quality expected by the Board.

Remember that there is a direct relationship between the scope of work, cost, and risk management. As the requirements of the evaluation phase increases by increasing the number of destructive openings, for example, the Consultant fees increase, but the risk of unforeseen conditions arising during construction decreases. Property Management can help strike the right balance.

It is imperative that all stakeholders understand the project objectives and scope before agreeing on a price and signing a contract. If the Board is unsure how many site visits should be done during construction, for example, ask the candidate consultants to recommend – and **defend** – the best approach.

Improving Communication to Ensure Success

With any project, the importance of effective communication cannot be overstated. It is important to establish clear lines of communication at the project outset. Here are our top 3 tips for enhancing communication in the consultant/client relationship:

- 1 We recommend one - and only **one** - main point of contact for the Consultant and for the Corporation. These two individuals represent the interests of their party.

For the corporation, the contact may be the Property Manager, Board President or other Board representative who can answer questions and communicate decisions, and who is authorized to provide direction on behalf of the Board. It is important to avoid multiple points of contact between the Board and the Consultant to reduce duplication (and cost), error, misinterpretation or incompleteness. It is good practice to identify alternates in case the original contact points are temporarily away or removed from the project. Ask the Consultant for a transition plan in case there are

staffing changes or to cover for vacations or illness during the course of the work.

- 2** Agree on the number of formal meetings at the proposal stage, but setup a schedule for regular phone calls or emails to clarify or reiterate project status.
- 3** Use third party, web based tools (such as Dropbox, Google Drive, etc.) to create shared documents and folders for custom tracking, notetaking, status updates, or anything else that will allow simple and repeated communication.

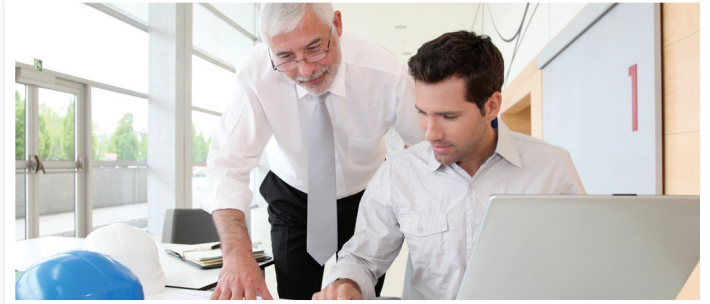
A smart engineering consultant values their position as the Corporation's trusted advisor. Clear goal setting, defining success, and simplifying communication helps ensure the project is a success, and enhances trust. ■

WSP is one of the world's leading engineering consulting firms and has one of Canada's largest building sciences teams with Eastern Ontario offices in Ottawa, Kingston, and Cornwall.

Stephanie Robinson is a Senior Building Sciences Project Manager for the Ottawa Building Sciences team. She has over 10 years' experience in

reserve fund study planning, and project management for major restoration projects for exterior cladding systems, roofing, parking garages, and major mechanical / electrical equipment.

Gerard Gransauil is the Business Unit Director for the GTA Property Condition Assessment and Capital Planning team. With over 25 years' experience, Gerard has performed many thousands of building assessments for all services including transactional due diligence, financing, reserve fund studies, capital planning and performance audits.



The ACMO/CCI-EO Regional Conference held in Ottawa on Friday, June 2, 2017 was a great success again this year! ACMO and CCI 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 both the Conference Diamond Sponsor, Keller Engineering and Conference Platinum Sponsors, Davidson Houle Allen LLP and Elia Associates.

Thank You!

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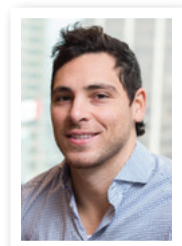


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Arrangements for 2018 are currently underway - stay tuned for more details and we look forward to seeing you there!

FIRST IN THE SERIES -

GOOD MEETING MINUTES



By Marko Lindhe



A cornerstone of a well-functioning condominium board is regular meetings. These gatherings bring together a diverse group of individuals to make crucial decisions on managing and spending millions of dollars of other people's money — choices that affect their community's quality of life and day-to-day operations

The responsibility is enormous and so is the liability. Unfortunately, boards are not always happy, harmonious groups. As a safety mechanism, Ontario's Condominium Act requires every board to keep an adequate minute book, which serves to protect the board, property manager, and residents of the condominium.

A well-documented minute book allows residents to see how their condo fees are being spent, the financial standing of the corporation, and decisions on general upgrades to the building. If residents disagree with their board representatives, they can use information gleaned from the minutes to inform their vote on new board members at the annual general meeting (AGM).

In the case of a discrepancy, and a resident challenges the board's integrity, spending or general decisions, the board can refer to the minutes showing exactly what was discussed, what decisions were unanimously made, and what was officially agreed upon.

Minute-taking can be a daunting, difficult and tedious task, but it's also an important task. Keeping a fair and unbiased record of decisions can go a long way toward bolstering the confidence residents have in their condominium board.

Some boards will have a director or the property manager take meeting minutes, while others will hire professional re-

cording secretaries. Whomever produces them, proper minutes should never be a reflection of personal objectives.

It can be challenging for directors or management to wear two hats in a meeting — that of an engaged, active, decision-making participant while simultaneously being a totally objective transcriber of the proceedings. Professional recording secretaries are independent third parties trained to listen for and distill the pertinent information required for the minutes.

A well-produced set of minutes will depict relevant material, such as projects that are out for tender, and any other decisions that involve money and careful consideration. Since financing comes largely from condo fees, these types of decisions will be of interest to all members involved, including the residents of the condominium.

Minute-takers must be aware of what should and shouldn't be recorded. The level of detail embedded in a set of minutes can vary from board to board. However, table talk (the weather, general discussion not involving a decision and back and forth between board members) is typically excluded from the minutes, as it can compromise conciseness and add clutter to the document. Some boards may want specific comments included for clarification, and that's perfectly fine.

There is another level of pressure associated with being the minute-taker because these documents are admissible in court. If litigation occurs, and it becomes necessary to rely on the minutes, the simple fact that the minutes were taken by an independent third party may be helpful.

If minutes were altered after they were adopted, a third-party recording secretary would have a copy of the original set of

minutes. It is also good practice to add disclaimers for minutes that were altered after the fact, so a trail of edits exists.

For brief or informal meetings, minutes may be helpful, but not necessary. However, for official meetings that require a quorum, well-taken minutes are absolutely imperative. Minutes of owners' and board meetings are part of the minute book mandated by the Condominium Act.

A good minute book includes a complete record of all meetings and resolutions of directors from each meeting. Minutes should also thoroughly describe financial figures and accurately represent the condominium's financial standing.

An official minute book needs to contain:

- The signed minutes of all meetings;
- Any reports that were tabled; e.g., management report, financial report, any shared facility meeting minutes, committee reports;
- The AGM minutes, complete with the auditor's report and any other reports given at the meeting; e.g., reports from the president, treasurer, committees;

- Confidential minutes pertaining to matters regarding owners or staff members, known as in-camera minutes

It is good public relations, and best practice, to make the minutes available to residents once the board has adopted them. Board minutes need to cover the topics discussed and the resulting motion or resolution.

Owners need to be informed that the minutes for the previous month were adopted and approved at the following month's meeting. Although posting them is not required, it is a good way to promote dialogue with residents and board members.

Publicly posting approved minutes (or distributing them via email or online platform) keeps owners informed and demonstrates the board's transparency and integrity, which often become points of contention. It is not uncommon for residents to question or doubt their board, and well-produced minutes are a great start, and often a more-than-sensible answer. ■

Marko Lindhe is a partner at Minutes Solutions. He can be reached at marko@minutessolutions.com or via www.minutessolutions.com.



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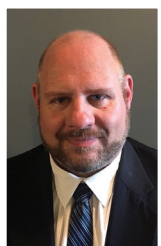
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CPTED in Condominiums



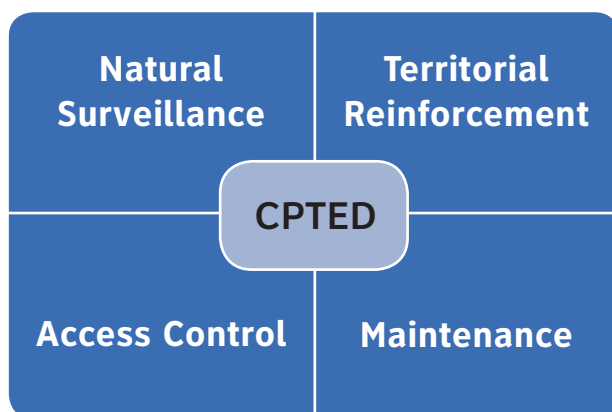
By Scott Hill



CPTED is an acronym for **Crime Prevention Through Environmental Design**. The purpose of implementing CPTED principles into the design of the condominium is to reduce the opportunities for crime that are inherent in the design of condominiums or their neighbourhoods. CPTED has a proven record of being properly researched and utilized successfully on an international basis. It also has a history of increasing responsible and positive use of the property while at the same time decreasing the likelihood of criminal behaviour.

The goal of implementing CPTED can be defined as follows:

- Provides the opportunity to reduce crime within the condominium
- Reduces the owner's and resident's fear of crime within their building
- Encourages social interaction and vigilance
- Improves quality of life for those residing within the condominium



As shown in the diagram, there are several principles in the CPTED concept. In this article we will be examining three of the more basic ones that can still have a profound effect on a condominium's security rating. The three that we will be discussing are:

- 1 Physical Maintenance
- 2 Territorial Reinforcement
- 3 Natural Surveillance

Starting with Physical Maintenance, this principle states that a condominium that is visibly well maintained is less likely to be targeted than one that is not. This is also occasionally referred to as the *broken window theory*. Unkept properties will attract crime and vandalism much faster than ones with apparent care and diligence. Property Managers and Condominium Directors must ensure that vandalism (tagging) is removed as quickly as possible, that the landscaping is kept neat and clean (not overgrown), and that evident damage (concrete spalling, etc.) to the common element are repaired as soon as possible. Neglected space will often result in mistreatment of that area by people, sometimes even the residents of the building.

The second principle is one of territorial reinforcement. This is a way of creating a clear definition of space and boundaries (property lines). By doing this, the condominium can clearly define the space that authorized users are allowed to access. Conversely, it will also allow these users to identify non-legitimate personnel (and hopefully reported - see Natural Surveillance). Territorial reinforcement can be accomplished with landscaping, hardscaping, fences, signs, flags, etc. For the purpose of a CPTED report, the area's boundaries are usually separated into public, semi-public, semi-private and private.

Our final discussion principle for CPTED is one of Natural Surveillance. This is the physical placement of features, people and activities to maximize the visibility of the condominium community. In other words, it allows the authorized users (condominium residents) to feel comfortable knowing that they are easily seen (when in the common element). Conversely, it makes intruders to the property nervous for the same reason - enhanced visibility increases the likelihood of being apprehended, or at least witnessed. This is accomplished at the condominium by proper lighting and reducing the areas of concealment (blind corners, shrubs, trees, solid fences, etc)

One question that is often asked is when, in the building process, does CPTED principles get implemented into the design of the facility?

There are 7 phases of CPTED design, ranging from *Concept* (#1) to *Close Out* (#7, or in condominium terms: occupancy). During a recent CPTED seminar, the presenters asked the participants to provide information about their projects. One of the questions asked was on the timing of when the Security Professional are brought into the project to implement the CPTED and other security recommendations. The vast majority of the attendees report that they were brought in at either the Concept (#1) or Schematic Design (#2) phase of the project.

Unfortunately, this is not usually the case in condominium developments. In a previous article on condominium security in Condo-Contact, we discussed the challenges of condominium security in the development stage. At that time, we made the recommendation that condominium developers would be well served by having a PSP (Physical Security Professional) or CPP (Certified Protection Professional) in the early stages of the development. Such advice would reduce the likelihood of the Physical Protection System being either over, or under-designed. Additionally, the advice would ensure that all security components (cameras, lighting, access control, intrusion detection, etc) would be fully integrated with each other, rather than stand alone systems. It would also give the first condominium board of directors a security plan to implement future security solutions.

Happily, there are other opportunities to implement CPTED principles into the Condominium's life cycle that are under the control of the Board of Directors. The two that would immediately come to mind would be when updating the Reserve Fund Study (either class) or during a large project.

It is our contention that every condominium should undertake a professional security audit to ensure that they have a proper understanding of where their vulnerabilities are located. In a professional audit, CPTED is a stand-alone section of the report that will measure the effectiveness of the current (if any) CPTED measures in place and will make recommendations on implementation of these measures to better secure the facility. Additionally, having such a report prior to the updating of a Reserve Fund Study would allow the Board of Directors the ability to prioritize their security requirements based on risk and budget. These priorities can be implemented into the reserve fund study over a period of years.

In the absence of the security audit, there are other projects that present excellent times to incorporate CPTED concepts.

For example, during a landscaping upgrade or enhancement plan, appropriate shrubs and plants may be chosen that will enhance the territorial reinforcement. Or at the very least, a condominium can insure that their landscaping contractors are following the 2-6 rule (trees to be trimmed up to 6-feet & shrubs to be trimmed down to 2-feet) to ensure that they are not offering areas of concealment (Natural Surveillance).

Or, during a common area upgrade (like a lobby), a security consultant may assist with providing advice on Natural Surveillance to enhance the awareness of the area and increase the risk of getting caught to would-be intruders (proper line of sights, placement of fixtures to reduce risk, etc.).

The above examples are some basic illustrations to outline the benefits of incorporating CPTED security principles into the Integrated Condominium Security plan. With the above as an example, Condominium Directors and Managers can enhance the security of condominium by keeping the principles in mind when awarding contracts or bidding on capital projects. Many capital replacement projects are excellent opportunities to increase the security of the building and better protect the residents within. ■

Scott Hill of 3D Security Services, is a Registered Condominium Manager (RCM) with AICMO, a Physical Security Professional (PSP) with ASIS, a Certified Security Project Manager (CSPM) with the Security Industry Association and a proud member of CCI.

IMPORTANT RENEWAL REMINDER

Don't forget to renew your CCI-EO membership for 2017/18 and continue to take advantage of our free seminars for members, discounts on our condo courses and conferences, the *CondoCONTACT* magazine, the CondoStrenght Program, and much more.

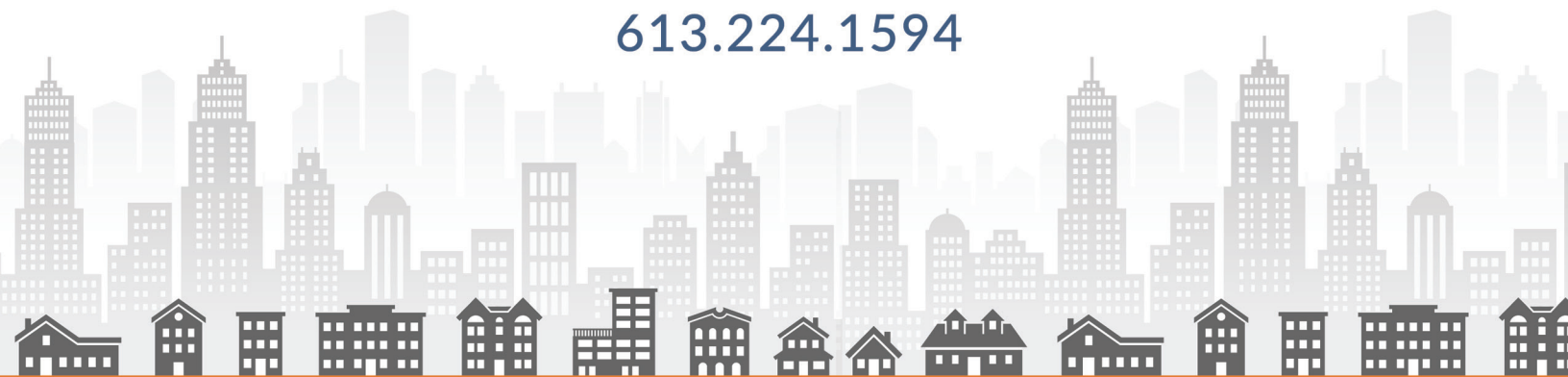


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Condominium Director Training

The importance of training to condominium Directors is extremely important and for that reason all CCI chapters in Ontario applaud the requirement of a mandatory course for all new Directors beginning this fall. It is our understanding that this course will cover the very basics in terms of Director Roles and responsibilities and condominium terminology in a self-serve online format. CCI considers this to be the first step in gaining the knowledge necessary to manage condominiums and Board responsibilities. Therefore, please be aware that CCI Eastern Ontario will continue to offer specialized, interactive seminars on a variety of topics of condominium interest, as well as a more in-depth curriculum developed for new Directors which will further equip them to handle the complexities associated with condominium living under the amended legislation. Continue to look forward to information on this. See you in the fall at our two day Director course scheduled for November 18/19, 2017.

CCI Eastern Ontario Chapter Courses

**CCI Eastern Ontario Chapter
FALL 2017 CONDOMINIUM
DIRECTOR'S COURSE**



November 18/19 from 9:00 am – 4:00 pm

Hellenic Community Center, Hellenic Meeting and Reception Centre
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<https://cci-portal.ca/events/novemberdirectorscourse>

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<p>RESERVATIONS A MUST Avoid Disappointment – Register Today</p> <ul style="list-style-type: none"> The course is very comprehensive and reflects requirements of Ontario's Condominium Act. A must for all condominium directors, professionals and condominium owners who are potential directors or simply want a better understanding of the way condominiums function. The course is delivered by professionals who specialize in the condominium sector – lawyers, engineers, property managers and accountants. A practical, hands-on course developed to reduce the risks of condominium ownership by equipping condominium corporation directors with the specialized management skills they need. <p>Session Topics:</p> <ol style="list-style-type: none"> 1. What is a condo/overview of the Condominium Act 2. Status Certificates/Changes to Common Elements/Insurance 3. Reserve Fund Planning 4. Property Management 5. Audit Process 6. Effective Directors 7. Highlights of the Condo Act "NEW" 8. Expert Panel – Question Forum 	<p style="text-align: center;">REGISTRATION FORM FALL 2017 DIRECTORS' COURSE</p> <p>Name: _____</p> <p>Company: _____</p> <p>Mailing Address: _____</p> <p>City: _____ Province: _____</p> <p>Phone: _____ Postal Code: _____</p> <p>Manager's Email: _____</p> <p>Registrar's Email: _____</p> <p>Course Registration Fee: _____</p> <p>CCI Member: First Registrant: \$285.00</p> <p>CCI Member: Additional Registrant: \$240.00</p> <p>Non Member: \$370.00</p> <p>13% HST \$ _____</p> <p>TOTAL \$ _____</p> <p>Please complete a registration form for each person registering. Registration includes all sessions, coffee breaks, two light lunches, and a complete binder of handout materials.</p> <p>Please note any dietary restrictions: _____</p> <p>Cheque Enclosed: \$ _____ Charge my <input type="checkbox"/> VISA <input type="checkbox"/> MC <input type="checkbox"/> AMEX</p> <p>Card # _____ Expiry Date: ____/____/____</p> <p>Name on Card (please print): _____</p> <p>Signature: _____</p> <p>Please make cheque payable to: Canadian Condominium Institute – Ottawa and Area Chapter</p> <p>CCI Eastern Ontario Chapter P.O. Box 32001, 1386 Richmond Road Ottawa, ON K2B 1A1 Tel: 613-755-5145 Fax: 613-755-4086 Email: info@cci-easternontario.ca Website: www.cci-easternontario.ca</p>

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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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[Click here](#), provide us with a photograph of your condominium and a brief description telling us why your condo is Canada's best.



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To vote for a condominium of your choice, just click on **vote for best condo**. **You are allowed to vote only once!** However, if you change your mind, simply vote for another condo, and your original vote will be erased.

Timeline:

- July 14 - launch
- September 30 - deadline for application
- October - local AGM announces winners
- October 20 - National Winner announced at AGM
- November - local prizes sent to winners



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