

Condominium News and Views



To the Members and Friends of The Manitoba Chapter • Winter 2021

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In consideration of the continuing pandemic and challenges facing our members, CCI Manitoba is now offering our monthly educational webinars free to our valued members - see page 4 for details. As well, by offering the webinar format, it enables us to better serve the condo marketplace outside of Winnipeg.

EMBRACE WINTER



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NEWSLETTER PUBLICATION SCHEDULE

The CCI Manitoba *Condominium News and Views* is published and distributed to members quarterly, with the following schedule and deadlines for advertising and articles:

- Fall Edition (November) with September 30 deadline
- Winter Edition (February) with December 31 deadline
- Spring Edition (May) with March 31 deadline
- Summer Edition (August) with June 30 deadline

To help us ensure timely delivery of the *Condominium News and Views* it would be a tremendous help if member corporations ensure that the CCI Chapter Administrator is provided with updated information whenever there is a change of Management Company, quantities required and distribution address, etc. Please call, mail, or email this information to our Chapter Administrator ccimanitoba@cci.ca. Thank you in advance for your assistance!

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PRESIDENT AND CHAPTER REPORT



HAPPY NEW YEAR!

Here's to a better year! While it appears it may be a long while until we return to somewhat normal times, the future does look hopeful. No one would have thought in the early days of Spring last year that we would still be living with restrictions and that the 2020 holiday season would have been so different, but we survived!

2020 was a challenging year for many. Financial, personal, professional, physical and emotional challenges affected many of us in some way or another.

No matter how you came to be a member of our condominium community, it has been challenging during these times. As owners you have experienced the loss of common areas in your buildings and the loss of connections with neighbours and friends.

As directors of condominium corporations, many of you are holding virtual board meetings and having no face-to-face interaction with fellow directors, unit owners or property managers. Our business partners and professional members are adapting to working from home and continue to deal with all of the same old condominium issues plus the many new issues that a pandemic brings.

Here at CCI, Manitoba Chapter, we have tried hard to adapt and to embrace new and challenging ways to engage our members and to continue to show the value of being members of CCI.

Our monthly Board meetings have continued virtually, as have the regular committee meetings. It never ceases to amaze me how much we are able to accomplish in this new way of doing business.

CCI, Manitoba Chapter, regularly hosts Presidents Forums twice a year to allow condominium corporation presidents an opportunity to network, discuss common issues and assist each other in finding solutions to some of those issues. While holding the Presidents Forum in-person last spring and fall was not possible due to the pandemic, we made a decision to hold the Presidents Forum virtually in early December. Because it was the first time for the virtual format, we restricted registration to only 20 participants, and delivered goody bags to them beforehand for use during the Forum. The goodies included wine, snack bags of cheese and crackers and promotional

items from our valued sponsors, Fillmore Riley LLP, Hub International Insurance and Karma Property Management. Needless to say, the participants were very happy to receive their goody bags. The virtual Forum was a success, discussion was great and we will continue to provide opportunities to network with each other virtually until such time as we can all get together again.

Thank you never seems to be enough to say to our sponsors but please know that we are so very appreciative and couldn't accomplish our goals without you.

Our CCI Board of Directors regularly schedules a facilitated team building session each year to assist us in planning and to help integrate our newly elected Board members to the team. Seven brand new Board members were elected at our AGM this year and many of us have not yet had the opportunity to meet face-to-face. We decided

that it was especially important this year to hold our team building session even if we had to do it virtually. The feedback from the Board of Directors was great.

We actually spent an entire afternoon getting to know each other, doing some planning and concluding with happy hour. Who knew that these kinds of events could be so successful on zoom?

Our newly named monthly webinars (previously called Lunch and Learns) will continue for the remainder of the fiscal year and there are some exciting topics and speakers lined up.

The Education Committee and the Board of Directors are happy to announce that these webinars are free for all of our members. Please check our website for information and dates <https://cci-manitoba.ca/education-events/upcoming-course-events>.

If you wish to be sent emails about our webinars, please ensure that we have your email address. We do not share your email address with anyone and you will not be inundated with emails if you do give us your address. To provide your email address, just click the *Stay Informed* button at the bottom of our website pages <https://cci-manitoba.ca>

In closing, I want to thank all of you for your continued trust and engagement with CCI, Manitoba Chapter, during these difficult times. I will close with the same sentiment with which I started my report. Here's to a better year!

MAUREEN HANCHARYK, President
Manitoba Chapter 🍀



Here at CCI, Manitoba Chapter, we have tried hard to adapt and to embrace new and challenging ways to engage our members and to continue to show the value of being members of CCI.

2020-2021 EDUCATION AND EVENT PROGRAM SCHEDULE

UPCOMING WEBINARS - FREE FOR CCI MEMBERS

Our education program has transitioned to the virtual format due to the required social distancing and limits on the size of gatherings and will continue for the foreseeable future. And in consideration of the challenging times for condo boards and industry professionals, we've decided to offer the webinars free for CCI members and reduce the non-member rate to \$25. For the most up-to-date information about our event schedule, please use <https://cci-manitoba.ca/education-events/upcoming-course-events>.

DATE & TIME	TOPIC	FORMAT
JAN 21, 2021	WELLNESS 2021 AND BEYOND! HEALTHY MIND...HEALTHY BODY WELLNESS IS AN ACTIVE PROCESS OF BECOMING AWARE OF AND MAKING GOOD CHOICES TOWARDS A HEALTHY AND FULFILLING LIFE	WEBINAR
FEB 18, 2021	MANITOBA'S MUST SEE'S DUE TO TRAVEL RESTRICTIONS - PLACES YOU CAN GO TO ENJOY AND RELAX IN MANITOBA	WEBINAR
MAR 18, 2021	THE VALUE OF A PROPERTY MANAGER: WHAT THEY CAN DO FOR YOU? DUTIES OF A PROPERTY MANAGER AND THE VALUE THEY CAN BRING TO YOUR CONDO & BOARD OF DIRECTORS	WEBINAR
APR 6, 2021	CCI MANITOBA PRESIDENTS FORUM	WEBINAR
APR 15, 2021	SOLVING THE MYSTERY ON CONDO DOCS! BUYING OR SELLING A CONDO - HERE'S WHAT YOU NEED	WEBINAR
MAY 20, 2021	STUMP THE EXPERTS ON CONDO KNOWLEDGE! JOIN US AND LEARN NEW THINGS ON CONDOS	WEBINAR
JUN 17, 2021	ELECTRIC VEHICLE CHARGING STATIONS IN CONDOS	WEBINAR

PODCASTS OF PRIOR EVENTS

Don't worry if you missed one of the Lunch and Learn (L&L) or webinar sessions in the past year or so, as they are now available as podcasts after a few weeks at <https://cci-manitoba.ca/members-only/podcasts> along with some other recordings of past webinars and virtual events.

DATE & TIME	PODCAST TOPIC
NOV 19, 2020	UNDERSTANDING AUDITED FINANCIAL STATEMENTS
OCT 22, 2020	INSURANCE - CHANGING MARKETS AND TRYING TIMES
OCT 8, 2020	CCI MANITOBA VIRTUAL AGM AND Q&A WITH "A PROPERTY MANAGER, A LAWYER AND A PANDEMIC"
SEP 2, 2020	WEBINAR: ALL ABOUT AGMS - Q&A WITH TWO LAWYERS
APR 17, 2020	WEBINAR: CONDOS & COVID-19
FEB 27, 2020	LNL: CONDOMINIUM CORPORATION FINANCING: AN ALTERNATIVE TO SPECIAL ASSESSMENT
JAN 30, 2020	LNL: 2020 INSURANCE MARKET - CONDO CORPORATION AND UNIT OWNER POLICIES

OTHER EDUCATIONAL RESOURCES

There are numerous resources available including educational videos for self study, podcasts of prior education events, and condo industry articles and publications. Check out the CCI National Resource Centre and the various categories of information <https://cci.ca/resource-centre/overview>

INSURANCE AND SLIP/FALL RISK MITIGATION

Condo Corporations have experienced rising insurance premiums over the past couple of years. As winter is upon us, most Winnipeggers are likely complaining about the weather and slippery conditions on roads, sidewalks and parking lots. Read on if you want to reduce potential slip and fall claims which could impact insurance premiums.

In 2020, CCI Manitoba had two presentations on insurance trends and challenges, the recent webinar on Oct 22nd and an in-person Lunch-n-Learn on Jan 30th (which seems so long ago now after months of the pandemic). Recordings of these presentations are available on the CCI Manitoba website at <https://cci-manitoba.ca/members-only/podcasts>. At the January session, loss prevention tips and materials were made available by Hub International, the insurance broker, two of which are reproduced here.

As we near the end of the sustained cold winter weather, repeated freeze-thaw cycles create more treacherous conditions, which increase the risk of slip/fall injuries on your property. So make good use of the *Slips, Trips and Falls Checklist* and the *Slips, Trips and Falls* information sheet as part of your CCs loss prevention strategy. **Note that the HUB checklist and info sheet are available for download from the Members Only area of our website <https://cci-manitoba.ca/members-only>**

KATHLEEN VANDALE
CCI Manitoba Newsletter Committee
HUB International

Checklist

Slips, Trips and Falls

Building Name:		Inspector Name:	
Building Address:		Date:	
Building Occupancy:		Public Access: <input type="checkbox"/> Yes <input type="checkbox"/> No	

Category:	Hazard:	Response:	Comments:
General	Lighting Adequate?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
		<input type="checkbox"/> Ice <input type="checkbox"/> Rain <input type="checkbox"/> Other	
	Weather Hazard?	Signage: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Time:
		Salted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Time:
	Sanded: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
	Parking Lot Snow Removed:	<input type="checkbox"/> N/A	Time:
Exterior Hazards:			
Stairways	Condition:	<input type="checkbox"/> Good <input type="checkbox"/> Adequate <input type="checkbox"/> Poor	
	Handrails:	<input type="checkbox"/> Good <input type="checkbox"/> Adequate <input type="checkbox"/> Poor	
Sidewalks	Uneven walking surfaces:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
	Transitions Painted:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Walking Surfaces	Uneven walking surfaces:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
	Debris in area:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Parking Lots	Speed bumps painted:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
	Condition:	<input type="checkbox"/> Good <input type="checkbox"/> Adequate <input type="checkbox"/> Poor	
	Parking curbs centered:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
	Potholes/Cracks Observed:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
	Drainage Adequate:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
	Snow Removal:	<input type="checkbox"/> Contractor <input type="checkbox"/> Employees	
	Documented:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Time:
Interior Hazards			
Entryways	Mats at entrances:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
	Mats in good condition:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Floor Surfaces	Uneven walking surfaces:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
	Cracks greater than 1/4":	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
	Trip Hazards (cords etc.):	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
	Floor Cleaners Used:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Type:
	Wet Floor Signage:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
	Condition:	<input type="checkbox"/> Good <input type="checkbox"/> Adequate <input type="checkbox"/> Poor	
Stairways	Non-slip edges:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
	Handrails:	<input type="checkbox"/> Good <input type="checkbox"/> Adequate <input type="checkbox"/> Poor	

Disclaimer: This checklist cannot list all the types of risks that exist, and HUB International is not responsible for any risk not listed here.
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Slips, Trips and Falls

The number and severity of slip and falls increase in the winter months. While snow falls gently, people don't. Be on the lookout for these hazardous conditions:

- Slippery surfaces due to water, ice or snow
- Snowy and ice-covered sidewalks, stairs or parking lots
- Freeze/thaw cycles
- Melted snow or ice, or grit at the entrance of buildings
- Black ice (thin, nearly invisible coating of ice on paved surfaces caused when temperatures rise above freezing during the day and drop below freezing at night)
- Obstructed sidewalks, parking lots and roadways

Control hazards by eliminating or reducing risk. The more preventative measures taken, the lower your exposure.

- Set the highest standards for year-round groundskeeping, lighting and visibility, and ensure they are met.
- Keep sewer grates clear of obstructions so that water can drain quickly.
- Monitor weather reports for advance warning of slippery conditions.
- If you hire a snow removal contractor, apply the same conditions you would to any other on-site contractor, including ensuring they have the proper qualifications and general liability insurance. Contractors should provide evidence of insurance coverage.
- Ensure steps, ramps, parking lots, walkways, entrances, and exits stay clear of mud, snow and ice.
- Use salt, sand or other proven anti-slip material to keep lots and walkways clear.
- In winter months, you can help reduce the number of icy spots by having a box of sand or salt available to spread as needed.
- Check overhead for ice hazards such as the roof.

In the event of a loss, Insurers and the Courts will review the preventative measures that were taken to reduce risk.

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TEAM BUILDING, TED TALKS AND PANDEMICS



How well does your Condominium Board work together? Communication is key to effective collaboration amongst the directors on your condo board. A lack of familiarity with each other because of personnel changes or because of the lack of in-person meetings during this pandemic can result in miscommunication and adversely affect board decisions and productivity. Condo boards should consider virtual team building sessions during the pandemic, even if it is just for getting together online for an informal discussion over a coffee.

As a case in point, the CCI Manitoba Chapter Board has 15 directors with five elected each year at our AGM. During periods of low turnover, those five elected directors can be mostly re-elected directors. However, at our AGM in October 2020, we added seven new directors and there were three other new ones (me included) added in 2019. With 10 new directors in the past 16 months and the continuing pandemic, we certainly have to ensure we establish good lines of communication. To that end, the Manitoba Chapter had, as part of the first post-AGM board meeting, a virtual (Zoom) session to facilitate team building.

In preparation for our CCI Manitoba team building session, we were asked to watch the TED Talk *Where Good Ideas Come From*¹. It highlighted the need for regular and recurring communication to spawn creative and innovative ideas, rather than hoping for so called “eureka” moments. To enable and encourage communication amongst your board members - relying on emails for discussion adds time lag and introduces opportunities for misinterpretation of comments. Phone calls are better than emails but still don’t allow for visual cues and body language reading that you would have in

in-person meetings. With the availability of free applications such as Skype and Zoom, it is relatively easy for boards to get together.

Besides formal board meetings with a defined agenda, include informal discussions and brainstorming sessions. Some other CCI Chapters have started monthly or biweekly ‘coffee’ meetings with their members - just a recurring virtual meeting with no fixed agenda. The format allows wide ranging discussions about condo issues and even non-condo issues at times - whatever is currently at the forefront of people's minds. The key is to keep the communication channel open.

During the TED Talk mentioned above, the presenter discussed the problem of infant mortality in the developing world and how to improve the situation in an African village - the solution was to build neonatal incubators out of car parts (watch the video to understand why). The solution came about after numerous discussions and brainstorming sessions and was not a ‘eureka’ moment. In the last part of the TED Talk, the presenter also described how the launch of the Sputnik satellite by the Russians in the late fifties spawned the technological innovation of the Global Positioning System (GPS) in the USA, which started with a group of engineers and scientists talking during their coffee breaks over a span of a few weeks.

The main message is especially important during this pandemic, that communication is essential - keep talking, keep meeting, discuss issues with your other directors. Ponder and reflect to gain insight into the problems and solutions. Communicate and collaborate.

After watching that TED Talk, I was suitably impressed and since I had spare time, I watched a few subsequent TED Talks which led me from feeling enlightened to being thankful to a feeling of



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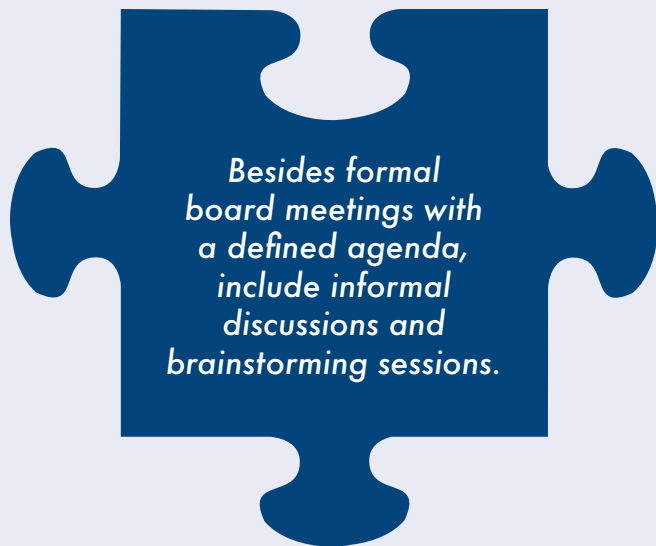


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Over 20 years providing accounting and tax services to condominium corporations, residential and commercial real estate companies, developers and property management companies.

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despondency because of this Covid pandemic. I don't know how the next Talk appeared in the queue, but it was from 2006 and the same presenter - *How the "ghost map" helped end a killer disease*². The topic was recurring cholera epidemics in 19th century London England and how physician John Snow (https://en.wikipedia.org/wiki/John_Snow) through inspiration and perspiration over a decade or so solved the problem, allowing great cities to flourish. This Talk emphasized the need to stick with your convictions and persevere to solve the problem, but also not to do it alone - collaboration is required along the way.

Feeling suitably inspired and enlightened, I watched the next TED Talk in the queue, coincidentally also from 2006 but by a different presenter - *My wish: Help me stop pandemics*³. This Talk was especially timely as it dealt with pandemics. The presenter covered the progress to eliminate smallpox as a pandemic risk and the significant effort and results towards eliminating polio. He started talking about other pandemic risks, such as the 2003 SARS pandemic. Then he highlighted the risk of the next flu pandemic, which occurred a few years later in 2009 (swine flu). The presenter's mantra to mitigate the risk of pandemics was "early detection, early response". An "early detection" tool he touted was the *Global Public Health Intelligence Network*⁴ (GPHIN) created by the Canadian Government in the late 1990s. The GPHIN played a key early detection role in the 2009 swine flu pandemic and kept SARS, Zika virus, H5N1 bird flu, MERS and ebola from becoming more than serious outbreaks. This left me feeling even more inspired and enlightened. Then after a bit more research on the web, a feeling of despondency set in - apparently in May 2019 or so, the Canadian Government made some changes to GPHIN, affecting its ability to communicate its early detection of Covid-19. Perhaps instead of a pandemic, it could have been just an epidemic in a few locations, just as the first SARS was. An investigation is now underway to determine what happened - *Hajdu orders a review of pandemic alert system after scientists claim warnings were ignored*⁵. Sigh.

ALAN FORBES
Chair, CCI MB Newsletter Committee 🇺🇸

¹ https://www.ted.com/talks/steven_johnson_where_good_ideas_come_from by Steven Johnson at the TED Global 2010 event


² https://www.ted.com/talks/steven_johnson_how_the_ghost_map_helped_end_a_killer_disease#t-1849 by Steven Johnson at the TED Global 2006 event

³ https://www.ted.com/talks/larry_brilliant_my_wish_help_me_stop_pandemics by Larry Brilliant at the TED Global 2006 event

⁴ https://en.wikipedia.org/wiki/Global_Public_Health_Intelligence_Network

⁵ <https://www.cbc.ca/news/politics/patty-hajdu-global-public-health-intelligence-network-1.5715831> by John Paul Tasker of CBC News, September 8th, 2020


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CCI NATIONAL REPORT

VIRTUALLY THERE - CCI NATIONAL LEADERS FORUM & CONFERENCE

Twice each year, CCI holds a National Leaders Forum (NLF) and conference, which provides an incredible learning opportunity for condo owners, condo directors, condo professionals and business partners. Since we are still suffering through the pandemic, this fall's NLF was held virtually, Nov 4th - 7th (<https://cci.ca/events/2020/11/04/cci-n-fall-leaders-forum>).

While I did learn lots attending my first NLF, one of my lessons learned is that attending virtually is nothing like attending a conference in person. When attending in person, besides the various presentations and seminar sessions, there are hallway discussions, conversations during meals and coffee breaks, as well as the exhibitor hall in which you can have in-depth discussions with industry professionals and business partners. Most importantly, being physically there allows you to establish personal connections, which is such an enabler for future communication and collaboration.

SESSION HIGHLIGHTS

There were many highlights from the various information sessions, including an awards night and a trivia contest. Informational sessions included an update on the CCI business plan, legal case studies, reserve fund problems and opportunities, case studies of condo boards or condo owners misbehaving, insurance trends and challenges, and how to improve governance with bylaws and rules.

TECHNOLOGY

While most of us are now familiar with Zoom (<https://zoom.us>) for virtual meetings and AGMs, it by itself is not well suited for managing a conference. Organizers used an application called Whova as a management tool in coordination with Zoom. Whova managed the agenda planning, seminar and presentation sessions, session recordings, attendee contact details, messaging, discussion groups, speaker profiles, sponsor profiles, an exhibitor hall (via Zoom), and surveys. The application can run on a desktop, tablet or smartphone - I used all three options through the conference and found that generally it worked well. A few glitches seemed to be dependent on the device used at the time.

One nice aspect of attending virtually was that if two sessions ran concurrently, I could attend one live and one later via recording - while messaging various presenters through the Whova app to ask questions.

AWARDS NIGHT AND TRIVIA CONTEST

These were more informal and relaxed events, allowing attendees to get to know some of the key members across the country. Five CCI members were presented with distinguished service awards (well presented virtually at least) for their past contributions to both the National organization and their local Chapter. Very inspirational. Sad though that we couldn't celebrate their success in person though.

The trivia contest took a while to get sorted out because there were several teams comprised

of three to five members, and each team had to figure out how to collaborate without the other teams overhearing. The team I was on ended up using SMS group texting for collaboration. It ran in a single Zoom session with several rounds of questions, with each team keeping their score on the honour system. Questions were challenging but not impossible to answer. It would have been much better in person working as a team at our own table while sipping a favourite beverage.

CCI BUSINESS PLAN UPDATE

How can CCI provide better value to you, our members? That is the primary focus for our National organization of 17 Chapters. Not only do we as an organization have to understand our members' needs and expectations, we also have to examine and improve on the 'how do we do it' aspect. CCI National worked with a consultant for the past year or so gathering input from members across the country, consolidating the information and creating a strategy. The next phase of the project is to develop a plan of action and implement it. Stay tuned for more updates.

One of the 'how do we do it' items that has already been completed is the introduction of the National Resource Centre <https://cci.ca/resource-centre/overview>.

LEGAL CASE STUDIES

People, pets, parking, objectionable behaviour, noises and smells can lead to litigation and legal expenses for condo corporations (CCs). There were a few

CCI MANITOBA EDUCATION NEWSFLASH

We are planning to present our CCI Introductory Course for condominium corporation directors in the next few months in an online format. While some details have yet to be finalized, monitor our *Upcoming Courses & Events* page <https://cci-manitoba.ca/education-events/upcoming-course-events>

COURSE OUTLINE	DURATION	FORMAT	DATE & TIME
1. Director Basics - Getting Started as a Director 2. The Director's Responsibilities and Governance 3. Property Management 4. Planning, Financial and Other Responsibilities including Reserve Funds 5. Insurance 6. Status Certificates 7. Legislation that Affects Condominium Corporations	Half Day	TBD – could be live webinar or self-study via podcast	Spring 2021

sessions covering numerous case studies. Fortunately Manitoba is not a litigious Province. One golden rule is that "it is better to mediate than litigate" - more effective and less expensive. However, even better is the platinum rule which is "to first communicate frequently and effectively, and to actively listen to the other party" (for info on active listening here is a useful link <https://www.psychologytoday.com/us/blog/in-it-together/202006/active-listening-skills>).

You may find that if you do the communication part correctly, it will avoid the need for mediation or litigation.

Some other thoughts on the legal front include;

- In some provinces, CCs are updating bylaws to allow for chargeback to unit owners for insurance claim deductibles for instances of acts of omission or commission or negligence (see section 193 of the Manitoba Condo Act <https://web2.gov.mb.ca/laws/statutes/2011/c03011e.php#A193>).
- AirBnB is being tested in some Provinces (Not yet in Manitoba) and CCs are winning - AirBnB is deemed not to be a residential use but a commercial activity.
- Don't implement a bylaw or rule that you can't justify or can't or won't enforce.
- While service animal issues are becoming more common in the pet problem category, it is key to know that you can't ask about the reason for the service animal but you can ask for proof that it is required.
- Doing an internet search is not sound legal advice - if you need legal advice ask a lawyer.
- When working with a lawyer, understand lawyer-client privilege and what can go wrong if you don't understand that privilege.
- Evidence is important - keep notes of conversations, emails, meeting minutes, complaint logs, accident reports, etc.

RESERVE FUND PROBLEMS & OPPORTUNITIES

Many of the problems and opportunities with reserve funds are related to money. While many are familiar with the quote

"money is the root of all evil", that is actually a misquote (try doing a web search on the quoted text if you want to go down that internet rabbit hole).

Since Manitoba started requiring reserve fund studies (RFS) and updates, many condo corporations (CCs) have found that their reserves are underfunded. To address the underfunding problem, CCs raise fees which makes many owners unhappy. The experience in other Provinces is that this often results in a group of unit owners getting together to oust the Board then lowering the fees. Then when major projects need to be initiated, there isn't enough money in the reserve to pay for it so the Board issues a special assessment to pay for it, which makes many owners unhappy. This often results in a group of unit owners getting together to oust the Board then raising fees to ensure the reserve

While many are familiar with the quote "money is the root of all evil", that is actually a misquote.

is properly funded, which makes many owners unhappy... and so on. Hopefully this isn't happening to your CC. The golden rule is that if your reserve is underfunded, increase your reserve fund contributions immediately because the shortfall will likely increase with your next RFS update.

OTHER RANDOM THOUGHTS RELATING TO RESERVE FUNDS INCLUDE

- Review the planning horizon for your RFS. The Manitoba Condo Act sets a minimum horizon of 30 years, which may be inadequate to capture longer term infrastructure components - sewers, water lines, etc. Better to use a 40, 50 or even 60 year horizon
- If your building is older, there could be some 'gotchas' lurking out of sight, such as asbestos, aluminum wiring, hazardous materials/wastes or lead pipes. Has your RFS consultant considered this as a possibility?

- Unit owners should read the CC Declaration as some major cost items may be unit owner responsibility instead of CC responsibility or they could be shared cost items.
- If there are common elements shared amongst two or more CCs (such as a parking lot, roadway, clubhouse or pool) it is best for all of the CCs to use the same RFS consultant, otherwise there may be gaps or duplication.

CCI ANNUAL GENERAL MEETING (AGM)

The AGM was also part of the conference and required an additional application since some agenda items needed a vote. For the AGM another application was used, GetQuorum (<https://www.getquorum.com>). It too utilizes Zoom for the virtual session while adding on the voting functionality and session moderation services. While AGMs can be somewhat dry at times, the session went well, business was conducted, votes taken and resolutions passed without difficulty.

INSURANCE TRENDS AND CHALLENGES

Many condo corporations are experiencing large increases to insurance premiums, higher deductibles and some loss of coverage. CCI recently ran a national webinar on this topic, which compares and contrasts the issues across the country (a recording of which is available in the National Resource Centre <https://cci.ca/resource-centre/view/764>).

Currently we are in a 'hard' market after many years of a 'soft market' (see figure). This is a country wide problem but we may be nearing the peak for premiums. However, climate change and its effects on floods and fires is a significant factor in the future outlook.





BOARD OR OWNERS BEHAVING BADLY

Disrespect and harassment can come from both owners and directors, often as a culmination from prior misbehaviors or misunderstandings. Bad behaviour could include repeated violations of bylaws and rules by an owner or by Boards failing to enforce the bylaws and rules. Some proactive things can be done to prevent bad behaviour, including:

- Communicate clearly, concisely and in a timely manner;
- Considering that the owner's behaviour may be due to a lack of knowledge about the bylaws and rules rather than just a disregard for them. If so, take steps to educate them about the declaration, bylaws, rules and regulations.
- Upon election, have your directors review and sign a director's code of

ethics; Similarly, have all unit owners and tenants review an owner's code of ethics (such codes are available from CCI at <https://cci-manitoba.ca/members-only/forms-templates>).

- The Board should err on the side of overcommunication rather than not communicating enough.
- Put together an owner handbook with highlights from your condo documents and other useful information such as recent newsletters, seasonal bulletins, minutes from the most recent AGM. You could also provide copies of the CCI Guidebook to unit owners (<https://cci-manitoba.ca/resources/the-condo-guidebook>)

Overall, my experience with the virtual format for the conference was positive, and I look forward to attending future CCI conferences, hopefully in person, which would mean the pandemic is over. Sigh.

ALAN FORBES
National Council Representative 🇨🇦

WHAT'S THE REAL VALUE OF THIS CONDO?

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THE GREEN CONDO PAGE

This is hopefully going to be a recurring feature in our quarterly newsletter, with wide ranging topics all related to the environment. Whether it improves the sustainability of your condo operations, reduces waste, increases energy efficiency, reduces water consumption or just beautifies the environment surrounding your property, we'd like to hear from you - just send us an email with a subject line of "CCI Green Condo Page". We hope to hear from you soon.

SEND US YOUR GREENSPACE PHOTOS!

Does your condominium corporation (CC) have a common area green space? If so, we would like to hear from you. The CCI Manitoba Newsletter Committee wants to provide space for a photo or two of your CC greenspace with a brief description. Along with the photo(s), please explain (be brief) how the green space helps develop and support your community. If the green space is a new development, how did your CC plan and execute the project? If it's a mature green space, how do you maintain or improve on the project? This is an endeavour to improve and enhance involvement of CCI members by showcasing achievements of the Manitoba CCI members in developing green spaces within their community.

If you would like to contribute a small article with photos of your condo green space please email CCI Manitoba Chapter at ccimanitoba@cci.ca with a subject line of "CCI Green Condo Page".

DUANE ROHNE
Newsletter Committee, CCI Manitoba

ENVIRONMENTALLY FRIENDLY ICE MANAGEMENT

Mitigating the risk of slip/fall injuries should be of top concern for condo corporation (CC) boards, starting each autumn (notice the avoidance of the word "fall") and continuing on through to the spring until all of the snow and ice are gone. Have you ever thought of how much you spend through the snow season to spread sand,

crushed granite, salt and whatever to prevent slippery conditions, then cleaning up all of the stuff every spring? While you can see the sand after the snow is gone, what about all of the salt that was put down (note that the sand or crushed granite that is used likely contains 2-5% salt)?

Salt is corrosive to steel and concrete infrastructure, it can adversely affect your lawn and garden, and can degrade our waterways. If you have to use salt products, consider changes to your lawns and gardens to include more salt tolerant species. A report titled *Sharing the Road with the Environment*¹ suggests that "1 teaspoon of salt pollutes 5 gallons of water". So how many teaspoons of salt are used on your property?

The internet provides a number of possible choices for environmentally friendly approaches along with some less damaging approaches, but it isn't clear how many would be appropriate for the Manitoba climate or how well they work at the best of times. We're not endorsing any of the possible approaches that follow but just using this space as a means to start a conversation with you, our members. Note also that any good risk mitigation plan with regards to ice and slip/fall injuries should probably deploy two or more approaches.

First and foremost, timely shovelling and snow clearing is key. If there is no snow to melt on your sidewalk there is less chance of ice. Another point to consider is drainage from your landscape and downspouts taking runoff from your roof - once snow starts to melt, where does the water flow? Just starting to think about the salt that is spread on your property is a good second step. One source, *Road salt is polluting our water. Here's how to fix it*², talks about a salt management plan, mentions alternatives to salt such as cheese brine and beet juice, and technology options as keeping roads and sidewalks warm and ice free using solar power.

Numerous sources mention alternatives to salts but the best sources seem to be the ones selling ice management products. *Eco-friendly Salt Alternatives for Melting Ice and Snow*³ mentions anecdotal evidence for the use of kitty litter, urea (aka carbamide), alfalfa meal, sugar beet juice, pickle brine and coffee grinds, but doesn't go into a lot of detail. Another source, <https://meltsnow.com/products/>, list several different types of salts, mixtures of salts, and acetates, and also compares and contrasts the performance of each. More importantly, they have an article *Environmentally Green Ice Melt*⁴ pointing out "the terms "green" or "environmentally friendly" should be the beginning of your investigation, not the end."

If you have first hand experience with these or other approaches, regardless of whether the results are good, bad or indifferent, we'd love to hear from you. Please email CCI Manitoba Chapter at ccimanitoba@cci.ca with a subject line of "CCI Green Condo Page".

ALAN FORBES
Newsletter Committee, CCI Manitoba 🍀

¹ <https://www.epa.gov/sites/production/files/2015-12/documents/sharing-the-road-with-the-environment.pdf> by Brooke Asleson of the Minnesota Pollution Control Agency, January 31, 2013

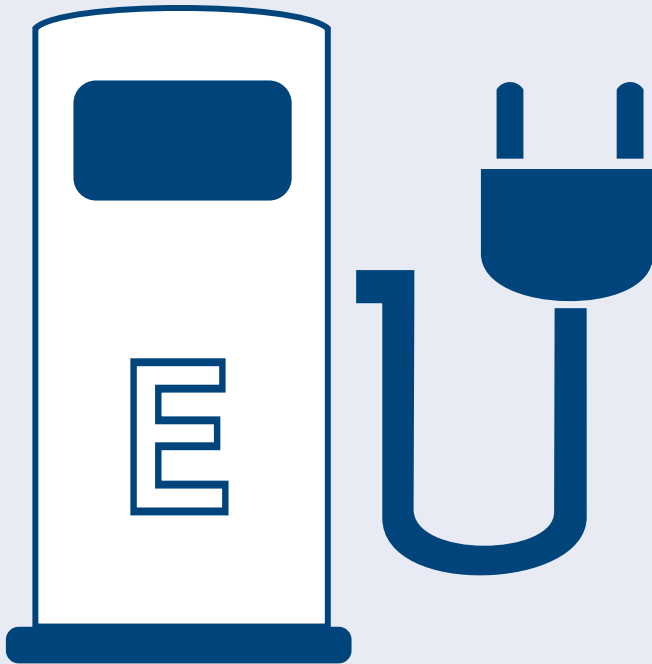
² <https://www.mprnews.org/story/2017/12/06/road-salt-water-pollution> by Cody Nelson and Amy Skoczlas Cole of Minnesota Public Radio®

³ <https://www.greenmoxie.com/natural-green-salt-alternatives-for-melting-ice-and-snow/> by Nikki Fotheringham, contributor to GreenMoxie January 15, 2019

⁴ <https://meltsnow.com/environmentally-green-ice-melt/> December 10, 2012



CONDOS, ELECTRIC VEHICLES & CHARGING STATIONS



As recently as 10 or 15 years ago, discussions about electric vehicles were restricted to car enthusiasts looking for the automotive world's newest innovation. However, the history of electric vehicles dates as far back as the mid-1800s. According to the US Department of Energy, American inventor William Morris developed the first successful and commercially available electric vehicle in the USA in the 1890s. Electric cars sold commercially from 1900 to 1912 accounted for one-third of all vehicles on the road in the USA. The success of Henry Ford's Model T and the discovery of plentiful and cheap oil led to the electric vehicle's decline for several decades.

As the 1970's energy crisis led to increased fuel costs, interest in electric vehicles increased. In 2000, Toyota launched the Prius, considered by many to be the first modern powered electric car, even though it was a hybrid electric vehicle. With the new millennium came the general acceptance that climate change caused by Greenhouse Gases (GHG) needed action on a global scale. According to Environment Canada, the oil, gas and transportation sectors account for the second-largest emission of GHGs. Within that group, freight, heavy-duty trucks, light trucks and passenger cars are the largest emitters of GHGs.

In 2019 Canada's Federal Government developed a point of sale rebate program for certain Zero-Emission Vehicles (ZEVs) and plug-in hybrid electric vehicles (PHEV). Quebec and British Columbia have provincial incentives in addition to the federal incentives. At this time, Manitoba has no provincial incentive program for the purchase of ZEVs. Manitoba Hydro has a program that condominium unit owners can apply to for financing the purchase and installation of EV charging stations.

For this article, I will assume the generation of electricity in Manitoba is a clean source of energy (note that there is some debate about this, taking into account the flooding of forests, subsequent release of mercury into the water, displacement of First Nations communities, etc.) Assumptions vary widely based upon the technology used for electricity generation. For example, in jurisdictions with coal-fired electricity generation, any environmental advantage of owning a ZEV is significantly decreased.

Projected sales of EV's while currently low, are increasing. The International Energy Agency stated in 2010, there were 17,000 ZEVs throughout the world. By 2019 that had risen to 7.2 million, a year-to-year increase of 40%. Every major automobile manufacturer has begun the transition to ZEVs. According to Bloomberg New Energy Finance (BNEF), ZEVs will be 10% of global passenger vehicle sales by 2025, rising to 28% by 2030 and exceed half of all vehicle sales by 2040. In Canada, Quebec's government states that by 2035, all new cars sold in the province must be ZEV. British Columbia is beginning to plan a 2040 ban on gasoline-powered vehicles.

EV's are coming, meaning that Condominium Corporations (CC) might consider beginning a dialogue with unit owners considering the purchase of a ZEV or PHEV. While infrastructure to support EV's is in its infancy in Canada, in 2019, the Federal Government announced a five-year program to develop a national network of *level 2 or higher charging stations* (see inset) called the Zero Emission Vehicle Infrastructure Program. While that program is progressing, CCs might consider their infrastructure needs to accommodate ZEVs.

It appears CC's wishing to consider an on-site electric vehicle (EV) charging will also require a review of their bylaws and rules. Additionally, an electrical contractor will need to determine if there is sufficient load capacity for EV level 1 or 2 charging or even level 3. One Winnipeg Condo Corporation I communicated with decided, after an inspection by an electrical contractor, to install multiple electrical sub-panels to facilitate future level 2 charging sites. Costs can vary greatly depending on the current electrical service of the CC. Generally, the older the building, the greater the cost.

If a unit owner purchased a ZEV or PHEV, they would be responsible for the cost of installing a charger or electrical outlet by a qualified electrician.

After deciding to install the additional service and provide EV charging stations, this CC had to amend their bylaws. The amendment contained exact wording to ensure a clear understanding of the bylaws and rules about ZEVs.

Another CC decided that installing sub-panels would be paid for by the CC as a common element improvement. If a unit owner purchased a ZEV or PHEV, they would be responsible for the cost of installing a charger or electrical outlet by a qualified electrician. Based on an electrical use assessment for a typical EV, the unit owner agreed to pay the CC \$30 monthly to cover the charging cost. An alternative to a common element fee could be installing a meter; then the unit owner pays to charge their ZEV directly to Manitoba Hydro. This CC amended their bylaws at the next annual general meeting and drew up a change order for the unit owner.

CONDOS, ELECTRIC VEHICLES & CHARGING STATIONS

Points to consider before a condominium unit owner purchases a PHEV or ZEV.

UNIT OWNER

- Contact your CC Board or property manager before purchasing a PHEV or ZEV. Condo boards have the authority to deny charging or installation of level 2 chargers; don't assume anything.
- Consider costs beyond the purchase of the vehicle for charging stations and professional electrical installation.
- Contact Manitoba Hydro to determine if your CC is ready for charging and that you are eligible for financing.
- Consider legal expenses that might be incurred for your lawyer to review any change orders relative to the installation and use of a charge station for your ZEV or PHEV.

CONDO BOARDS

- Consider gauging opinions from unit owners about future charging needs and the options available.
- Is your condominium electrical service able to support level 1 or 2 charging of ZEVs and PHEVs? If the answer is not clear, consider an assessment of your electrical service by a qualified electrical contractor.
- Do your bylaws and rules address future demand for PHEVs and ZEVs?
- Charging EVs in the unit owner's designated parking spots might be the optimum answer, but a few shared chargers installed in a central location for use by all owners might be more realistic in the short term.
- Perhaps a multi-year plan for staged installment of EV chargers is a realistic option.
- CCI produced a lunch and learn presentation on Condominium Corporation Financing: *An Alternative to Special Assessment*¹,

which is available for review if a board wants to consider a financing plan for EV charging stations.

ADDITIONAL INFORMATION

CAA has a great deal of information about ZEV's on their website at www.caa.ca/electric-vehicles/charging-stations

Manitoba Hydro also has information about charging stations financing and electric vehicles on this website at http://www.hydro.mb.ca/your_home/electric_vehicles

Companies such as ChargeHub and Flo have excellent websites that unit owners and condo boards can review.
<https://chargehub.com/en/index.html#indexCarousel>
<https://www.flo.com/en-CA/>

Many local electrical contractors have experience with electric charging stations and can offer expertise in planning and implementation. Be sure to contract with a Manitoba Hydro registered program supplier. For further information about Manitoba Hydro suppliers, please refer to Hydro's website, https://www.hydro.mb.ca/your_home/suppliers_contractors_retailers/

Transport Canada has an informative website for ZEVs and point of sale rebates at <https://tc.canada.ca/en/road-transportation/innovative-technologies/zero-emission-vehicles>

Bloomberg (BNEF) has an extensive analysis of ZEVs that can be accessed at <https://about.bnef.com/electric-vehicle-outlook/>

ACKNOWLEDGEMENT

Akman Management and Jorey Electric provided helpful background assistance.

DUANE ROHNE
Director, CCI Manitoba
Condo Owner, WCC # 647 🍁

¹ *Condominium Corporation Financing: An Alternative to Special Assessment* (video)
<https://youtu.be/PgrlziMHgik>

THERE ARE THREE DISTINCT CHARGING LEVELS FOR ELECTRIC VEHICLES, WITH LEVEL 1 BEING THE SLOWEST AND LEVEL 3 BEING THE FASTEST.

LEVEL 1 - uses a 110/120-volt outlet, which is a regular three-prong household socket. Charging a BEV with a level 1 charger could take upwards of 20 hours to achieve about 200 kms of driving.

LEVEL 2 - uses a 220 to 240-volt outlet (similar to the outlet for an electric stove/oven) designed for the sole purpose of EV charging. According to currently available sources, Level 2 charging stations can charge from 3 to 7 seven times faster than Level 1 chargers. Charging rates may differ depending on the design of the vehicle's ability to accept a charge. ChargeHub lists over 30 Level 2 charge stations in Winnipeg. Some of the locations can charge multiple vehicles at a time.

LEVEL 3 - often called Fast Chargers, are typically 400 volts and will charge your car's battery from empty up to 80% in 30-45 minutes. These chargers are located near major highways and travel routes throughout Canada. ChargeHub reports 8 Level 3 charging stations in or near Winnipeg.



CCI-MB BOARD MEMBER PROFILES

At our CCI Manitoba AGM in October 2020 we elected seven new directors to our Chapter Board. This follows the addition of three new directors in 2019. In this and subsequent editions we will introduce these new directors to you. These profiles will hopefully highlight to you the diversity of skills and experiences we have amongst our directors, and perhaps prompt you to consider sharing your skills and abilities with us in the future, either as a committee member volunteer or as a director.



DUANE ROHNE

Duane joined the CCI Manitoba Board in Oct 2020. Before retiring from the Manitoba government in July 2020, he knew he would replace office time with community-building. In 2018 he and his wife relocated from small-town Manitoba to Winnipeg's Exchange District. After

nearly two years of downtown condo living, they are sure they made the right choice.

In 1986, after completing his education at the University of Alberta, they moved to small-town Manitoba to begin his RCMP career. From 1986 to 2000, he worked in several communities throughout Manitoba in various capacities as a uniformed officer, police service dog trainer, general investigative section officer, major crime team manager and watch commander.

In 2000, he retired from the RCMP to begin employment as an investigator with the Manitoba Law Enforcement Review Agency. In 2018 he accepted an appointment as the acting Law Enforcement Review Agency Commissioner until his retirement in 2020.

His wife recently retired after a 34-year career as a teacher, the last five years as the President of her Teachers Association. Not satisfied with retirement, she now teaches in the Education Faculty at the University of Winnipeg. They have two children that live in Winnipeg with their partners and are involved in their communities. They have one cat that sleeps 20 hours a day.



KATHLEEN VANDALE

Kathleen joined the CCI Manitoba Board in Sep 2019. With over 30 years of experience working at Hub International as an insurance broker, Kathleen learned the business from the ground up starting out as a Receptionist, progressing steadily to a Marketing Broker, followed by Senior

Account Manager and Director of Commercial Insurance. To work more directly with clients on a more regular basis, Kathleen has returned to her Senior Commercial Account Executive, Hub Specialty Expert Real Estate Role focusing on residential realty. Over her career, Kathleen has worked in all facets of insurance brokering from negotiating coverage placement, to organizational management focusing on efficiency, productivity and professional standards. As well, she has an advisory role with commercial insurance clients who require more comprehensive risk management and risk transfer services.



PHIL JENKINSON

Phil joined the CCI Manitoba Board in Oct 2020. In 2011 Phil started a career in the elevator industry shortly after completing the Business Administration program at Red River College and the Bachelor of Commerce (Hons) at the University of Manitoba, both times majoring in

Entrepreneurship. Phil is a member of the U of M Society of Automotive Engineers, and has spent the last 10 years converting his engineering ingenuity and expertise, to understandable and real world applications.

As Manager of Business Development in the Canadian Prairies at KONE Elevator, Phil has a deep understanding of elevator lifecycle, maintenance, budgeting and repairs. With 10 years experience Phil's understanding of the elevator industry in Manitoba and Saskatchewan has allowed him to become a knowledge leader with clients of all backgrounds, including office, industrial and the largest growing segment in the Prairies, condominium boards and property managers.

Phil frequently provides elevator audits, maintenance reviews and complete 5-10 year budget plans for buildings with 1-2 elevators and up to 50 or more. Phil provides perspective on small repairs for an immediate return or improved reliability, to the full modernization of your elevator equipment. He is knowledgeable about changes in code requirements, maintenance mandates and city bylaws, as well as the implementation of artificial intelligence on your elevating equipment and how it impacts your building. Phil has regularly presented at board meetings, seminars and lunch & learns.

Phil works regularly with prominent property managers and developers in Winnipeg, on large projects or answering small questions on elevator maintenance. What is done, how it is complete and tracked, why its important and more importantly how to plan ahead.

PATRICIA SALAM

Patricia has lived in Winnipeg for the 48 years and has been a condo owner for the past five years. She loves the city and tries to give back by volunteering whenever she can. Some of her experiences include her involvement with: the Employment Equity Committee at TD Canada Trust, FIFA Women's World Cup, Canada Summer Games, the Things Supporting the RWB store for the Royal Winnipeg Ballet, Siloam Mission and was also a scrutineer during the Civic Elections and.

Patricia enjoyed her working career in the financial services industry with TD Canada Trust and IG Wealth Management. Her most rewarding experiences was her engagement with clients and assisting them to achieve their financial goals.

Aside from spending time with family and friends, Patricia loves to travel, and when not travelling, she enjoys yoga, long walks, bike rides, reading, cooking and baking.

Now that Patricia is a condo owner she also feels that as a volunteer with CCI Manitoba Chapter she will be able to improve her knowledge of the unique social and operational aspects of condo living. She hopes to contribute to this community in a meaningful way.

Patricia's belief: Life is simple if we do not complicate it. 🍀

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TOP TEN REASONS TO LOVE THE WINTER SEASON

10. A NEW YEAR, A NEW BEGINNING
9. EATING COMFORT FOOD
8. SLEEPING IN UNDER LOTS OF BLANKETS
7. WARM SOCKS AND BOOTS, PEDICURES UNNECESSARY
6. BINGE WATCHING NETFLIX
5. TOQUES COVER UP BAD HAIR DAYS
4. FLANNEL PJ'S AS SOON AS THE SUN GOES DOWN
3. CURLING UP IN SWEAT PANTS WITH A GOOD BOOK
2. NO MOSQUITOS
1. SPRING IS ON ITS WAY

The insurance market challenges for residential realty is more difficult today than at any time in recent memory.

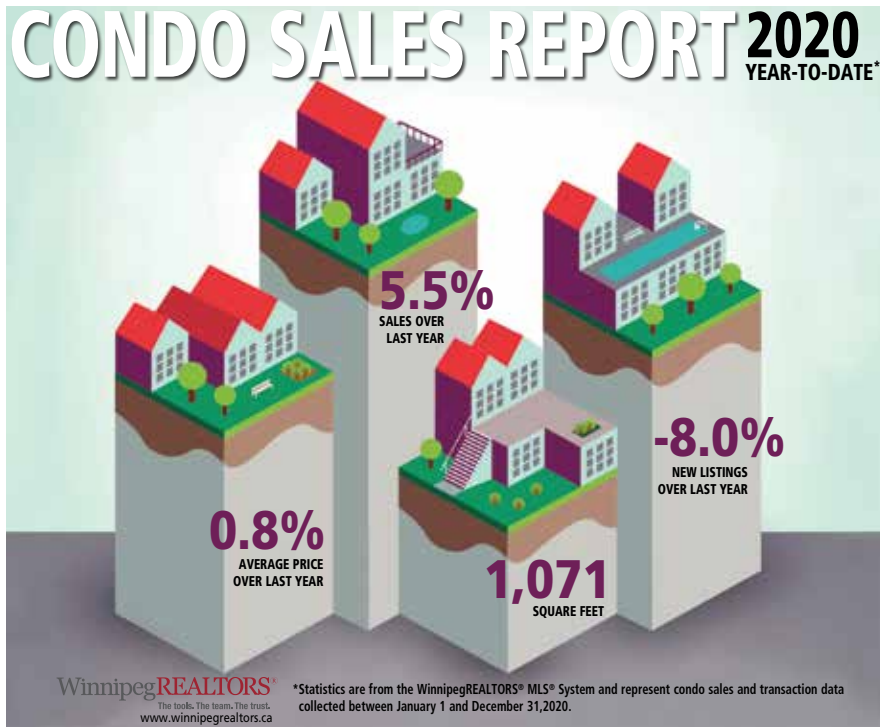
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THE REISS REPORT



CCI CONDO BLOG: FOUR FACTORS FUELED RECORD SALES IN 2020

While 2020 was a difficult year in Manitoba – the COVID-19 pandemic saw to that – 2020 was a very good year for condominium sales. In fact, it was a record year. A 5.5 per cent increase in sales saw a total of 1,847 units sold in 2020, up from 1,750 units in 2019. That broke the previous record of 1,798 units, which was set in 2014.

Why did condominiums enjoy such unprecedented popularity last year? In a nutshell, four factors fueled condo sales: an excellent cross-section of units to choose from, a convenient lifestyle, the ability to gain equity – and affordability/value.

Condo residents have more leisure time at their disposal with no maintenance to worry about.

First, home buyers have never had such a great selection of condominiums to choose from. With so many different styles (apartment-style, townhome-style, bungalow-style) on the market in a variety of great locations both

inside and out the city, it's never been easier to find the condo that best suits your needs in the community you want to live in.

Second, there's the convenience that the condominium lifestyle offers. With all upkeep done for you, all you need to do is park your car, walk inside and enjoy your condo – and all the amenities (a gym, pool, common room, even a car wash) that it comes with. Condo residents have more leisure time at their disposal with no maintenance to worry about.

Third, it just makes sense to own rather than rent. Because it's *your* home, you can decorate it as you see fit. Not only that, but you're gaining equity – not making a landlord rich.

Finally (and most importantly), condominiums are affordable. While you may not be able to afford a single-family home in Tuxedo – the average price in such a sought-after neighbourhood is over \$1,000,000 – you can afford a condominium there, with the median price coming in at \$225,000. That affordability – the highest percentage of condos sold was in the \$150,000 to \$199,999 price range – also gives first-time buyers, young families and empty nesters the ability to move up or move down to a livable, budget-friendly home in a great area.

Moving into the New Year, the factors that drove condo sales to new heights in 2020 – unprecedented selection, a convenient, worry-free lifestyle, the chance to become a homeowner and affordability/value – figure to remain the same. That's great news for those looking for a great place to live at a great price!

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Continued from page 16

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Brydges Property Management	http://brydgespm.com	204-489-9510
CW Stevenson Inc.	https://cwstevenson.ca	204-956-1901
Economy Consolidated Enterprises	1-204-325-4753 Ext 228	
Imperial Properties	http://imperialproperties.ca	204-272-8799
Karma Property Management	http://karmaproperties.ca	204-415-5712
Linden Real Estate Services Inc.	http://lindenrealestate.ca	204-697-0857
Marwest Management Canada Ltd.	http://marwest.ca	204-947-1200
Rancho Realty Services (Manitoba) Ltd.	http://ranchowinnipeg.com	204-255-9788
Red Door Property Management Services	http://reddoorproperties.ca	204-505-1334
Rooted Management Inc	http://www.rootedmgmt.ca	204-384-7668
Schinkel Properties Inc.	http://schinkelproperties.com	204-257-2640
Shelter Canadian Properties Limited	http://scpl.com	204-475-9090
Sussex Realty Ltd.	http://sussexrealty.ca	204-928-7054
The Smith Agency Ltd	http://rentcanada.com/smith	204-475-5658
Towers Realty Group	http://towersrealty.ca	204-956-2739
Vionell Holdings Limited Partnership	http://www.vhproperties.ca	204-726-1681

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Winnipeg Sewer and Drain	http://winnipegsewer.net	204-786-4060

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NLD Consulting - Reserve Fund Advisors	http://manitoba.reserveadvisors.ca	204-815-5280
WSP Canada Inc.	http://wsp.com	204-477-6650

RESTORATION SERVICES

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SECURITY SYSTEM INSTALLER

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The above list of Professional and Business Partner Members is provided for informational purposes only and does not imply an endorsement by CCI-Manitoba.

CONDO CONVERSATION CORNER: A VIEW & A VOICE

Here are some items in relation to prior newsletter articles, Lunch-n-Learns, webinars and *Conversations* in prior Newsletter editions. If you want to contribute to the discussion, you can make a submission to cci-manitoba.ca/resources/condo-conversation-corner

UNAUTHORIZED CHANGES TO COMMON ELEMENTS OR UNITS

We had an inquiry from someone who purchased a condo unit, and then sometime after moving in, they were approached by the condo corporation (CC) about an unauthorized change by the prior unit owner, who had put in a patio. Sound legal advice is required here and CCI Manitoba is not in a position to provide such advice. For reference, here is our standard disclaimer

Please be advised that our office is unable to provide specific legal advice. We recommend that you speak to a lawyer regarding the challenges or problems you may be experiencing. For your information, a list of lawyers who are Professional Members of the Manitoba Chapter of the Canadian Condominium Institute can be found in the newsletter and on our website.

While we can't provide advice, we can use this as a learning example and consider the general case of an unauthorized change within the context of new ownership of a condo unit. This is where you, our members can help. We'd like to have a comprehensive discussion on the topic and are asking you to contribute through our Condo Conversation Corner. While buying or selling a condo do you have any first hand experience with unauthorized changes, disclosure problems or material changes? How familiar are you with the disclosure requirements? Do you thoroughly read the disclosure statements and the status certificate, or just rely on your lawyer to do so? What other comments do you have to contribute to the discussion?

CONDO CORPORATION PUBLIC HEALTH ORDERS

A question was submitted asking whether a condominium corporation (CC) could ban all visitors in a building and/or ban visiting between condo owners and renters in the same building. This was touched on during our April 27th webinar *Condos & Covid-19*, the recording of which is available on our website <https://cci-manitoba.ca> in the *Members Only* area under *Podcasts*. At about the 35 minute mark of the recording the question about the authority of CCs is raised in relation to public health orders. Basically, the CC does not have the authority to enforce a public health order.

CONDO CORPORATION LOANS

A Lunch-n-Learn presentation was made on the topic of *Condominium Corporation Financing: An Alternative to Special Assessment* Feb 27, 2020.¹ The spring 2020 Newsletter also contained a related article.², that prompted a member to provide feedback. The member expressed concern that by promoting the option of condo corporation loans, CCI was enabling CC Boards to underfund the reserve fund providing an advantage for current owners at the expense of future owners. We agree that underfunding a reserve fund is problematic, and in some cases, a loan might be a reasonable alternative to a special assessment. CCI is not endorsing one plan over another, only pointing out an option that unit owners and CC boards have.

When the Manitoba Condo Act was updated in 2015 requiring reserve fund studies (RFS) every five years, many CC Boards found their reserve fund inadequate. Diligent CC Boards would have responded promptly based on their RFS, and increased their contributions to their reserve

fund. However, if there were urgent needs to repair or renovate the common element, if the CC was unaware of the loan option, the current owners might have had to fund a special assessment for current repairs or replacement while also increasing their reserve fund contributions. In this case a CC loan would seem to be a reasonable course of action.

Another possible situation for which a loan might be reasonable in lieu of special assessments could be due to the CC Board including an upgrade project within the scope of work identified within the RFS. For example, if the roof was being replaced with money coming from the reserve, the Board might take the opportunity to upgrade the insulation at the same time. Likely, the upgrade would not have been included in the RFS and hence the reserve would have insufficient funds to do both. The Board would then have to choose amongst the various options, including

- only replace the roof and forgo energy efficiency improvements;
- defer the roof replacement for a few years until sufficient funds are available to do both;
- replace the roof and upgrade with insulation with the additional funds coming from a special assessment;
- replace the roof and upgrade with insulation with the additional funds coming from a CC loan.

Assuming the economics of the insulation upgrade were sound, the Board should be prudent and proceed with both projects. Note that the CC bylaws may have some bearing on how the Board proceeds and will likely vary amongst the various CCs. Per section 142 of the Manitoba Condo Act

If the by-laws of a condominium corporation so provide, and the board determines during a fiscal year that the common expenses fund will not be sufficient pay the common expenses for that year, the board may authorize a special assessment for additional contributions to the common expenses for that year.

The by-laws will be key in this regard, and will likely have clauses about special assessments and loans. It is worth noting that the by-laws will likely allow the Board to authorize a special assessment on their own but would require approval from unit owners to enter into a loan agreement.

So there are a few good reasons for a CC to take out a loan. Now consider the case for which the Board may indeed be ethically challenged, imprudent and/or not taking their fiduciary responsibilities to heart. If the CC Board deliberately kept the fees low and underfunded the reserve, knowing that they could take out a loan to pay for required future work, what would the effects be?

- The current directors and owners would indeed have lower fees than appropriate and could sell their units before major work is undertaken. If so, as part of the disclosure to the buyer the RFS would be provided, which would allow the buyer to see the underfunding situation and perhaps then revise their offer to purchase or cancel it during the cooling-off period.
- After reviewing the RFS and the funding gap, if the other owners didn't like the approach taken by the Board, they could replace some or all of the directors at a special general meeting, or pass a motion at a special general owners meeting to properly address the funding gap. If the unit owners were not paying attention to what the Board was doing, nor read and digested their RFS, it is possible the low fee

CONDO CONVERSATION CORNER: A VIEW & A VOICE

and underfunding situation would persist, to the future detriment of all owners. Hence the phrase 'buyer beware' is appropriate.

There is some merit in the idea that the loan option (or special assessment option for that matter), may enable boards to avoid hard decisions that are in the best interest of all unit owners. A recent article by the CBC³ suggests boards generally are not addressing underfunded reserve accounts *"The audit also found the majority of condo boards surveyed did not have adequate reserve funds set aside to cover future repairs and replacements."* This situation persists in Ontario even though they require RFS every 3 years and have had the requirement for RFS updates much longer than Manitoba.

To avoid the need for CC loans or special assessments, establishing proper reserve fund contribution(RFC) levels is key. A search of the internet finds multiple sources suggesting the RFC portion of the monthly condo fees should be 15% to 40%, assuming the reserve fund balance is adequate. If however the reserve fund balance is inadequate, the CC should implement a recovery plan to build up the reserve so they are sufficient funds prior to need. This may require a significant increase to the RFC and hence the monthly fees. This recovery plan should be well underway before the next RFS update is initiated, otherwise the CC could find itself in an even deeper financial hole.

PROTECTION OF UNIT OWNER CONTACT DETAILS

A member questioned if a condo board (or property manager) could compile a list of unit owner names, unit numbers and phone numbers

(and perhaps email addresses) then publish a directory listing to all unit owners.

Generally speaking, so long as there is clear consent to the use of the personal information, which consent must be specific to the use (i.e. it would have to be a consent for personal information to be included in the condominium corporation directory that is shared with unit owners and the property manager), the use for that purpose should not be an issue. There are, however, considerations that the corporation should bear in mind:

- unit owners must have the ability to withdraw their consent at any time, such that the directory would then need to be republished and re-circulated, and older versions should be destroyed
- the board would need to be comfortable that the directory will only be used for internal purposes and doesn't end up being used for commercial purposes.

CCI MB NEWSLETTER COMMITTEE
CCI MB Communications Committee

¹ <https://cci-manitoba.ca/members-only/podcasts>

² <https://cci-manitoba.ca/sites/default/uploads/files/newsletter/CCI-MB-Newsletter-2020-Spring.pdf>

³ Condo watchdogs lack teeth, says Ontario's Auditor General, CBC News 2020-12-07 <https://www.cbc.ca/news/canada/toronto/ontario-auditor-general-2020-annual-report-1.5830895>



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THE CONDOMINIUM ACT – SUGGESTIONS FOR IMPROVEMENT

When we refer to the Manitoba Condo Act we often use the term “the New Condo Act” but it isn’t really that new anymore - it came into effect in 2015. Many other Provinces have amended their respective Acts in the past few years. Perhaps it is time for us to get ours updated and more importantly get it improved. Towards this end, CCI Manitoba has a section on its website for you to submit suggestions for improving the Provincial Condo Act - here is a link <https://cci-manitoba.ca/resources/the-condominium-act-suggestions-for-improvement>. We have started posting these ‘suggestions for improvement’ in our quarterly *Condominium News and Views*. In case you missed the improvement suggestions in the prior edition, have a look at <https://cci-manitoba.ca/sites/default/uploads/files/CCI-MB-Newsletter-2020-Fall.pdf>.

For reference, the Province has a website with a guide to the Act along with links to the Act itself, and the associated regulation and various related forms. The website link is <https://www.gov.mb.ca/condo/>. If you are a current director of your condo corporation, it would be useful to have the link as one of your favorites. Questions from other directors or unit owners come up in relation to governance, by-laws, AGMs, etc. and you will likely find that you often have to refer to the Condo Act to answer these types of questions.

RECENT SUGGESTIONS FOR IMPROVEMENT & QUESTIONS

1. When an owner has a dispute with the condo corporation in Manitoba, there is really no place to go. Manitoba needs some kind of dispute resolution mechanism to support both condo owners and condo boards. Other provinces have tribunals set up
 - a. Ontario has one <https://www.condoauthorityontario.ca/tribunal/>
 - b. Alberta has one in process <https://www.alberta.ca/condominium-dispute-resolution-engagement.aspx>
 - c. BC was the first province to have one <https://civilresolutionbc.ca/how-the-crt-works/getting-started/strata-solution-explorer/>
2. In the May 2016 Newsletter there is an article by Lori Ricard and Rob Giesbrecht indicating that a "review engagement" is an option instead of doing a full audit. The ACT and Regulation should be updated to make this option explicit.
3. **Your improvement idea to be displayed here!** 🍁

DIRECT ADVICE

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