

## Condominium News and Views

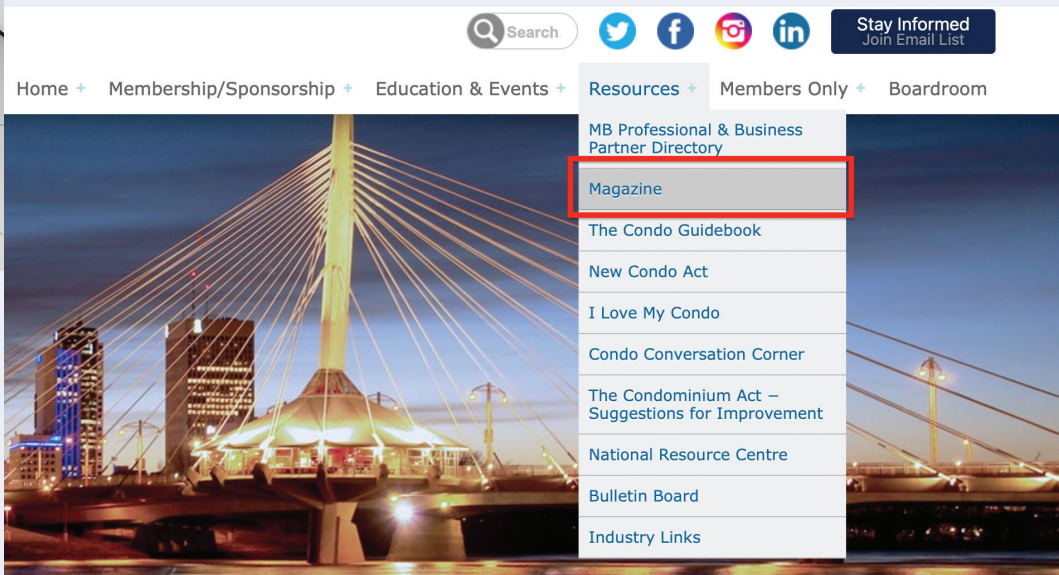


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To the Members and Friends of The Manitoba Chapter • Summer 2022



**The Canadian Condominium Institute - Manitoba Chapter**  
leads the condominium industry by providing education, awareness and access  
to expertise by and for our members. We are your Manitoba condo connection!



## SAVE THE DATE

CCI Manitoba will be holding its  
Annual General Meeting (AGM)  
on Thursday September 22, 2022



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We love when our members recognize the benefits of CCI-Membership and recommend us to others. For every new member that you refer to CCI-Manitoba – whether a Condominium Corporation, Individual, Professional or Business Partner Member, you will be entered into a draw to WIN A \$500 VISA GIFT CARD. The more new members you refer, the more chances to win! Each new member referred between now and September 1, 2022 will be one entry into the draw. The draw will occur at the CCI-Manitoba AGM on September 22, 2022.

# ANNOUNCING E-NEWS

## NEWSLETTER FOR MOBILE DEVICES

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All contributed articles must be original work. It is understood that submissions may be reprinted by CCI Manitoba and all previously published works must be accompanied by the publishers' authorization to reprint. Authors are responsible for their expressed opinions and the authenticity of all presented facts in articles.

CCI Manitoba reserves the right: to edit contributed articles for clarity, length, unwarranted attacks and libelous content and, to refuse to publish any contributed article.

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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

If you have content to provide for the newsletter or suggestions for topics or would like to just provide feedback, please feel free to send us an email at [cci.mb.news@gmail.com](mailto:cci.mb.news@gmail.com). 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. Thank you in advance for your assistance!

## 2021-2022 BOARD OF DIRECTORS

John Popowich, President	Connie Dame	Kathleen Vandale
Maureen Hancharyk, Past President	Alan Reiss	Alan Forbes
Matthew Jerome, Vice President	Carl Dalton	Phil Jenkinson
Audrey Harder, Treasurer	Doug Forbes	Duane Rohne
Kirsten Bishop, Secretary	Eric Hrycyk	

## WELCOME TO OUR NEW MEMBERS

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## THANK YOU TO OUR 2021-2022 SPONSORS

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## PRESIDENT AND CHAPTER REPORT



I've been so looking forward to summer this year and surprise, things just didn't go the way I planned. First the weather hasn't been that great. Although we've had some nice days, the rain seems to have been dominating.

In addition, due to the pandemic, I'm way behind at work. Since May I've been out of town every second week trying to catch up and it's going to be that way throughout the summer. I travel to Dauphin, Elphinstone, Russell, Ebb and Flow, Rolling River and a few more places.

I've gotten so used to my schedule over the past couple years. Working from home gave me plenty of time to devote to my hobbies. I did more bike riding last year than I've done in the past twenty years. A friend of mine and I would go on 20-30 Km rides every few days. It was fun, entertaining and I got a lot of exercise. This year I've only been out three times and I'll try and squeeze a few more in.

As well, last year my garden flourished. I was able to spend a lot of time on my patio taking care of my roses, cherries, vegetables and flowers. I cut down a bit this year as I knew I wouldn't be around to have time to take care of them. They are getting plenty of rain so that's one good thing. Being away from home so often feels like I'm neglecting them. I am still proud of them however. I enjoy sitting on the patio and taking in the surroundings when I can.

Normally when I travel for work we leave on Sunday so we can get a round of golf in before we start work on Monday. We work long hours so that is our only opportunity. This year with the rain, we've only managed three nine-hole rounds and one was in the rain. Pretty disappointing.

So this leads me to my main focus here. I am going to live vicariously through you, our members. What have you been doing so far this summer and what are your plans for the rest? I really want to hear about them. Are you gardening, hiking, or going for walks? Have you been traveling or plan to travel in the near future? Are you taking in any events around this great province? Fringe Festival, Jazz Festival, Folklorama are all events I've been to in the past and am going to miss this year. With things opening up this year, there should be plenty to do.

We are not serious all the time here at CCI Manitoba. We like to enjoy ourselves just like everyone else. So please, drop us a note on what you've been doing and maybe we can run a feature in

the newsletter. If you have the energy, write an article and we'll look at publishing some of them. Oh and make sure you send pictures. As they say, a picture is worth a thousand words. I'll even try to convince some of the board members to do the same.

I also am a big sports fan and used to go to a lot of Bomber and Goldeyes games. Do You? Or maybe you play yourself. I'd love to hear about that.

On another note, our Annual General Meeting is scheduled for Thursday September 22 at Fort Gibraltar. It is a Halloween theme this year and although you don't have to come in costume, many will and I will be one of them. In addition we are having a "Let's Get the Party Started" meet and greet the week before on the 15th. I have talked with many of you or communicated by email over the past year and it will be fantastic to finally see everyone in person. I hope all of you will register and come to our first in person Annual General Meeting in two years.

We have been busy here at CCI Manitoba. Our committees have been meeting with City and Provincial officials on a variety of issues including Waste Disposal and Short term rentals. The committees are the backbone of CCI Manitoba and without them I would have an extremely difficult time keeping up. Thanks to all of our board members for the time and devotion they put into their volunteer positions.

A lot of things are happening on the National front as well. CCI National has hired an Executive Director, Laura Pacheco to run the day to day operations. I met Laura via Zoom recently and am anxious to start working with her. The National executive will transition to in person meetings soon. While their AGM will still be by Zoom, the Executive will be meeting in person August 24 and 25. The entire National Council will meet in person for the first time in over two years from November 23 – 25 in Kingston Ontario. I've only participated via Zoom for all the meetings so it will be a great opportunity to finally meet all the council members in person. Hopefully I've caught up on my work by then.

So remember, send us your stories or articles on your summer activities, and tell us all about what you've been doing and where you've been going. And send pictures.

See you at the Annual General Meeting in September

Until then, stay safe.

JOHN POPOWICH, President  
CCI Manitoba Chapter 🍁

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## 2022-2023 EDUCATION AND EVENT PROGRAM SCHEDULE

### UPCOMING IN-PERSON AND ONLINE EVENTS

For up to date information about in person and online events, please use <https://cci-manitoba.ca/education-events/upcoming-course-events>.

DATE & TIME	TOPIC	FORMAT
SEP 15, 2022	CONDOS AND COLD ONES	IN PERSON!
SEP 22, 2022	ANNUAL GENERAL MEETING - SAVE THE DATE	IN PERSON!
OCT 20, 2022	POLICY MAKER - WHY DO CONDO CORPORATIONS HAVE RULES AND POLICIES	TBD
NOV 17, 2022	CLIMATE CHANGE AND CONSTRUCTION	TBD

### PODCASTS OF PRIOR EVENTS

If you missed a Lunch and Learn (LnL) or webinar session, note that after a few weeks, they will be uploaded as podcasts easy reviewing <https://cci-manitoba.ca/members-only/podcasts-webinars> along with other recordings of past webinars and virtual events.

DATE OF PODCAST	PODCAST TOPIC
MAY 19, 2022	SECURITY AND SAFETY
APR 21, 2022	INSURANCE
MAR 17, 2022	PRACTICAL TIPS ON BOARD ROLES, RESPONSIBILITIES & SUCCESSION PLANNING
FEB 17, 2022	YOU CAN'T PLEASE PEOPLE ALL THE TIME! TIPS TO IMPROVE COMMUNICATIONS – THE CONDOMINIUM CHALLENGE
JAN 20, 2022	GOING BEYOND RESERVE FUND STUDIES - REDUCING YOUR TOTAL COST OF BUILDING OWNERSHIP

### 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>

As a CCI Manitoba member you are eligible to participate in educational webinars offered by the other chapters across the country. Many chapters offer free webinars while some require a payment. Take a look at the offerings at <https://cci.ca/events/upcoming-events>

If you or someone you know is considering the purchase of a condo, the Canada Mortgage and Housing Corporation (CMHC) has a buyers guide. <https://www.cmhc-schl.gc.ca/en/consumers/home-buying/buying-guides/condominium>



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## REGISTER NOW!

### THE CCI MB INTRODUCTORY COURSE IS NOW AVAILABLE ONLINE

Although we can hardly wait to resume our in person sessions, we are looking forward to offering our Courses in an online format to give you, our condo community members the option to grow your knowledge base from the comfort of your home.

## WHAT IS CCI?

The Canadian Condominium Institute (CCI) is the Voice of Condominium in Canada. It is a national, independent, non-profit organization dealing exclusively with condominium issues.

Formed in 1982, CCI represents all participants in the condominium community. Interested groups are encouraged to work together toward one common goal: creating a successful and viable condominium community.



your condo connection

### The Canadian Condominium Institute (CCI):

- Is the only national association to serve as a clearing house and research centre on condominium issues and activities across the country.
- Assists its members through education, information dissemination, publications, workshops, conferences and technical assistance.
- Encourages and provides objective research for practitioners and government agencies regarding all aspects of condominium operations.
- Lobbies provincial and federal governments for improvements to legislation.
- Advocates for higher standards in all services to the condominium client.

<b>SECTION I:</b>		
<b>Buying a Condominium</b>	2	Unit Ow
What is a condominium?	2	How ar
What are the Basic Elements of a Condominium?	2	How a
What is an Exclusive Use Common Element?	3	I woul
What are a Declaration, Plan and By-Laws?	3	Can a
What are Rules?	4	Who
What is the Condominium Corporation?	4	May
What is the Board of Directors?	5	paym
What are Common Element Fees?	5	Whic
What are there any limits in what I can do?	6	Wh
Are there any limits in what I can do?	6	Wi
What is a Reserve Fund Study?	6	Co
What is a Reserve Fund Study?	7	wh
How are Real Estate Taxes paid?	7	W
What can I expect from the Vendor?	8	ca
Can I change my mind?	8	C
What if there are changes before I close my purchase?	9	E
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What advantages are offered by condominium ownership?	9	
<b>SECTION II:</b>		
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Our project has just been registered as a condominium. When do I get a say in how it is run?	10	
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What is my responsibility as a director?	11	
What are the responsibilities of the property manager?	12	
What makes a good director?	14	
Who is entitled to vote?	14	
How are annual general meetings run?	15	
What Decisions must be made by the		

## CCI MB INTRODUCTORY COURSE

### GETTING STARTED AS A DIRECTOR

A MUST FOR ALL CONDO DIRECTORS, PROFESSIONALS, CONDO OWNERS WHO ARE POTENTIAL DIRECTORS OR ANYONE WHO WANTS A BETTER UNDERSTANDING OF HOW CONDOMINIUM CORPORATIONS FUNCTION.

## LEARNING OBJECTIVES

Upon completion of the CCI MB Introductory Course, participants will have a basic understanding of the following:

- Governance and Condominium terminology
- Directors' responsibilities
- How Condominiums are managed
- Basic financial overview
- Legislation that affects Condominium Corporations

A Condo Corporation Board is collectively responsible to set the vision for the Corporation which in turn creates the framework for operations. The learning objectives for this session are to help you get started by outlining the Governance and Directors' Responsibilities, discuss various approaches and options to Property Management and help better understand the Board's planning, financials, and other responsibilities.

## THANK YOU TO OUR COURSE SPONSORS



**Alan Reiss**  
204-981-1688 | areiss@remax.net



## CCI MANITOBA COMMITTEE REPORTS

The following reports summarize the accomplishments of CCI Manitoba's Committees from the past year and summarize the plans for the coming year. Note that you need not be a CCI Board Member to join one of our committees. If you are interested in volunteering for one of our committees, please email us at [ccimanitoba@cci.ca](mailto:ccimanitoba@cci.ca).

### SPONSORSHIP AND AGM COMMITTEE

The AGM/Sponsorship Committee is responsible for arranging the AGM and campaigning for sponsorships. Sponsorship is an extremely important part for any non-profit organization. It is the financial support for events such as AGM's, Webinars and Lunch & Learns and it helps to keep membership and events affordable. In addition, it also increases awareness for our Professional and Business partners by promoting their company at events including the CCI website, Eblasts as well as AGM's. Their sponsorship also allows them to successfully network at any particular in person event.

This year our AGM, September 22, 2022 will be in person at Fort Gibraltar with a Halloween Theme, so start planning your fantastic costume ideas! We will have entertainment, games, and prizes. If you would like to sponsor our AGM please reach out to our committee members or Aesia our CCI Administrator.

We are always looking for volunteers for our committee, if you are interested in volunteering, please contact CCI Manitoba Chapter to learn more.

I would like to thank the Committee members: Kathleen Vandale and Phil Jenkinson for their hard work, dedication and contributions.

**WE WOULD LIKE TO EXPRESS OUR SINCERE GRATITUDE TO ALL OUR SPONSORS; IT MEANS THE WORLD TO CCI AND OUR MEMBERS.**

CONNIE DAME  
Committee Chair

### COMMUNICATIONS COMMITTEE

This Committee was re-formulated at our first Board meeting after the AGM in September 2021. Our first task was to define our terms of reference so that we could focus on our objectives so as to avoid over-committing and under-delivering. Our Committee objective are as follows:

1. Improve member engagement, via whatever tools appropriate, such as the newsletter, website and social media.
2. Generate timely, informative, stimulating and quality content, focusing on issues that are relevant to the condominium community.
3. Ensure the consistent use of CCI's brand, both for internal CCI communication and for external communication with our members and the condominium marketplace in particular and society in general.
4. Respond to member inquiries and answer their questions, validate their complaints and concerns, even if we are not able to provide solutions, provide advice if possible, and direct them to our Professional and Business Partner members when appropriate.

We have made good progress during the year. To address our first objective, improved member engagement, we've started using social media to provide more timely content, we've started publishing our newsletter as an online article library to make the content more accessible to mobile device users, and we have set up an email address for members to contact the Communications Committee directly to provide feedback and to pose questions - [cci.mb.news@gmail.com](mailto:cci.mb.news@gmail.com).

As to our second objective we constantly strive to make the newsletter interesting and informative. As to the relevancy aspect, we have done a number of articles, E-blasts and social media posts in regards to our advocacy efforts for regulating short term rentals in Winnipeg and providing condo owner feedback for the proposed City of Winnipeg multi-family waste diversion fee.

For our third objective, consistent use of CCI's brand, we have been incorporating CCI's 40th anniversary logo throughout our organization. As well, we've been working on our brand awareness by providing complimentary newsletter copies to all Provincial politicians and to most municipal politicians that have condominiums in their jurisdictions.

For the fourth objective, we have been working on improving our responses to member inquiries. As is the case for many volunteer based organizations, it is sometimes difficult to provide timely and effective responses to member inquiries. Many of our directors have busy careers and all of us have family and other volunteer commitments. We are aspiring though to build a better process to handle member inquiries.

The Committee has worked diligently throughout the year - in particular I would like to thank John Popowich, Duane Rohne and Alan Reiss for their recurring contributions to the newsletter, Alan Reiss, Duane Rohne and Alex Abraham for their suggestions for social media posts, Maureen Hancharyk for her newsletter contributions and words of encouragement, Kathleen Vandale for insurance focused content, Aesia Desrosiers for her tireless efforts help me out and working with our designer and printer, and lastly Pam Pyke for her proofreading skills.

ALAN FORBES  
Committee Chair



### **NOMINATING COMMITTEE**

This is a relatively new Committee, struck in the winter of 2021 with a mandate to ensure we have an adequate number of suitable candidates to fill the five Board positions that open up each year at our AGM. Our first year 2021 was a success in that we had enough candidates for the open positions such that we had to hold an election as part of our AGM. Afterwards, we solicited feedback from all of the candidates and conducted a lessons learned analysis, which was then supplied to the 2022 Committee.

In the March 2022 Board Meeting Duane Rohne and Connie Dame volunteered to manage the Nomination Committee for the upcoming AGM in September of 2022.

The committee communicated with all five directors that currently are on the CCI Manitoba Chapter Board that are up for re-election in 2022. Four of five current Directors have agreed to put forth their name for re-election at the September 2022 AGM. Philip Jenkinson has decided not to run for re-election.

Two people have been identified and seriously considering putting their names forward for election to the Board of Directors. We have spoken with both candidates in the past month.

In early August we will follow up with a package to all candidates for the director positions.

DUANE ROHNE & CONSTANCE (CONNIE) DAME  
Nomination Committee

### **ADVOCACY COMMITTEE**

This Committee was formed during our December 2021 Board meeting, primarily to address two issues of interest to members in the City of Winnipeg, notably the lack of regulations and problems associated with short term rentals (STRs) and the proposed multi-family waste diversion (MFWD) fee. We started by establishing the terms of reference for the committee at which time we identified two other issues of interest - concerns about structural integrity of multi-family housing in light of the collapse of the Champlain Towers condo in Florida in June 2021, and a persistent issue of property tax fairness for multifamily residential properties.

We've been very active on the issues of STR regulations and MFWD fees during the past year, with articles in each of our quarterly newsletters and frequent posts to social media. As well, we've had discussions with City of Winnipeg Council members and with City staff. With the help of our membership, we were able to get the proposed MFWD fee postponed until a future fiscal year, which should provide us time to ensure condo owner input is considered in the setting of the fee. While the STR issue has been circulating through the City Hall process with no resolution to date, it is hoped that recommendations will be made to Council in the fall with Council consideration in the winter and hopefully implementation sooner than later in 2023.

The other two issues identified have received much less attention. On the issue of condo structural integrity, we have approached Engineers Geoscientists Manitoba and their Public Interest Review Committee for their input prior to us formally initiating any activity. As to the property tax fairness issues, we unsuccessfully pursued this in 2015 but in light of the continuing pandemic and the Provincial election in 2023, we decided not to initiate any new activity until the end of next year or later.

I'd like to thank the Committee members for their hard work - Maureen Hancharyk, Duane Rohne, Betty Johnstone and John Popowich, along with our administrator Aesia Desrosiers, plus our other Board members that made important contributions Kirsten Bishop, Eric Hrycyk and Doug Forbes.

ALAN FORBES  
Committee Chair

### **FINANCE COMMITTEE**

It has been a great year being on the CCI Board! We have met in person and have continued doing hybrid meetings as well. A great group to be a part of!

CCI membership fees have changed. Individual memberships are now \$50 and the condo corporations depending on unit count have been changed as well. We feel the new fee structure helps accommodate the smaller corporations as well. There were cost savings with no travel costs but did invest in new social platforms to continue to provide CCI Lunch 'n' Learns and programming platforms for the new courses.

I am looking forward to the new year with many new condominiums joining CCI. Such added value with the condo introductory course now available and we are working on the CCI 200 course. We will continue to provide the Lunch 'n' Learns virtually and hopefully in person as well.

The CCI board of directors continues to work hard to provide value to all their members!

AUDREY HARDER  
Committee Chair

## CCI MANITOBA COMMITTEE REPORTS

### EDUCATION COMMITTEE

The Education Committee is responsible for offering webinars and Lunch & Learns to the condominium communities. Our goal is to support our members with resources that enhance their knowledge and understanding of condo living.

The past couple of years has been a challenge working through the pandemic for everyone. Our first and most important news is that we have launched the CCI Introductory Course for our members. We received great feedback from our members who have taken the course and we will be implementing some minor changes to improve the course.

Our next priority is to work on the CCI 200 course to provide a more in depth education to the condominium communities. We are looking forward to resuming in person Lunch & Learns in October, we will offer both webinars and in person Lunch & Learns moving forward. If you have any suggestions on topics that you would like to learn about, we would love to hear from you.

We are always looking for volunteers for our committee, if you are interested in volunteering please contact CCI Manitoba Chapter to learn more.

I would like to thank the Committee members: Carl Dalton, Audrey Harder, Kathleen Vandale, Alan Reiss, Eric Hrycyk and Nathalie Kleinschmit, for their hard work, dedication and contributions.

**“EDUCATION IS THE MOST POWERFUL WEAPON WHICH YOU CAN USE TO CHANGE THE WORLD”**

CONNIE DAME  
Committee Chair

### MEMBERSHIP COMMITTEE

The Membership Committee was moved to its own standalone committee. Previously the committee was part of the Newsletter and Communications Committee; this action was completed during the October of 2021 Board Meeting.

The Membership Committee submitted their Terms of Reference to the Board in the board meeting of June 2022, the same was adopted.

The Membership Committee submitted four initiatives:

1. Continue early membership renewal and membership referral initiatives for 3 more years (2025) to determine the effectiveness of the initiative.
2. Establish a Management Advisory Committee for implementation in 2022.
3. Actively review membership trends, rates, and renewals.
4. Implement a new membership fee structure to improve accessibility for small CC's and individual members

As of this date, initiatives #1, #3 and #4 are continuing or completed. The remaining initiative, development of a management advisory committee is moving forward. Further development is required with its first meeting expected after the CCI September AGM.

The fourth initiative, implementing a new membership fee structure is complete and adopted for the 2022/23 membership renewal period that began in July of 2022.

Saying thank you to the committee members Alan Forbes, Doug Forbes, John Popowich and the CCI administrative assistant, Aesia Desrosiers seems grossly insufficient recognition for their time and assistance; alas thanks to each of you for your contributions.

DUANE ROHNE  
Committee Chair 🍁

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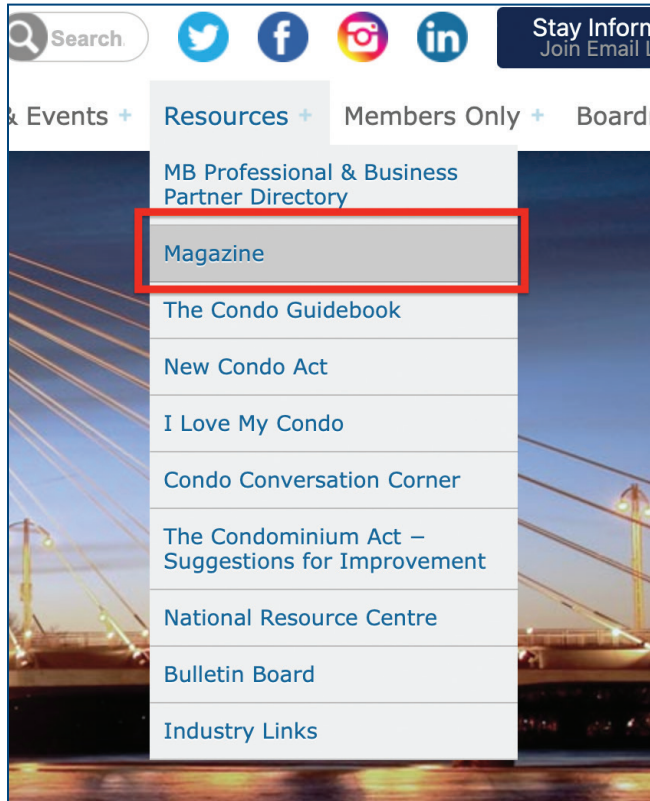
  
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## ANNOUNCING E-NEWS NEWSLETTER FOR MOBILE DEVICES



**W**e are proud to announce we are now E-publishing our quarterly newsletter, the Condominium News and View, in a format suitable for mobile device users. From now on, each new edition of the newsletter will be published as an article library to make it easier for you to read articles of interest, no matter where you are or which device you are using. As well, the newsletter article library is located on the public side of our website, so you don't need to log in.

Here is a link to the newsletter library <https://cci-manitoba.ca/cci-manitoba-magazine>. Why not click the link, add it as a favorite and start browsing the article library, which includes not only the current edition but also several past editions. 🍁



**Lori Ricard, CPA, CA**  
Partner

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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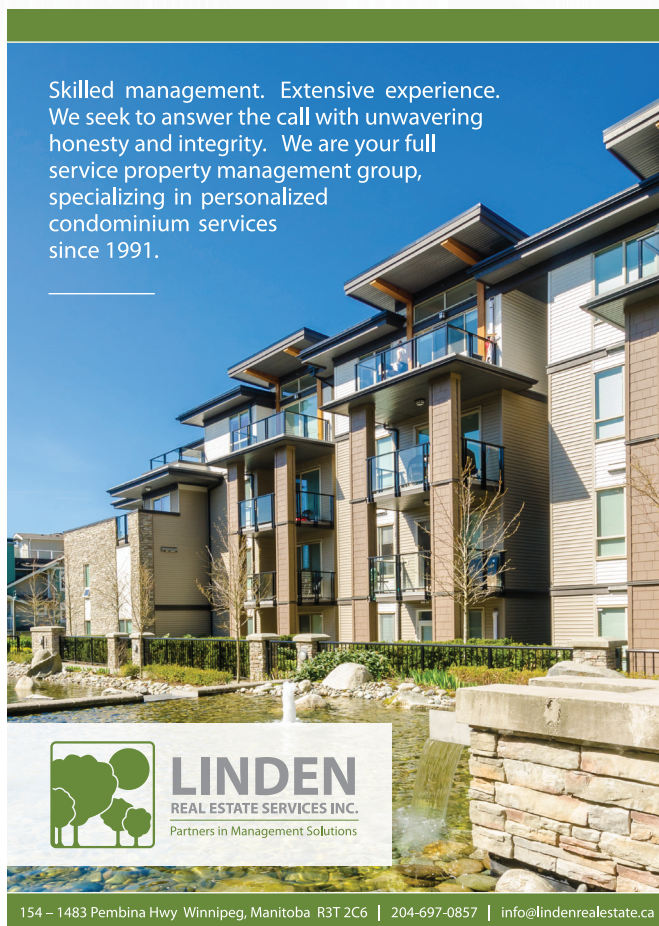


## THE CONDOMINIUM ACT – SUGGESTIONS FOR IMPROVEMENT

**W**e received one suggestion from a member to improve the Provincial condo Act (The Act). The suggestion is to increase the threshold from 10 to more than 25 for smaller condo corporations (CCs) to have more flexibility in meeting audit requirements. This pertains to section 156 of The Act <https://web2.gov.mb.ca/laws/statutes/2011/c03011e.php#A156>. The rationale is that the cost of performing the audit seems to be increasing perhaps due to smaller firms leaving the audit field or being bought up by larger firms. As it is, the audit cost as a percentage of the overall CC budget is significant for smaller CCs and is only increasing. Along the lines of improving the flexibility, the member suggested "Perhaps smaller corporations could be subjected to an "inspection" or "examination" every 3 years by a qualified accountant or auditor to ensure the financial records are being properly maintained and that safeguards and internal controls exist to protect the interests of CC owners. This type of review would only require a management letter along with recommendations, if any, for addressing any internal control weakness. Since a professional opinion would not necessarily be required, the risk and potential liability to the accounting firm would be much less, therefore, cost would be at far less per year for smaller CCs like ours."

As a result of the Champlain Towers Condo collapse in Florida just over a year ago, the Community Association Institute® (CAI) published a report titled *CONDOMINIUM SAFETY PUBLIC POLICY REPORT - RESERVE STUDIES AND FUNDING, MAINTENANCE, AND STRUCTURAL INTEGRITY*. What follows is a brief summary of the report. The report is available at <https://www.caionline.org/HomeownerLeaders/DisasterResources/Documents/CAI%20Condo%20Safety%20Public%20Policy%20Report%2010%2021.pdf>

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While the report has focused on the USA context there are several sections pertinent to the Canadian context and could be useful as input into plans to update Provincial condo acts and related regulations.

*"CAI recommends additional requirements by developers during the development process and prior to transition to the homeowners. CAI worked closely with developers on these recommendations. We believe these recommendations are balanced, equitable, and approved by the participating developers and their agents. Structural integrity is addressed through statutory mandated building inspections with a baseline inspection when the building is 10 years old, another inspection at 20 years, and every five years thereafter. Inspections are based on the American Society of Civil Engineers (ASCE) published protocol for building inspections (ANSI)."*

CAI documents their position in relation to reserve fund studies on pages 11-12, which includes specific recommendations for pre-construction, construction and transition to owners phases. This is especially of interest for purchasers of new condos.

The CAI position on building maintenance and structural integrity is documented on pages 25-28 and includes specific recommendations for inspections and documentation for the period up to the turnover meeting, including all drawings and a preventative maintenance manual. They provide a recommended inspection schedule including a baseline inspection at the five year point for new construction, then subsequent inspections every five or ten years, depending on the age of construction.

Federal solutions and policy priorities in the wake of the Champlain Towers collapse are presented. While these are USA specific, there are likely similar solutions possible for the Canadian context.

**ALAN FORBES**  
Chair, CCI MB Communications Committee

We encourage you to submit suggestions for improving the Provincial Condo Act to us via <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 editions, have a look at the Fall 2020, Winter 2021 and Spring 2021 editions at <https://cci-manitoba.ca/members-only/newsletter-archive>

The Province has a useful website with a guide to the Act and links to the Act itself, and the associated regulation and various related forms. The website link is <https://www.gov.mb.ca/condo/>. 🍁



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## ADVOCACY UPDATE - WASTE DIVERSION FEE

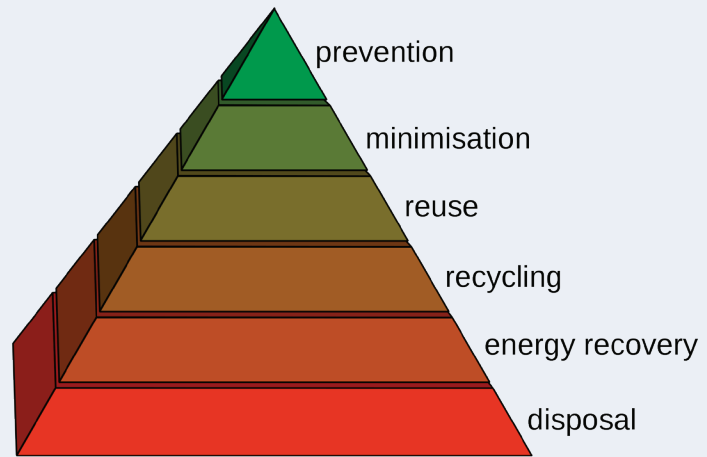
The City of Winnipeg has a web page with information about their recycling strategy for multi-family properties <https://engage.winnipeg.ca/recycling-strategy-for-apartments-and-condos>. In late April, CCI participated in the stakeholder consultation process. The online session was useful and informative but didn't get into the details of the costing model. We felt we were listened to during the session and they understood the perspectives of condo owners. The City's web page indicates that the public engagement phase is now closed and they are reviewing the input. Given the upcoming municipal election in the fall, we don't expect any further updates for several months.

As part of the process, hopefully the City will review their overall waste minimization strategy. As suggested in by the Waste Hierarchy Wikipedia graphic<sup>1</sup>, recycling should not be the most important part of the strategy.

Using the above hierarchy, the City should be able to avoid contributing to the troubling image that Canada exports

most  
favoured  
option

least  
favoured  
option



its trash as 'recyclables' to other countries, as recently seen on CBC's The Fifth Estate episode<sup>2</sup> titled *Illegal Canadian trash keeps ending up overseas. And the federal government won't say who's shipping it.*

ALAN FORBES  
Chair, CCI MB Advocacy Committee 🍁

<sup>1</sup> [https://en.wikipedia.org/wiki/Waste\\_hierarchy](https://en.wikipedia.org/wiki/Waste_hierarchy)

<sup>2</sup> <https://www.cbc.ca/news/canada/fifth-estate-recycling-1.6410657>



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## ADVOCACY UPDATE - SHORT TERM RENTALS

The City of Winnipeg has formalized their process and set up a web page to better engage all stakeholders on the issue of regulating short term rentals (STRs) <https://engage.winnipeg.ca/short-term-rentals>. The web page shows that the period for public consultation has now closed and City Staff are reviewing the information submitted and developing recommendations for Council over the next few months.

### PROGRESS AT CITY HALL

The STR issue has again cycled through the process starting on June 6th with the Standing Policy Committee (SPC) followed by the Executive Policy Committee (EPC) on June 13th and finally the full Council on June 23rd. You have to admire the persistence of the various delegations that have appeared at many of the various meetings over the past year.

If you want to review the results of the above noted meetings, here are the associated links to video recordings and written documentation.

### JUNE 23 COUNCIL MEETING

On the City Clerk's website in the links below look for the **REPORT OF THE STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT, HERITAGE AND DOWNTOWN DEVELOPMENT dated June 6, 2022**

- Agenda
  - item #7 under Reports has 9 written submissions
  - <https://clkapps.winnipeg.ca/dmis/ViewDoc.asp?DocId=21953&SectionId=&InitUrl=>
- Disposition
  - Fourth page shows the SPC report from June 6 adopted
  - <https://clkapps.winnipeg.ca/dmis/ViewDoc.asp?DocId=21960&SectionId=&InitUrl=>
- Recording
  - Delegation presentations run from 1:09 to 1:43 (h:mm)
  - <https://clkapps.winnipeg.ca/dmis/ShowVideo.asp?DocId=21962>
- Minutes
  - <https://clkapps.winnipeg.ca/dmis/ViewDoc.asp?DocId=21962&SectionId=&InitUrl=>

### CCI MANITOBA POSITION STATEMENT

CCI Manitoba has been closely monitoring the issue as it has worked its way through the City Hall process. While we have not been a delegation at the public meetings we have had discussions with Council members and City staff. Over the past several months we have discussed the issue at our CCI Board and have developed a position statement on the issue.

### CCI MANITOBA OBJECTIVES

CCI's objectives include protecting the safety and well being of each condominium community, including its property, assets and residents, as well as supporting the municipality's zoning, development and other goals.

### PRIMARY OBJECTIVES

The primary objectives pertain to the owners of condominium units and more importantly the resident owners, who collectively have to put up with all problems and costs resulting from the operation of Short Term Rentals ("STRs").

1. No condo unit shall be occupied or be used by anyone in such a manner as to interfere with the reasonable use, occupation and quiet enjoyment of any other unit or the common elements.

2. Condominium Corporations ("CCs") shall have the autonomy to decide whether STRs are allowed in their corporation.

### SECONDARY OBJECTIVES

Municipalities should:

1. Establish reasonable regulations and licensing requirements for STRs and their operators;
2. Set licensing fees to provide sustainable funding to support the necessary infrastructure for regulating and licensing STRs, including enforcement activities, both for violation of the regulations and for violations of the primary objectives stated above.

### OTHER CONSIDERATIONS

The primary problem affecting condo residents is bad behavior from a (small?) proportion of the STR operators and/or their clients. If this problem didn't exist, regulation may not be necessary.

### STR DEFINITION

A definition of STRs is required, possibly a broader definition as described by what is not applicable under *The Residential Tenancies Act* of Manitoba per section 3(1) <https://web2.gov.mb.ca/laws/statutes/ccsm/r119e.php#3>

#### Non-application

3(1) This Act does not apply to

(a) living accommodation occupied on a transient basis provided in a hotel, motel, inn, tourist home or hostel, or other similar accommodation;

(b) living accommodation occupied as a vacation home for a seasonal or temporary period;

### CCI MANITOBA POSITION ON SHORT TERM RENTALS

CC's should be able to "opt out" by notification to the City that it has passed a By-law permitting STRs in its development without licenses. The Condominium Act (Manitoba) requires owners holding 75% (or such higher percentage in that CC's Declaration) of the voting rights in the CC vote in favor of the By-law for it to pass. Provided that ability to "opt out" is present in any applicable City By-law, CCI Manitoba is of the view that:

1. All unit owners or tenants leasing a unit as a STR in a CC that hasn't opted out (each a "Lessor") shall be licensed. No condominium unit in a CC that hasn't opted out should be leased as a STR without the Lessor and the unit being licensed.
2. The license application should include (i) each Lessor seeking to be licensed providing his, her, or its full contact information where the Lessor can be contacted on a 24 hour, 7 days a week basis; and (ii) if a Lessor (or it's primary contact if the Lessor is not an individual) is not a resident of the greater Winnipeg area the lessor should provide a contact person within the greater Winnipeg area. This information should be available to the public.
3. The City of Winnipeg should maintain a complaint process whereby an aggrieved party can register a complaint regarding a STR or its occupants with the City. A complaint found to be valid should cause a Lessor to be fined. After a set number of complaints the lessor's license shall be revoked.
4. Licensing fees should be set at a level to provide sustainable funding to support the necessary infrastructure for regulating and licensing STRs, including enforcement activities.
5. CCI will work with stakeholders to define what constitutes a STR. Some thoughts are: (i) less than 30 days term; (ii) less than 14 days term.

ALAN FORBES

Chair, CCI MB Advocacy Committee 🍁





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## BUILDING COMMUNITY

Owniing a condo and residing in it is more than just an investment. It is more than just living in an extended stay vacation property. You are living in a community, and to get the most out of your residence and your investment, you should be involved in your community. Being involved in the community starts with being respectful and cordial to all members of the community. Understanding and complying with the rules and regulations of the community is also an important aspect of being part of the community, and also ties in with respecting your fellow community members.

What does community mean in the context of living in a condominium? It is unreasonable to expect everyone to be friends; however, there are many people sharing a very small space. In my opinion, community is a place where you do know some people, where everyone feels equal and welcome - as though a bit of their identity is tied to a larger collective - and where everyone can contribute towards something larger than themselves. Ultimately, being part of a condominium community is knowing that you belong - that you are known, respected and valued.<sup>1</sup>

Being ensconced in our condos, alone or with a small group of trusted friends, is necessary for our personal needs, but does it contribute to the community of people around you? We each have our sense of personal space. You can pursue personal growth and development while increasing your social network, with all individuals sharing a common purpose: to develop the community that you collectively own.

Before you stop reading and head to the recycling bin, consider the statement in the second paragraph, *everyone can contribute towards something larger than yourself*. Was that a reason why you moved to a condo in the first place, to become part of a community? If it was, and post Covid, you're looking to renew or initiate new contacts, committees might be the vehicle you're looking for to improve your chances of meeting new people. Your degree of commitment is up to you, an hour or so a week or perhaps a few hours a month. Perhaps you prefer short bursts of involvement punctuated by periods of minimal contact. You are in the driver's seat with both hands on the wheel and your feet hovering over the gas or brake pedal.

Being involved in your community includes being involved with its governance. Once you are comfortable in the community, consider running for the Board. All owners are welcome and bring their own personal skills and experiences with them. Not quite ready for the Board? Consider getting involved with a committee looking at a specific aspect of the community.

While community involvement includes the governance aspect, committees and interactions with the other owners, clear and open lines of communication must be established and maintained. In the sections that follow, these aspects are discussed in more detail.

### GOVERNANCE AND THE BOARD OF DIRECTORS

Being involved in your community includes being involved with its governance. As a minimum, all owners should attend the owners meetings, such as the annual general meeting (AGM), and not only attend, to come prepared to participate fully, by reading all of the materials distributed in advance of the meeting. Do you find the financial statements boring and just skim them over? Hopefully not, because your condo is probably your biggest single investment. Do you know your current Board of Directors and potential candidates? You will likely need to vote so try to get to know them. Participate fully in the meetings by asking pertinent and meaningful questions, and offering suggestions. Every condominium corporation is unique in terms of number of units, age, style, location and the declaration and bylaws specific to the corporation. This makes it difficult to have a one size fits all guide for condominiums.

All condominiums are governed by the Condominium Act, which was last amended in February of 2015.

The Condominium Act states that the corporation and therefore, the directors, shall perform the following duties:

- to manage the property of the owners and the assets of the corporation;
- to control, manage and administer the common elements;
- to enforce the declaration and bylaws; and
- to keep adequate records

The Act also provides that the Board of Directors shall hold meetings, perform functions, elect officers and carry out the above duties and any additional duties which may be established in the Declaration and By-Laws.

A good director will assist the Board in reaching consensus. To this end, a good director will understand their responsibilities, understand and enforce the requirements of The Condominium Act, Declaration and By-laws fairly, impartially and, most importantly work as a team to reach consensus and guide the affairs of the corporation.

Working as a team is key to the Board of Directors role in building community. Working as a team means including the property manager, if the corporation has a contract with a property manager.

Property managers do contribute advice to the Board as they have valuable experience and expertise. However, the Board as the governing body does make the decisions and the property manager then implements those decisions.

Effective leadership is about taking the lead and being a good role model. Leading by consensus means being open minded, not having personal agendas, listening to each other and to differing opinions. If consensus cannot be reached, votes must be taken and once a vote has been taken those who dissent must support the majority. A successful Board speaks as a united team by upholding and abiding by a majority vote.

Board members must enforce the bylaws and declaration. The "live and let live" attitude does not work and only leads to problems if the declaration and by-laws are not enforced. Being in tune with owners and communicating well means ensuring that owners are informed of decisions that are made. The Board is elected to make decisions but that does not mean seeking owner approval on issues that do not require owner approval.

A condominium Board of Directors, only needs to seek approval on decisions for:

- substantial changes, additions, alterations or improvements to common elements;
- substantial changes to the assets of the condominium corporation;
- enacting or amending the declaration and by-laws.

Budget decisions and contributions to common element fees and reserve fund contributions are at the sole discretion of the Board.

The Act states that each director and officer of the Board, in performing his or her duties and exercising powers, must act honestly and in good faith with a view to the best interests of the condominium corporation.

Owners are a valuable part of the team when building community. Successful communities are united, including being united with the Board, the property manager and other owners. Of course,

## BUILDING COMMUNITY

everyone does not agree all the time, but if decisions are made in the best interest of all owners, then the condominium Boards of Directors can definitely please most of the people most of the time.

### BEYOND THE BOARD - COMMITTEES

Many Condominium Corporations (CC) support committee development in their bylaws or with the direction and support of a progressive board. My CC has within its rules that the board "may from time to time facilitate the establishment of a volunteer social committee." Over the past year, residents have done just that and established a social committee. This committee emerged from informal happy hour meetings in common areas. Eventually with board and management support, the committee set about organizing themselves. After one year they had run several events for residents; a Canada Day BBQ, a Halloween candy giveaway for children and grandchildren of residents, a potluck, a Christmas-themed balcony lights contest and planned attendance at a local live play.

Another committee created a noticeable impact, the gardening committee. From humble beginnings of planting a few annuals in flower pots on a rooftop patio, this committee has grown into a force of nature by planning and planting throughout the property. This spring they purchased and planted all the annuals, perennials, and grasses, and introduced new design details to replace a plot of ugly struggling lawn. The savings this committee realised by volunteers completing the project vs paid groundskeepers were plowed into new rooftop patio furniture.

A third committee produces the CC newsletter, which is distributed to our residents about four times a year. Volunteers add photos and articles to inform residents of board decisions, good to know information or issues of interest within our area of Winnipeg. Occasionally we add articles about upcoming festivals or special events in addition to short articles about nearby *locally owned businesses* that offer services enhancing our community, such as; coffee shops, pubs/restaurants, and medical or personal services.

Collectively these three committees, all formed within the past 24 months, have over a dozen volunteer CC residents. Collectively these volunteers have planned social events, improved our property with beautiful trees, shrubs, plants, and via the newsletter, helped keep residents informed about CC committee activity, plans and other events within our larger community. These committees all started small but have successively become larger, with the participation of our diverse residents.

Some other CC's have organized committees that sponsor yoga sessions, small lending libraries or game nights for young and old. Each CC often has within its resident body, current or retired professionals with a vast array of expertise and experience. If asked and encouraged, they might volunteer a few hours to act as an informal advisory group useful for the board and community to tackle upcoming projects. One CC I am aware of has managed to obtain the expertise of an experienced resident engineer to assist with technical aspects of an upcoming large capital improvement project.

With the assistance of a few committee volunteers, you can expect to see benefits beyond social events and property beautification. You will also see improved security and lowered repair costs caused by misuse. Once you develop relationships with your neighbors, you also begin to look out for them, especially the very young, old or those needing some assistance with everyday needs. Knowing who lives in your community is the first step to knowing who does not or should not be in your CC, another step to improve security and eliminate property damage and theft.

Building up is always harder than tearing down. Community building will not occur overnight, it takes time, patience and persistence, anything meaningful does and always has, there are no shortcuts. Your choice to buy into a condo corporation could be more than a financial investment, it could be an investment in personal growth and community building. Like compound interest, small investments of time will reap huge rewards in the years to come.

### COMMUNICATION SUPPORTS IT ALL

Community starts with communication (well, at least with the first seven letters). If you want to build a community feeling at your condo property, you must recognize that the communication needs to be timely, two-way, and each message must have a sender and a receiver. The receiver in particular should be considered when composing the message, otherwise it could be misunderstood. Consider the type of information to be conveyed and the relevancy to the receiver before sending the message. Also, attempt to ensure the communication is two-way. If you find you are sending out many messages and getting no feedback, consider that the communication channel may be broken.

Besides the regular communications between the property manager and owners, via phone or email (or in-person for the resident manager case), consider other ways to keep the communication channel open. Newsletters are a common means to convey useful and relevant information to owners. The information could include contact details for the manager, upcoming maintenance or service actions, or even upcoming social events. As well, the newsletter could include reminders for owners to do the seasonal or regular maintenance in their own units (such as furnace filters, smoke detector batteries, etc.). If you do publish a newsletter, decide on a schedule and stick to it. After all, you will not have much credibility if you publish a quarterly newsletter only once or twice a year, or if the summer newsletter comes out in October.

Some condo corporations maintain their own websites to keep their owners informed. As well, many property managers have a website with an owner login area to place service requests or obtain electronic copies of their condo documents. My own condo corporation has incorporated these ideas and set up an information kiosk, in the form of an online unit owner handbook (UAB), using Google Drive (which is free). Our UAB contains copies of the condo docs, our annual budgets and audited financial statements, along with copies of past newsletters, reserve fund studies, management agreements, AGM minutes, insurance certificates plus many other documents deemed useful to our owners.

Another aspect of communication is being open and transparent on how the Board governs the corporation. To that end, our Board has developed several policies to improve our consistency, and published them for all to see in our UAB.

So in conclusion, if you want to have an effective and enjoyable community at your condo, get involved on the Board or at least interact with your Board to ensure the governance is effective and economical. Volunteer to help out on various initiatives via committees – afterall "many hands make light work". Be both a sender and receiver to ensure effective two-way communication. Think about and internalize the thought "*where everyone can contribute towards something larger than themselves*". If you are doing these things you should be well on your way to an enjoyable community life.

MAUREEN HANCHARYK, DUANE ROHNE, ALAN FORBES  
CCI MB Communications Committee Members and resident  
condo owners 🍁

<sup>1</sup> <https://ccitoronto.org/condovoice/43>



# CCI MANITOBA PROFESSIONAL & BUSINESS PARTNER DIRECTORY



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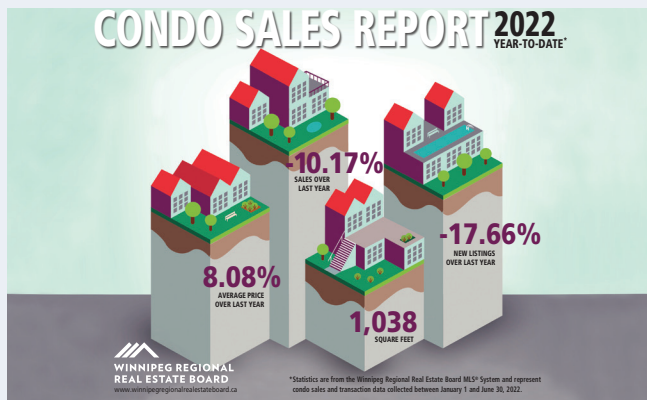
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## THE REISS REPORT



### CONDO REAL ESTATE BLOG

It bears repeating, as was stated in the first quarter report in the spring edition of the newsletter, that 2021 was an MLS® record-shattering year for the Winnipeg Regional Real Estate Board. Condominium sales lead the way with a 39% increase to leap ahead from record sales in 2020 of 1,847 to 2,582 in 2021.

In 2022, to even come close to reaching the sales achieved in the first half of 2021, would not have been easy given all the advanced sales that were generated during that period due to continued momentum from pandemic-induced sales and historic low interest rates combined with public awareness that interest rates would be heading upward in 2022.

A real limiting factor in getting sales off to a good start in the first quarter 2022 was the lack of listings. Usually there is an influx of new listings in April but the protracted winter led to decreases in listings from April 2021 of 20%. Sales were not much better with a drop off in activity compared to the same month in 2021 of 17%. This left year-to-date condo sales down nearly 12% from the first four months of 2021 but still well ahead of single-family homes which decreased 28% and other property types such as single-attached slipping 20% and duplexes dropping 36%.

May and June saw more listings come on the market and that includes condominiums. June saw 338 new condo listings or an increase of 12 more units than in May, and over 100 more units than in April. This notable increase in listings is helping to address supply and, as of the end of June, there were 478 listings.

What does this mean for sales? June in particular was a good month with sales of 229, down 3% or 7 sales fewer than June 2021. May was an improvement over April's 224 sales as 256 unit sales were generated (highest so far for 2022) but not able to come close to matching the highest condo monthly total record set in May 2021 of 293 sales.

Year-to-date condo sales of 1,236 are behind 2021 by 10% but up 22% over the 5-year average. Of the years prior to 2021, only 2017 came close to approaching the 1,000-threshold level at 935. For the first six months of the year, condominiums are by far the most competitive MLS® property type in terms of approaching the numbers in 2021 for sales activity.

As for condo average sale prices, while they have not seen the rapid climb of double-digit percentages that single-family homes have in 2022, they are rising and no better example of that came in June 2022 with an average sales price of \$278,266. This came about largely from many more sales over \$500,000 - 13 as compared to 5 in June 2021 - and the highest condo sale of the year going for \$1,200,000. We are also starting to see the \$200,000 to \$249,999 price range replace the perennial busiest price range of \$150,000 to \$199,999 as the most active sales range now.

On a year-to-date basis, the average condo sales price so far this year is \$264,208 which represents an 8% increase over the 2021 average sales price of \$244,957.

Two new developments worth mentioning are that in 2022 we are seeing many more condos selling for above list price than in previous years. In the second quarter each month saw above list sales of over 30% with April the highest at 38%. In comparison for sales over list price the second quarter in 2021 had two months at 15% and 17% with record-setting May attaining 21%.

The other highlight for condo sales is that for the first half of 2022, we have seen them convert at the same percentage of listings to sales as for single-family at 72%. There has never been a conversion rate this high before nor has it ever come close to equaling the higher conversion rates of single-family home listings to sales.

In terms of specific MLS® areas with condo sales activity, Sage Creek has to get a nod for having 13 sales out of the 12 listings entered this year. This means that in addition to selling out everything entered in this MLS® area in 2022 for the first six months it sold a listing from 2021 that carried over to 2022. Their average sales price has also gone up from \$365,670 in 2021 to \$417,350 this year.

**On a year-to-date basis, the average condo sales price so far this year is \$264,208 which represents an 8% increase over the 2021 average sales price of \$244,957.**

ALAN REISS  
CCI MB Newsletter Committee  
RE/MAX PROFESSIONAL, Condo Specialist 🍁



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## CONDO CONVERSATION CORNER: A VIEW & A VOICE

Here are some new items and others concerning previous newsletter articles, Lunch-n-Learns, webinars and Conversations in previous Newsletter editions. If you want to contribute to the discussion, you can make a submission to [cci-manitoba.ca/resources/condo-conversation-corner](https://cci-manitoba.ca/resources/condo-conversation-corner).

### Disclaimer:

CCI Manitoba 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.

Note that frequent references are made to Manitoba's Condominium Act (The Act) <https://web2.gov.mb.ca/laws/statutes/2011/c03011e.php>.

### SMALL CONDO CORPORATIONS (CC)S & AUDIT REQUIREMENTS

We've had a few inquiries about audit requirements for small CCs and expression of concerns with rising costs. Apparently some smaller accounting firms have gotten out of the audit business and some others have been bought out by larger firms. For smaller CCs, the cost of an annual audit can be a significant percentage of their annual budget.

First, the basics for financial reviews and audits are governed by The Act in sections 73, 156 & 157 which includes requirements for the auditor and provides an exception for CCs of fewer than 10 units in clause 156 <https://web2.gov.mb.ca/laws/statutes/2011/c03011e.php#A156>.

#### Exception

156(4) This section does not apply if

(a) a condominium corporation consists of fewer than 10 units; and

(b) all the unit owners consent in writing to dispense with the audit until the next annual general meeting.

As well, there are additional clauses in part 6 of the related Condominium Regulation <https://web2.gov.mb.ca/laws/regs/current/164.14.pdf>.

In terms of the costs, as is the case with many professionals and contractors, getting a few quotes from different companies could provide some savings. As well, all CCs could consider doing a financial review rather than a full audit to save some money - this was discussed on page 14 in our May 2016 newsletter edition <https://cci-manitoba.ca/sites/default/uploads/files/newsletter/CCI-MB-Newsletter-May-2016.pdf>.

### SHORT TERM RENTALS (STRS) OUTSIDE OF WINNIPEG

We had an inquiry from a member in response to our prior communications about the City of Winnipeg webpage <https://engage.winnipeg.ca/short-term-rentals>

"Noticed that the questions in this article were only pertaining to Winnipeg. Will there be another survey done regarding other parts of the province?"

Note that this is not a CCI lead consultation, but an initiative of the City of Winnipeg in response to issues raised by the hotel industry and the condo industry (owners, residents and investors). Each municipality will have to address the issue on their own. If you have concerns about short term rentals in your neighbourhood, you should contact your municipal council. That said, we are the Manitoba chapter of CCI and can provide some assistance, in the form of communications via our website,

social media channels and quarterly newsletter. As well, we can share our experience from the situation within Winnipeg. Also note that your municipal councillors are probably aware of what is happening in Winnipeg on this issue because for the past year or so we have been providing complimentary copies of our newsletter to councils in the following municipalities

City of Brandon	Town of Altona	RM of Springfield
City of Dauphin	Town of Beausejour	RM of Gimli
City of Morden	Town of Carman	RM of Taché
City of Portage la Prairie	Town of Neepawa	
City of Selkirk	Town of Niverville	
City of Steinbach	Town of Stonewall	
City of Winkler	Town of Swan River	

If you live in a condo outside of Winnipeg and you are not in the above list of municipalities, let us know, and we will add yours to the list.

### NOTICE REQUIREMENTS FOR MEETINGS & ELECTION OF OFFICERS

We received the following inquiry from a member:

1. Can a Condo Corp call an emergency meeting and elect a new president, vice president and secretary with one week notice?
2. Also President duties, are these duties different with every condo corporation?

First of all, the unit owners don't elect officers (like President, Secretary, etc.) - unit owners only elect directors. The officers are chosen by the directors. So if they want to remove someone they will need to remove him or her from the Board.

The President's duties (and potentially those of other officers) are typically defined in the By-laws but need not be.

With respect to the notice provisions, the only guidance the Act gives is if there is something that needs written consent, and removing a director does not require written consent.

#### Minimum time period for giving notice of meetings

116(2) When this Act requires a meeting to be held to consider a matter that is to be determined by obtaining the written consent of unit owners, the minimum time period for giving notice of the meeting is 30 days.

#### By-laws may specify time period

116(3) The by-laws of a condominium corporation may specify the time period for giving notice of a meeting, which may be no less than 30 days for a meeting described in subsection (2).

Depending on the specific circumstances, this type of inquiry could pertain to a Board meeting (electing officers) or an owners meeting (electing directors), both of which have quorum requirements to conduct business. The pertinent sections of the Act for the Board would be 94 through 102 <https://web2.gov.mb.ca/laws/statutes/2011/c03011e.php#A94> while the sections pertaining to owners meetings would be 110 through 116 <https://web2.gov.mb.ca/laws/statutes/2011/c03011e.php#A110>

## CONDO CONVERSATION CORNER: A VIEW & A VOICE

### BENCHMARKING DATA

We had another inquiry from a CC looking for benchmark data so as to compare their expense line items with other comparable properties, and similarly for their reserve fund and contribution levels. While this data does not exist, it is something we could collectively pursue. If you and your CC would be interested in working towards establishing benchmark data, send an email to us [cci.mb.news@gmail.com](mailto:cci.mb.news@gmail.com)

### INSURANCE CLAIMS - CC OR UNIT OWNER POLICY

We received an inquiry about water damage in an apartment style setting and whether the CC's policy pays the claim or the unit owner's policy pays. The example posed is a toilet leak, possibly from a faulty flange installed by a contractor, affecting units below the floor of the leaking toilet.

If there is a covered loss under the CC's policy to the condo complex, other than unit owners improvements/betterments and their personal property, then the responsibility to repair falls to the CC and their insurance providers.

If a unit owner sustained damage to any of their improvements or betterments, and or personal property, they would make a claim through their own insurance company.

However, if a unit owner, by their act or omission to act causes the resulting damage, then the CC should be able to recover up to the applicable deductible of the CC policy,, which is dependent on the type of loss that is being dealt with. This holds true, even if the unit owner engages the services of a contractor to perform work in their unit, which loss can be attributed to their negligence.

Lastly, if it can be established that the contractor was negligent, then the CC's insurance will subrogate against that contractor on the full value of the claim once all repairs have been completed under the CC's policy, not just the deductible. However, any settlement would not be based upon "replacement cost" but "actual cash value", which means that if depreciation can be applied to any portion of the repairs, this will be negotiated between the adjuster for the CC and the adjuster for the contractor.

Claims against a third party can, in some instances, take months to resolve and can entail legal action, with the associated additional expense.

### FEES FOR CONDO DOCUMENTS

We had an inquiry from a member that was selling their unit and was concerned about the costs associated with providing the buyer with the required condo documents. While they understood that documents such as Status Certificates and Disclosure Statements require time and effort from the CC and/or the Property Manager (PM), the prices seem high. More of a concern was the cost associated with static documents such as the Declaration or the Bylaws, which merely have to be sent as a PDF in many cases.

These costs are a frequent complaint, although some of the complaints could be avoided completely if the unit owner had merely retained copies of the documents they were previously provided, either upon their own purchase or during their residency.

So what should a PDF copy of a Declaration or the Bylaws cost? First consider if the document already exists or has to be scanned. Also consider if the document is available in a self-serve kiosk or whether a human has to intervene to send it to the requestor. Some (most?) self-managed CCs provide PDFs for free. Similarly, some property management companies provide the PDFs for free. Other CCs, self-managed or otherwise, have an online repository allowing owners to help themselves to a PDF copy.

As to the Status Certificate or the CC Disclosure Statement, this does take some time to produce. Property Managers are busy and skilled professionals and should expect reasonable compensation for their time. Similarly, for self-managed CCs, the volunteer directors would have to devote some of their own time to producing the documents. Isn't it reasonable for the CC to charge a fee? What would you deem to be reasonable? At least one self-managed CC provides all documents, including the Status Certificate and the CC Disclosure for \$100 total.

Does your Property Manager have a fee schedule for the various documents? Document requests, especially for larger CCs can take up a fair amount of time for a Property Manager. Also, when the requests come in for documents when a unit is for sale, time is of the essence, so the person processing the request will be interrupted from other important work to process the request. Keep in mind that Property Management companies are in the business of both making money and serving their clients - they have to do both to stay in business.

So if you are concerned about the cost of documents, PDF or otherwise, the first thing to do is maintain a file of the various documents you receive, such as the declaration and bylaws when you purchase your unit, and the other documents you receive during your residency such as budgets and annual financial reports. As for the documents needed to complete the sale of your unit, consider the document cost within the context of the overall financial transaction, which includes legal fee, realtor commission and the price of the unit.

### LIABILITY PROTECTION FOR BOARD OF DIRECTORS

We received a submission through our Condo Conversation Portal

"Our bylaws state that our directors and officers will be indemnified and saved harmless by the corporation except for any fraudulent or dishonest act. My question is, does this bylaw protect the board?"

That is a standard provision found in most condominium Bylaws. Generally speaking, the intention is to indemnify the Board should they incur any liability or be put to any cost by virtue of being an officer or a director. So, yes, it is intended to afford some protection to officers and directors.

The CC should have liability insurance designed for a condominium corporation which includes the coverage for the directors for claims for bodily injury and property damage arising from the operations activities. The CC should also purchase a specific Directors' and Officers' liability policy to protect those on the board in this volunteer position. In particular, there is a requirement for director and officer liability insurance in section 187 of The Act,

#### Directors' and officers' liability insurance

187(2) A condominium corporation must obtain and maintain insurance for

(a) any liability incurred by a director or officer arising out of any act or omission by him or her with respect to carrying out his or her functions and duties, except liability that results from a breach of his or her duty to act honestly and in good faith with a view to the best interests of the corporation; and

(b) any liability incurred by the corporation arising out of any act or omission of a director or officer with respect to carrying out his or her functions and duties.

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- Appointed as director on the board of CCI's Manitoba chapter in 2020.
- Longstanding owner/investor of multiple condominium units; seasoned and actively serving condo board director.
- CCI course credits include all three courses of the Director Program.
- Directly involved in the CCI's Newsletter and Education committees.
- Contributor to CCI's quarterly newsletter with the *Reiss Report*, an in-depth look at the Winnipeg real estate market.
- Served on several **Winnipeg Regional Real Estate Board** (WRREB) committees including MLS, Public Relations, Membership, Real Estate News and Investigative.
- Member of **Manitoba Real Estate Association (MREA)**, **Canadian Real Estate Association (CREA)**, **National Real Estate Association (NRS)** and **International Real Estate Society (IRES)**.



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