

## Superior Region **CONDO NEWS**

### Hello Condominium Owners.

I'm writing this on a beautiful July day in the middle of September. Our Northern Ontario summer weather was not good but our fall is promising to be exceptional.

The Directors of the Northwestern Ontario Chapter of CCI, are concerned that the attendance at our seminars has not been as plentiful as what they had hoped. Owners, please encourage your Condominium Board members to attend and seriously consider attending yourself.

Many owners voiced serious concerns with their increase in property taxes yet very few attended the Assessment Seminar.

If there is a subject you would like to see offered please contact anyone of the Chapter Directors. You will find their phone numbers listed on page 7 under the Professional and Trades Service Members.

The upcoming Condominium Course—Level 200 will be held in three session; the first Saturday October 17, session two on November 14, 2009 and the third on January 16, 2010.

Brenda Landry, Administrator.

### Northwestern Ontario Chapter

#### Condo Course—Level 200

##### Session I

Saturday October 17, 2009

8:45 am to 1:30 pm

**Masonic Temple, 1600 Dease Street**  
*Across from the conservatory*

All Board members should attend.  
It is open to all residents and owners.

**Registration form on back page!**

*Everyone welcome!*

### FALL 2009

#### **NOTICE OF ANNUAL GENERAL MEETING**

**Saturday October 17, 2009**

**8:45 am sharp**

**Election of Directors  
see page 5**

**All condominium owners  
are members!**

#### **OFFICERS & DIRECTORS**

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**Mr. Paul Muller**  
Kamlodge Services Limited

##### **Past-President**

**Mr. Doug Steen**  
Steen Property Mgmt

##### **Vice-President**

**Mr. Doug Shanks**  
Cheadles LLP

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Northwestern Property Mgmt

##### **Director**

**Mr. Dan Kelly**  
Viherjoki Busniuk & Kelly

##### **Director**

**Mr. Les Scrimshaw**  
Team 100 Realty Inc.

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## THE POWER OF PROXIES:

### Uses and Abuses

By: Lou Natale B.A., LL.B., & Fogler Rubinoff LLP

There is no greater means for a unit owner to effect change in a condominium than the ability to vote at an owners' meeting. Owners are often asked to vote on significant and sometimes contentious matters such as the election and removal of directors, the approval of new by-laws, the amendment or revocation of a rule or the approval of a "substantial change" to the common elements.

On an individual basis, the voting power of a single owner generally does not alter the outcome of the voting process. However, by soliciting and collecting a number of proxies from other owners, it is quite possible that one or more owners working together can certainly make a big impact on the results of the vote. By definition, a proxy is a document giving power or authority to act for another. The proxy process has long been recognized as a useful and necessary tool to permit shareholders of companies who are unable or unwilling to attend a corporate meeting to still express their voting intentions through a self-appointed "proxy". The proxy in turn is obligated to vote at the meeting in a manner as expressed in the proxy form. While most condominium experts and stakeholders would agree that the proxy process is an important component of the democratic voting regime established for condominiums corporations, the potential for serious abuse can sometimes overshadow the positive intent and purpose of the proxy. This article is not intended to be an exhaustive overview of the types of abuses which can arise within the proxy process or how to challenge such abuses through legal intervention, but rather, this article will suggest some practical and realistic ways to reduce the likelihood of proxy abuses in your condominium.

We have all heard of stories about how the collection of multiple proxies by one owner resulted in a vote outcome that was either not in the best

interest of the condominium and/or was in direct contradiction of the clear and stated intentions of those owners who took the time to attend the meeting. How does this happen? In many situations, an aggressive and motivated owner will be able to collect proxies from a number of owners who are simply not interested or concerned enough to attend an owners' meeting because they feel that "things are just fine the way they are so why bother to attend"? In other cases, multiple proxies are collected by an owner or a small group of owners working together who unfortunately use manipulation, misinformation and outright fraud as means of soliciting and collecting the proxies.

Although, the new *Condominium Act*, 1998 included some safeguards to reduce abuses relating to proxies used in the election or removal of directors, there really is no way of eliminating the many forms of abuses which can arise with the proxy process. However, here are some suggestions to reduce the likelihood of abuses, in no particular order of importance:

#### 1. "Unit Owner Apathy"

In my view, one of the most significant underlying reasons why abuses occur with the proxy process is what I call "unit owner apathy" - where owners simply do not feel that it is necessary, relevant or useful to attend owners' meetings. How do you make unit owners interested enough to want to personally attend meetings instead of voting by proxy or simply choosing not to attend? The key, in my view, is to make unit owners feel engaged with the process.

Get owners interested to attend meetings by making the meetings more informative and relaxed and less formal and stilted. For starters, make sure the meeting location, date and time are convenient for as many owners as possible. Include specific topics on the meeting agenda which might be provocative and/or relevant to a number of owners. However, try and make sure the owners' meetings don't run on too long and that there is adequate seating at the meeting venue.

*continues on page 3*



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**THE POWER OF PROXIES: Uses and Abuses***continued from page 2*

There is nothing worse to discourage owners from re-attending an owners' meeting if their memory of the last meeting was that the meeting venue was stuffy, crowded and lasted more than 3 hours.

As well, encourage owners to attend by arranging for a guest speaker (like a representative from the municipality, police or fire department) to make a short presentation on a topic of local interest. If possible, have refreshments and perhaps door prizes or a draw following the termination of the meeting. These suggestions may sound "off the wall" but in my view, the Board and management should consider whatever it practically takes to get the owners to attend meetings (taking into consideration the specific circumstances and demographics of the condominium).

**2. Communication**

By informing and educating unit owners through regular written communication and timely information meetings, the Board can reduce the chance of proxy abuse. The ability for a small group of owners to manipulate and misinform a large number of other owners who in turn become disenchanted with the Board and then decide to sign proxies is dependent in large part on the "uninformed unit owner".

Getting information to the owners is critical for many reasons not only does it build the owners' confidence and awareness in what the Board and management are doing, but it also helps to reduce the possibility for a small group of owners to distort the facts as they have been conveyed to the owners through newsletters and notices issued by the Board. Communication does not necessarily mean issuing notices to owners every month or holding numerous information meetings. Sometimes, too much information will have the opposite effect.

Also consider posting minutes of the board meetings each month to keep owners "in the loop". Creating a condo website will also provide another means of information flow and awareness and will encourage participation by owners.

**3. Proxy by-law**

Some consideration should be given to pass a new by-law (or amend an existing by-law) dealing with the collection, solicitation, registration of proxies. In my view, section 56 of the Act grants the authority to the Board to pass such a by-law, so long as it is reasonable and consistent with the Act and the corporation's Declaration.

A proxy by-law, if drafted properly, would reduce the possibility of proxy abuse, manipulation and fraud while providing more integrity and

transparency to the voting process. For instance, the proxy by-law may include provisions requiring (i) that only a certain type of proxy form (as established by the Board) can be used at the meeting, (ii) that the proxy form must be completed in the owner's handwriting and that the owner's initials must be placed next to the voting sections in the proxy and must initial the date and time the proxy was signed, (iii) that proxies must be registered with the management office on or before a certain time in advance of the start of the meeting and (iv) that there be a restriction on the number of proxies that can be given to anyone unit owner.

This type of by-law, if drafted properly, should be acceptable and non-contentious for most owners.

Proxies are a fundamental voting tool which, when utilized as intended, can assist in the democratic voting process established for condominiums. Owners should be encouraged to attend meetings in person however if they can't, owners (and the Board) should have full confidence and faith in the proxy process.

*Lou Natale is the head of the Condo Law Group at Fogler Rubinoff LLP which services the condominium industry throughout the Greater Toronto Area, the Golden Horseshoe and Collage Country. This article first appeared in the condo voice winter 2008*

**cheadles**

lawyers &amp; trademark agents 137

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## What's so special about Waverley Park Towers?

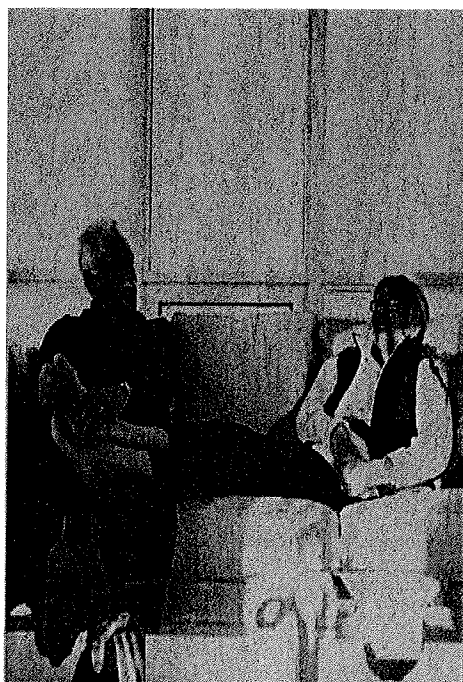
By William MacDonald

Well, first of all, the people. The staff members - custodial, maintenance, security, management - are superb; friendly, helpful, knowledgeable, efficient. No wonder the building looks so good, inside and out, winter and summer. It's spotlessly clean, well cared for, up to date, with its automatic doors, recycling shed, swift elevators and state of the art fire alarm. Not to mention its pleasant foyer, surveillance cameras and handy service entrance. This excellence is reflected in the general mood of the residents and committee volunteers, who are as friendly, receptive and outgoing as the staff. The Towers Club, that delightful snuggery on the ground floor, has a uniquely warm and welcoming atmosphere. With its kitchen, library, cooking facilities and games room, it's a perfect place for morning coffee, casual gatherings, potluck dinners, outdoor barbecues, holiday celebrations and birthday parties. For more structured events and special occasions, there's the recently renovated Recreation Room a floor below, with its piano, wide screen T.V. and comfortable furniture. The indoor swimming pool and well equipped exercise room, complete with sauna, showers and panoramic view of the Sleeping Giant, are among the finest in town.

Add to all this the comfort and convenience of underground parking on two levels, plus the delight of spacious balconies overlooking harbour and city, and you have the makings of Shangri-la, of Utopia.

My personal reasons for living at Waverley Park Towers are less easy to explain. There is something about the building, its tenants and administration, a veritable aura that allows me to lose myself in my writing. I've not found this feeling anywhere else. It's not just the snug quietness of a hilltop citadel, or the spectacular cityscape below, or the sense of security, though all these are important. But there's also some intangible quality, a protective, relaxing atmosphere that sets my imagination free and fills me with a sense of well being. So much so that I've used Waverley Park Towers as the setting for an entire novel, *THE HOLLY TREE* (2006) and for parts of several others, such as: *STINGING NETTLES* (2005) and *THE QUARRY* (2008). It will also figure prominently in my forthcoming novel, *LAMPLIGHT* (2009).

And so I owe a huge debt of gratitude to my digs here at P7B 1B8. I've sent photos of 405 Waverley Street to my publishers, Borealis Press in Ottawa, in an effort to explain, but they don't really get the picture. To them, it's just another sixteen-storey condominium. I guess you'd have to live here to understand.



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## What's so special about....

is a feature to be continued. Please tell us all the special features of your condominium.

Email or fax to the local chapter office.

## Bill 186, Condominium Owners Protection Act, 2009

On June 4, 2009 MPP Rosario Marchese introduced Bill 186. It is now before the Standing Committee on Justice Policy. There has been little publicity about this bill and although it doesn't cover all the issues it at least highlights the problems.

To know more *Google*

## Condo Owners Protection Act

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## NOTICE of MEETING TO ALL OWNERS

### CANADIAN CONDOMINIUM INSTITUTE Northwestern Ontario Chapter

The Annual General Meeting of CCI  
Northwestern Ontario Chapter will be held

**Saturday October 17, 2009  
at 8:45 a.m. sharp**

in the Mural Room of the Masonic Temple  
1600 Dease Street, Thunder Bay, Ontario.

In accordance with Section 3.02 of  
By-law 1 (one) which states that any  
member who wishes to run for a Board  
position can do so by advising the office  
of the local Chapter in writing of their  
intent to do so no later than  
**12 noon Friday, October 9, 2009.**

This year there are **three (3)** positions for  
(three (3) year term) up for election to the  
Board of Directors.

**Paul Muller**, of Kamlodge Limited  
**Les Scrimshaw**, of Team 100 Realty Inc. and  
**Gord Soloway**, of Northwestern Property  
Management Limited have consented  
to let their name stand for office.



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## MOLD 101 Why Do I Have Mold?

Submitted By Frank Mirabelli of First General Services

Believe it or not, molds are part of the natural environment. People are exposed to mold on a daily basis. Outdoors, molds play a part in nature by breaking down dead organic matter such as fallen leaves and dead trees, but indoors, mold growth should be avoided. Molds reproduce by means of tiny spores; the spores are invisible to the naked eye and float through outdoor and indoor air. Mold may begin growing indoors when mold spores land on surfaces that are wet, such as drywall or window sills. There are many types of mold, and none of them will grow without water or moisture.

### Is Mold Dangerous?

Molds are usually not a problem indoors, unless mold spores land on a wet or damp spot and begin growing. Molds have the potential, given the proper set of circumstances, to cause health problems. Molds produce allergens (substances that can cause

allergic reactions), irritants, and in some cases, potentially toxic substances (mycotoxins). Inhaling or touching mold or mold spores may cause allergic reactions in sensitive individuals. Allergic responses include hay-fever type symptoms, such as sneezing, runny nose, red eyes, and skin rash (dermatitis). Allergic reactions to mold are common. They can be immediate or delayed. Molds can also cause asthma attacks in people with asthma who are allergic to mold. In addition, mold exposure can irritate the eyes, skin, nose, throat, and lungs of both mold-allergic and non-allergic people. Symptoms other than the allergic and irritant types are not commonly reported as a result of inhaling mold. Research on mold and health effects is ongoing, and not everyone who comes into contact with mold will experience a problem.

### How Do I Eliminate Mold?

It is impossible to get rid of all mold and mold spores indoors; some mold spores will be found floating through the air and in house dust. This is normal. The mold spores will not grow if excessive moisture is not present. Indoor mold growth can and should be prevented or controlled by controlling moisture indoors, either through a heat recovery ventilator or a dehumidifier. If you identify mold growth, you should contact a Certified Professional to remove the mold. If you have a water loss, (broken pipe, hot water tank rupture), you should call a Restoration Contractor to dry the structure. If you clean up the water, but do not dry the structure, then, most likely, you will get mold.

This article provides a brief overview; it does not describe all potential health effects related to mold exposure. For more detailed information consult a health professional.

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FAX 807-345-2390

**Professional and Trade Services Members**

**Members Condo Corp #  
& name known as:**

<b>Accountants</b>	<b>Contact</b>	<b>Phone</b>
Vijerjoki Busniuk & Kelly	Daniel P. Kelly	345-1890
<b>Architect</b>		
Kuch Stephenson Gibson Malo	Walter Kuch	345-5582
<b>Construction</b>		
A. Villeneuve	Jeff Villeneuve	622-8835
DRD Construction Services	Dale Dubinsky	623-4540
<b>Electricians</b>		
North West Electric	Bob Baird	345-7475
<b>Engineers</b>		
Trow Associates Inc.	Demetri Georgiou	623-9495
<b>Insurance Brokers</b>		
AON Reed Stenhouse Inc.	Sharon Hagstrom	346-7450
Melissa And Company Ltd.		
@ The Co-operators	Melissa Mannila	768-2655
Smith & Associates Insurance	Cathy Mallek	345-6369
<b>Lawyers</b>		
Carrel & Partners	Johanna Maki	346-3000
Cheadles LLP	Doug Shanks	622-6821
Simpson Wigle LLP	Ronald Danks	1-905-528-6411
<b>Plumbers</b>		
Clow Darling Limited	Paul Maydo	623-7485
<b>Property Management</b>		
Kamlodge Services Ltd.	Paul Muller	475-0316
Northwestern Property Mgmt	Gord Soloway	346-4282
Steen Property Management .	Doug Steen	346-5690
<b>Realtors</b>		
ReMax First Choice Realty	Mario Tegola	344-5700
Royal LePage Lannon Realty	Art Lannon	623-5011
Team 100 Realty Inc.	Les Scrimshaw	345-2226
Zanette Real Estate	Robert Zanette	623-1000
<b>Restoration</b>		
First General Services	Frank Mirabelli	623-1276
<b>Safety Equipment</b>		
Superior Safety Inc.	Doug Coppin	344-3473
<b>Security</b>		
Apex Investigation & Security	Paul Roberts	344-8491
<b>Surveyors</b>		
J. D. Barnes Limited	Peter De Haan	622-6277

- KENORA
10. Islandview Condominium
- THUNDER BAY
1. The Carriage House
  2. Varsity Square
  3. Guildwood Park #3
  4. Guildwood Park #4
  5. Waverley Park Towers
  6. Guildwood Park #6
  7. McVicar Estates
  8. Glengowan Place
  9. Parkwest Meadows I & II
  10. Maplecrest Tower
  12. Parkwest Meadows III
  13. Victoria Park
  14. Parkview Condo
  15. Boulevard Park Place
  16. Leland Court
  17. Signature Court
  18. Park West Manor I
  19. Harbourview Terrace I
  20. King Arthur Suites
  22. Park West Manor II
  25. Harbourview Terrace II
  26. Brookside Place
  27. Victoria Place
  28. Banting Place
  29. Brookside Manor
  30. Selkirk Manor
  31. Fanshaw Place
  33. Marina Park Place
  38. Hilldale Gardens
  39. Silver Harbour Estates
  41. Pine Crest Manor
  42. Fanshaw Place II
  48. Mariday Park

**ALL OWNERS ARE MEMBERS  
OF THE CHAPTER**

**CANADIAN CONDOMINIUM INSTITUTE**  
**Northwestern Ontario Chapter**  
**Presents**  
**Condominium Course—Level 200**

**The Level 200 Course will be presented in three sessions over a four month period.**

*Enrolment for the first session includes course material for the entire course. A certificate of completion will be provided to participants attending all three sessions.*

**SESSION I      Saturday, October 17, 2009**

**Starting at 8:45 a.m. to 1:30 pm.**  
**Registration begins at 8:30 a.m.**

To be held at:      **Masonic Temple, 1600 Dease Street (Lakehead Shrine Club)**

**Advance registration ensures availability of required course materials**

**ENROLLMENT FEES:**    CCI Members:              \$60.00 for each participant. (includes GST)  
   Non Members:              \$120.00 for each participant. (includes GST)

FEES:      Session II & III              \$40.00 for members with course materials  
   \$80.00 for non-members with course materials  
   \$25.00 for course materials  
   coffee, tea and snacks included.

The course will explore the intricacies of condominium living, and the Condominium Act 1998. It is a must for all condominium directors, professionals and condominium owners who want a better understanding of the way condominiums function. This is an excellent way for Board members to demonstrate their due diligence and will provide you with an understanding of how financial statements are written.

**If you want to take advantage of the C.C.I. member price, it's not too late to join.**  
**For membership information e-mail [ccinorthontario@shaw.ca](mailto:ccinorthontario@shaw.ca) or phone 620-2606.**  
**This course will earn RECO or RIBO attendees MCE credits for 4 hours of instruction.**  
**RECO and RIBO attendees will need to provide their Registration Number and check in and out to comply with requirements.**

**REGISTRATION FORM (Please Print Clearly)**

**Condominium Course Level 200 Session I October 17, 2009**

**NAME:** \_\_\_\_\_ (how your name will appear on RECO or RIBO certificate)

**CONDOMINIUM CORP. (Name & No.) or COMPANY:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**CITY:** \_\_\_\_\_ **PROVINCE:** \_\_\_\_\_ **POSTAL CODE:** \_\_\_\_\_

**TELEPHONE:** \_\_\_\_\_ **CCI MEMBER (Y/N):** \_\_\_\_\_

**FEE ENCLOSED: \$** \_\_\_\_\_ **RECO or RIBO REGISTRATION NO.:** \_\_\_\_\_

**Please complete the course registration form and fax to 807-344-1507**  
**or email to [ccinorthontario@shaw.ca](mailto:ccinorthontario@shaw.ca) to attend this course.**