



terraVISTA 

# SUPERIOR REGION CONDO NEWS

Fall 2013

Canadian  
Condominium  
Institute  Institut  
canadien des  
condominiums  
Northwestern Ontario Chapter

# IN THIS ISSUE:

|  |   |
|--|---|
| Presidents Message<br><i>Doug Shanks</i>   | 1 |
| Featured Condo: Terravista<br>Condominiums and Townhomes<br><i>Rajni Agarwal</i> | 3 |
| Types of Membership  | 4 |
| Bright Future for Condo<br>Development in Thunder Bay                            | 5 |
| Getting Ready for AGM  | 6 |
| How to Run An Efficient<br>Board Meeting   | 7 |
| Robert's Rules of Order<br>for Beginners   | 8 |
| Insurance Claims and<br>Rate Increases   | 9 |



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\*Rates based on a per issue basis.

The newsletter is published twice per year, Spring & Fall and enable chapter members to advertise their services to condo owners, developers & management companies.

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# Presidents Message

By Doug Shanks

The dog days of summer are behind us, and we're heading into the fall season in Northwestern Ontario. September is always a great month, with the warm afternoons and cool nights.

The Province of Ontario is continuing with its Condominium Act review. There have been two stages in the review to date. The first stage was completed in early 2013, and there were a number of issues identified with the present Condominium Act.

Stage two of the review was done through a number of working groups representing a broad spectrum of interests in the condominium community. There were five groups that focused on the following areas: consumer protection, financial management, dispute resolution, governance and condominium management. In addition, there was a panel of experts that provided a further review of these areas and provided additional commentary and recommendations. It will now be up to the Province of Ontario to make a decision with respect to the various recommendations from the working group.

There are over 200 recommendations made with respect to proposed changes to the condominium laws. The specific details of these proposals can be found on the Province of Ontario website dealing with condominiums.

One of the proposals is to have a new "Condo Office" that will deal with education and awareness, dispute resolution, condo manager licensing and condominium registry. This condo office would operate at arm's length from the Province of Ontario, but with their powers delegated by the Province. The funding would come from user fees and a small levy (estimated at \$1.00 to \$3.00 a month on each condo unit in the Province).

The dispute resolution section of the Condo Office would help owners, directors and managers get quick, impartial, inexpensive information about the Condominium Act. There would also be a quick decision maker that could resolve disagreements in a summary method. More complex disputes would go before a dispute resolution office to provide a quick neutral assessment of each case and hopefully have it resolved inexpensively.

There would be mandatory training for first time members of a board of directors of condominium corporations, criminal record checks would be required and there would have to be disclosure of legal proceedings between an individual board director and the corporation.

There is a two stage licensing program proposed to ensure that condo managers across the province are properly trained and qualified.

The third and final stage of the review process is to take place this fall of 2013. There will be a panel of residents of condominium corporations that will review the stage two recommendations and then government officials will draft an action plan for implementing the recommendations. There will be an opportunity for condo residents and other stakeholders to review the proposed action plan.

As the singer/songwriter Bob Dylan said so well, "the times they are a changin". The Northwestern Ontario Chapter of CCI may consider providing educational review and commentary at a seminar relating to the proposed changes. Stay tuned for more about that in the future.



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# Featured Condo: Terravista Condominiums and Townhomes

Rajni Agarwal



*At TERRAVISTA CONDOMINIUMS AND TOWNHOMES, we are proud to bring you Thunder Bay's first semi gated community located within the heart of Thunder Bay.*

Architecturally designed homes and condominiums all nestled on beautifully landscaped lots. Great detail has been placed in designing this mixed residential community. Designed with executive townhomes, low rise condominiums and eventually high rise condominiums. All within walking distance to Health, Fitness, Arts and Recreation. Yes Terravista Condominiums and Townhomes are the first of their kind. The property is being fenced along the majority of the perimeter. Chain link fencing will feature natural vines such as Virginia creepers and the main fencing on Beverly will be more decorative in nature. With one general entrance to the property, the owners will be secure in knowing that only those who live or visit will be entering Terravista.

A blend of housing styles to meet the busy executives as well as the empty nesters, people who want to enjoy life to their fullest while someone else is dedicated to mowing the lawns, shoveling snow and other outside chores. Yes, here the townhomes are designed with a vacant land condominium

base, where the rules of the land are governed within a condominium. This allows each one of the 18 owners the security of knowing that their outside grounds will be maintained for them, also the rules of the land specify what can be placed on the outside structure...thus yielding in uniformity of the building as a whole. Beauty and landscape are added to the extremely well constructed townhomes. Townhomes feature 2 different designs: Loft suite which is over 2000 sq feet with soaring 18 foot ceilings in the great room, 2 bedrooms, 2 baths, a generous sized loft with a rough in for a 3rd bathroom, and a 1 ½ car; and the Ranch suite which is over 1700 sq feet with soaring 12 foot ceilings in the great room, 2 bedrooms, 2 bathrooms, den and a double attached garage. Each townhome also features double exterior parking and a semi private patio. Each suite is heated and air conditioned with their individual high efficiency furnaces. Attention to detail and design has been incorporated in the specific suites. Also the buyers have the ability to personalize the suites with their choice of finishings: maple cabinets; porcelain tiled floors; engineered hardwood and so much more.

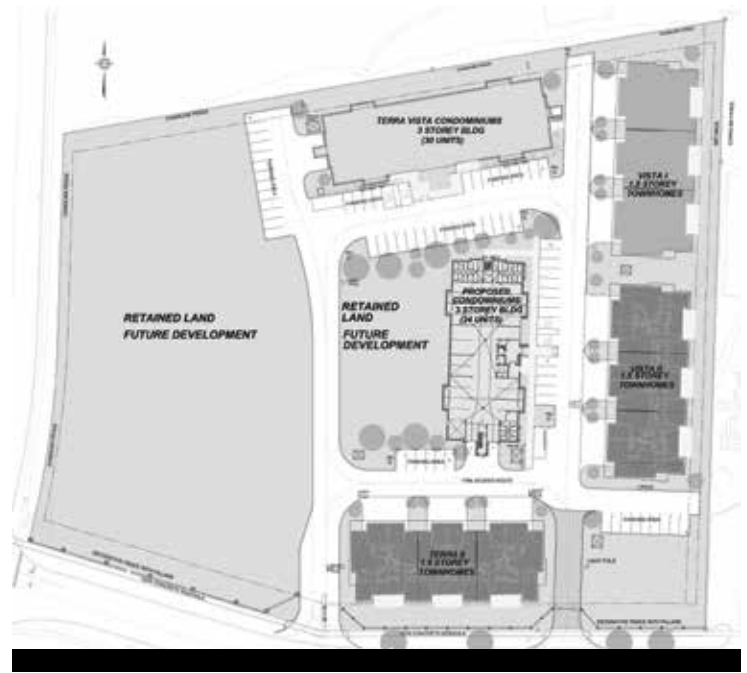
At present, under construction are the 30 unit, 3 storey





condominiums. These suites have been designed for bright spacious interiors. Each suite features 2 bedrooms, 2 bathrooms and a balcony. Some suites have a bonus balcony or den. Beautiful balconies with over 12 feet of glass walls will have the light just flow into every owner's great rooms. The 30 unit building has a 2nd phase with another 24 unit building being built in the center of the 7.2 acre parcel of land. Together these 2 buildings will be incorporated under one single condominium corporation. This will allow the owners to save money over the long term. And again keep uniformity within the development of the 2 buildings. Each building features underground parking and storage units. Again the owners of Terravista Condominiums have the ability to personalize their suites with all the interior finishings which meet their style and design.

Our team is local. From the owners of the land, the developers, general contractor, marketing team, designers, engineers, and subcontractors. Yes the majority of the work and design is right from Thunder Bay. Each and every subtrade is accountable to giving the best they can give to their fellow community residents. The developers, Beverly Balmoral Developments Inc have chosen to work with the best team they can find here in Thunder Bay. Our general contractor, Burmet Northern Limited lead by president Monty Romeo, has paid attention to every detail including all the infrastructure which has place in the ground to the construction of the designer



homes. Accountability and attention to detail is where Burmet Northern Limited focus. The total project's infrastructure, including storm drains, sewer, water, hydro, gas, telephone and fibre cable have been installed. By the end of 2013 much of the landscaping, roads, curbs and driveways will be completed for the townhomes, and the roof will be on the 30 unit condominium. Just watch the property transform.

In 2010 when the land was purchased from the City of Thunder Bay, it was a rough bush zoned future residential and now near the end of 2013 we have 2 buildings of townhomes with 6 suites in each, ready for occupancy shortly, and the 30 unit being constructed. So much has happened in such little time. We cant wait to see the further transformation in 2014. Just feel free to drop by our on site sales office to see what we are building and designing. The corner of Beverly and Balmoral will be a great place to call home...Terravista Condominiums!

**[www.terravitacondos.ca](http://www.terravitacondos.ca)**



# Types of Membership

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*The Canadian Condominium Institute supports four different categories of membership:*

## **Condominium Corporation Membership**

Condominium directors have a substantial responsibility to govern and manage their corporation properly and effectively. They are called upon each day to make prudent and effective business decisions that affect the lives of all residents in their corporation. Directors need not feel they are alone. Through membership in CCI, the entire condominium benefits from education and information as well as the experience of hundreds of directors and professionals.

## **Individual Membership**

This classification is devoted to those individuals who live in a condominium and wish to become personally involved in CCI. It is not a replacement to condominium corporation or professional membership.

## **Professional Membership**

Professionals practicing in the condominium field join the CCI to share information with others in the industry and to share their experiences with condominium owners. Professionals from the areas of condominium law, property management, accounting, engineering, real estate and insurance become members of the organization acting to better the condominium industry.

A Professional Member is an individual who participates professionally in a field or endeavor related to condominiums.

## **Sponsor (Trade) Membership**

This classification is available to Sponsor (Trade) suppliers who service the condominium industry. This membership allows them to participate in educational programs and seminars, advertise in both the Trade Directory and the Condo Forum, CCI-Huronia's newsletter. Frequently, Trade members are called upon to lend their assistance and expertise to the ongoing well-being of all the condominium clients in seminars and conferences.

## **The Benefits of CCI Membership**

**As a resident or condominium director, a host of valuable membership benefits are available, including:**

- Receive direct access to the certified experts in the field and benefit from their experience.
- Receive the benefit of membership rates when you register for CCI sponsored Condominium courses, seminars and other events.
- Receive chapter and national newsletters with up-to-date information, news and events.
- Take advantage of significant discounts when attending the CCI National Annual Convention...see the latest ideas and newest products at the trade show.
- Network with industry leaders...CCI's events present excellent networking opportunities.
- Support CCI's lobbying efforts for better reforms to government on behalf of all condominium owners.

## **For Professional and Trades servicing the condominium industry:**

- Expand your business profile among the "who's who" of the condominium industry.
- Create your own competitive advantage...maximize your economic potential as a trade service or professional supplier.
- Network with business leaders.
- Profit from the experience of leading professional colleagues and take away a wealth of contacts and reference materials published by CCI.
- Share information with other suppliers to the condominium industry....including professionals from the areas of condominium law, property management, accounting, engineering, real estate and insurance.
- Become a valuable industry resource by lending your expertise as an author of articles in CCI's newsletter and as a CCI course instructor.
- Increase your business recognition and stature by qualifying to obtain the A.C.C.I. professional designation (Associate of Canadian Condominium Institute).

# Bright Future for Condo Development in Thunder Bay

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"The future of the condo market is very bright in Thunder Bay". This prediction is made by respected real estate broker, Mario Tegola, owner of Remax First Choice Realty in Thunder Bay, Ontario. According to CMHC Market Analyst, Warren Philp, while "the market, as a whole, experienced essentially flat sales growth 2012 over 2011, the condo market saw 26 percent more sales". Additionally, "[p]rices for the 78 sales in 2012 averaged \$186,600, up 12.6 percent over 2011". These statistics indicate considerable growth in an area of real estate that may not have been seen as lucrative in the past.

The question remains: why is there such a spike in the popularity of condos in Thunder Bay, a small city of approximately 110,000 people? What has changed?

Mr. Tegola and Mr. Philp both seem to agree that the increase in the age of the baby boom generation may have had an impact on the number of condos being sold. According to Mr. Tegola, "retiring baby boomers going south for the winter... want to be able to lock their door and not worry about maintaining the property". Condo features, such as a lower burden of home maintenance, higher security, access to recreational facilities, and the downsizing of personal property are favourable for this group of individuals. Additionally, young professionals and first-time buyers have recently been purchasing condos as an investment opportunity or even as a starter home.

According to Mr. Philp, first-time buyers "could be getting priced out of the single family market and are looking for something more affordable". His analysis shows that the single family market in Thunder Bay is suffering from a "severe listings shortage that has caused average house prices to rise 15.1 percent year-over-year, while average single family homes are selling for \$194,000. The listings of new condo projects have starting prices well over the \$200,000 mark. Quite a change from an estimate by Mr. Tegola, that a two bedroom condo ten years ago should be purchased for approximately \$75,000. Not the best statistics for purchasers, but great news for condo developers and investors in the city.

Given the fact that there has been such an increase in the amount of condos developed and sold, and the fact that the majority of Thunder Bay, condo purchasers are new to this type

of investment, it is important that these purchasers be aware of the laws. The set of rules that govern condo ownership is much different, and much more complex, than that of a single family home owner. In Ontario, condominium development and management is governed by the Condominium Act, 1998 ("Act"). The Act governs the overall legal framework but is not the only set of rules to be considered. Condo owners must also be aware of regulations under the Act, individual condominium declarations and owner by-laws which can contain specialized requirements and rules for security, maintenance, etc.

The Ontario government announced, on June 8, 2012, that the Ministry of Consumer Services will review the Act through a public consultation to identify issues faced by owners, investors, and developers and solutions to these problems. Possible issues, according to the Ministry's website include: increases in maintenance fees; insufficient knowledge about the condominium lifestyle, rights and obligations; condo managers and boards that are not always familiar with their duties and obligations, among others.

New condo purchasers should take the time to review the legislation, regulations, declarations and by-laws to ensure that they are aware of their rights, responsibilities and their ability to impact change.

In summary, Thunder Bay has experienced major changes in recent years with regards to condominium development. Mr. Philp, remains positive that the market will grow but believes that the next few years will act as a test for the demand of condominiums in Thunder Bay. With two major condominium projects in construction and a third in development, most remain optimistic that the future of condominium development in Thunder Bay will remain bright.

By: Doug Shanks, Partner, Cheadles LLP; President of CCI, NWO Chapter & Rosa Carlino, Articling Student, Cheadles LLP

# Getting Ready for AGM:

## A Time Line for AGM Preparations

### 21 DAYS BEFORE

- Cut off date for candidates running for the Board
- Candidates must notify the condominium corporation in writing
- An owner cannot be a director if a lien has been registered and not cleared within 90 days of registration

### 20 DAYS BEFORE

- Date to determine the names on owners' register for service

### 18 DAYS BEFORE

- Cut off date for owner-occupied candidate
- Candidates must notify the condominium corporation in writing
- At least one position on the board must be reserved if at least 15% of the units are owner-occupied

*Note: Owner-occupied units are units that are used for a residential purpose and have not been leased within 60 days, as noted in the condominium corporation's records, for the date the notice is sent.*

### 17 DAYS BEFORE

- Notice must be sent
- **The Notice must**
  - Be in writing
  - List all the candidates and their addresses
  - List owner-occupied candidates and statement that one position shall be reserved and that they only owners-occupied units can vote
  - Include proxy form
  - Specify date, time, place of meeting
  - Detail business to be dealt with (for example, approval of previous AGM minutes)
  - Include copies of proposed changes to bylaws, rules and/or agreements
  - Include board approved audited financial statements, auditors report and any other financial information required by your bylaws

*If a matter is not disclosed in the notice, no vote can be taken on it but it may be discussed.*

*Notice may be delivered personally, prepaid mail, via fax/email (if agreed to by owner) or owner's mailbox (unless owner has provided a written request not to or address for service is different in the corporation's records).*

### 4 DAYS BEFORE

- Cut off date for mortgagee's notice of intention to vote

### AGM

#### When to be held:

- New condominium corporations – within 3 months of registration, thereafter as below
- Existing condominiums – within 6 months of condominium corporation fiscal year end
- Note: Owner cannot vote if they are in arrears for more than 30 days at the time of meeting.

### 10 DAYS AFTER

- Consent in writing, to act as a director elected but not present at meeting

### 90 DAYS AFTER

- Proxies may be destroyed unless there is a dispute

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# How to Run An Efficient Board Meeting

## Duties of the Property Manager (in most cases)

The board package is prepared in advance and is given to each director prior to the meeting. Ensure each Director has a binder with dividers to keep documents organized. It can be useful to use different colored paper for each document to help identify them quickly. When a Director resigns or their term is over, the binder should be turned over to the new Director. Meeting Packages should be hole-punched, and it is recommended to use a larger font for legibility.

If possible, have the Chair review the Agenda before the meeting so the Manager can make amendments before it is distributed. Have Directors advise the Chair of any items they wish to add to the agenda before it is prepared.

Board Package should include:

- a) Agenda
- b) Previous Month's Financial Statement (reconciled)
- c) Bring cheques for review and signature (2 signatures per

cheque)

d) Previous Meeting's Minutes (try to issue Minutes soon after the Board meeting so everyone remembers what was discussed. This will help Directors note if there are any changes/amendments to be made and reminds everyone what is expected of them for the next meeting).

e) Property Manager's Report

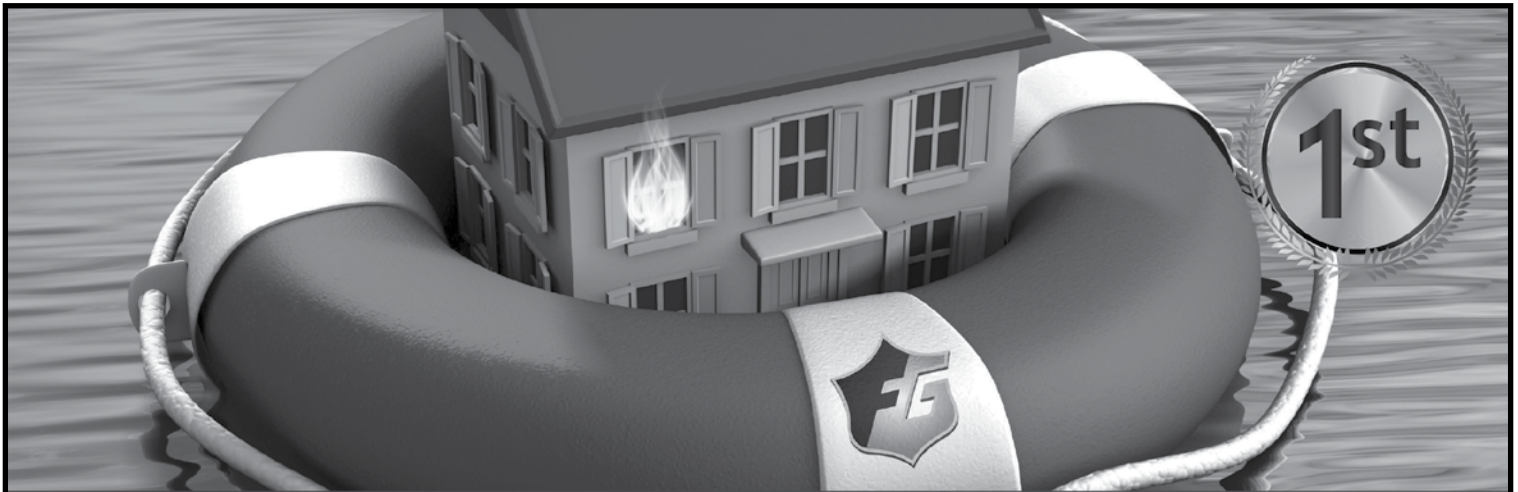
- Items Completed (since the last meeting)
- Items in Progress/to be discussed

f) A list of previously deferred items and a priority list of items for the next newsletter

g) Back-up information, i.e. Copies of quotations (summary of quotes in chart form to save time).

h) Superintendent's Report

i) Correspondence



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# Robert's Rules of Order for Beginners:

## A Time Line for AGM Preparations

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### Call to Order

This begins the meeting, once quorum has been attained. Quorum for GRC is at least 50% of all members, excluding the Speaker and any vacant positions. Quorum for General Meetings is fifty Active Members.

### Motions

Business is resolved at meetings by voting on propositions put forward by members, called motions. Anyone eligible to vote at a meeting may make a motion. Some motions require another member to second the motion, which are then debated and voted upon. Members may only speak once on any motion, unless the Speaker deems it appropriate. A member must raise his/her hand to be added to the speakers list.

### Amendments

A motion may be amended by a subsequent motion. If the mover and seconder of the original motion consent to the amendment, it does not require a seconder and is not subject to debate. If there is no consent, the motion requires a seconder. It must then be debated and voted upon before the debate resumes on the original motion.

### Motions which take Precedence

Normally, a motion cannot be made while another motion is being debated. There are, however, certain types of motions that take precedence over "normal" motions:

1. Motion to Amend – (as above)
2. Motion to Table – This defers further debate on the main motion until some future time. It requires a seconder and is debatable only as to the length of time that the main motion will remain tabled.
3. Motion to Refer – This defers a motion until advice can be sought from another body.
4. Motion to Call the Question – This is a motion to cease debate and proceed to the vote on the main motion. If there is an objection, the motion requires a seconder and must pass by a two-thirds vote. The motion is not debatable.
5. Motion to Reconsider – This is a motion to re-open debate on a motion that has already been voted upon earlier in the same meeting. This motion requires a seconder.

6. Motion to Adjourn – This ends the meeting. Requires a seconder and is not debatable.

### Points

There are several special motions called "Points" that have priority over all other motions or discussion. They are considered serious enough that a speaker may be interrupted by another individual who wishes to make a Point.

1. Point of Order - May be raised if members feel that business is proceeding incorrectly. The speaker must either agree or disagree with the point raised. This point may be used if a member wishes to have a clarification made on a specific ruling.
1. Point of Privilege – Are raised if members feel that their rights as members of the assembly have been violated. This Point can also be used if an individual cannot actively participate in the discussion due to a variety of reasons, including not being able to hear the speaker, or an unclear understanding of the discussion.
1. Point of Information - Is used to ask for information that is essential to your understanding of the debate. The member may decide not to answer the question by refusing to yield the floor.
1. Challenge to the Speaker – Is used when an individual disagrees with the Speaker's ruling. The mover must state why they disagree. The Speaker may then give the reasoning behind the ruling. A vote is then taken to affirm the Speaker's ruling.

### Voting

Voting on motions normally requires a simple majority, usually by a show of hands, or in some cases by roll call. Voting by secret ballot may occur when an election to fill a position is required.

### To Ensure Smooth Discussion

Raise your hand to be added to the speaker list. Before speaking, state your name and department. Speak to the topic at hand. New discussion topics are introduced during the "Question Period" or "New Business" agenda items. To make a suggestion regarding the motion on the floor, you must introduce an amendment. This will require seconding, after which it will become the current item on the floor.

# Insurance Claims and Rate Increases

Tony Rapino - Brokerlink Insurance

So your Condo Association suffered a major water damage claim, and after several months the repairs are completed and the claim closed. What happens to your insurance rates the following renewal term? Will there be an automatic rate increase? Will the insurance company even offer renewal terms or will you be switching to a new company? These are all common questions asked by both Unit Owners and by Condo Associations, as each has a policy that usually is called upon to pay a major loss.

While there is no rule set in stone for rate increases, the general rule is that frequency of claims is by far worse than the size of the claim. For instance, if a Condo Association experienced three water damage claims in four years, this could indicate a problem with the plumbing or maintenance of the condo building. Or if the Condo Association had several slip and fall liability claims, maybe there is inadequate snow and ice removal policies. The frequency of claims makes the risk unattractive to an insurance company, who is hoping to pick the right risks to insure. Insurance companies do expect some losses to occur, and they have historical data that helps predict the frequency of claims. But if you are experiencing more than the average amount of claims, you can expect to pay more than the average policy holder.

On personal unit owner policies, if you place a claim under your policy, you'll no doubt lose the "claims free" discount that most insurance companies offer. So the first renewal after the claim you can expect at least a 5-10% increase for loss of that discount. It usually takes 3 years of no claims, to build back that "claims free discount". On the commercial Condo Association policy, you will probably also notice a rate increase the first year after a claim. However, if you have had three claims in the last five years for example, expect more than a 5-10% rate increase. Increases could be as high as 10-20% and deductibles, which are your portion of the loss to pay, could increase as well. In extreme cases your insurance company may "non renew" your policy which is their right under the policy conditions. In those instances you'll need to work closely with your insurance advisor to find another insurance company. That can be difficult if you have a poor

claims record or a frequency of claims.

In certain years there are always "catastrophic losses", such as major hail claims or sewer backup/water damage claims that can affect an area or an entire City. In these instances most policy holders will notice some type of increase in their premiums even if they were lucky enough to avoid any damage.

If possible, only present a claim under your policy when the amount of damage far exceeds your deductible. If your deductible is \$1,000, it may not be wise to claim damages for only \$1,000-\$2,000. As mentioned above, the frequency of losses can affect your rates more than the amount of the loss. When claims occur, consult your insurance advisor. They will help you determine the best course of action.

## All the insurance products you need, all in one spot.

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## CANADIAN CONDOMINIUM INSTITUTE

Northwestern Ontario Chapter

Presents

### CONDO DIRECTORS DUTIES - What every Condo Director needs to know.

SPEAKERS: Doug Shanks - Cheadles LLP  
Dan Kelly - Chartered Accountant  
Doug Steen - Steen Property Management Inc.  
Tony Rapino - Canada Brokerlink  
Gord Soloway - Northwestern Property Management

**Saturday, October 26, 2013**

**Starting at 9:00 a.m. to 1:00 p.m.**

Registration begins at 8:30 a.m.

Please Register in advance to ensure proper seating and materials are available.

To be held at: MASONIC TEMPLE, 1600 Dease Street (Lakehead Shrine Club)

ENROLLMENT FEES: CCI Members: \$65.00 for each participant (includes HST) coffee, tea and snacks included.

REGISTRATION FORM (Please Print Clearly)

### CONDO DIRECTORS DUTIES - What every Condo Director needs to know.

NAME: \_\_\_\_\_ (how your name will appear on RECO or RISO 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.

# SUPERIOR REGION CONDO NEWS

Fall 2013