

## Superior Region **CONDO NEWS**

### Presidents Message

One of the things we can not avoid **-taxes-** will be the subject of our March 28th seminar. This seminar will deal with property taxes as they relate to condominiums. A representative from MPAC (Municipal Property Assessment Corporation) will be making a presentation as well as a representative from The City of Thunder Bay—Revenue Division. There will also be a short presentation on the appeal process for condominium owners.

I would like to thank all members for their ongoing support. Without this support, the voice of condominiums would be almost silent. Thank you also to those who participate in our seminars. If you have any subjects you wish to see covered by a future seminar, please contact us using our e-mail address [ccinorthontario@shaw.ca](mailto:ccinorthontario@shaw.ca).

Paul Muller, President

**CCI — Northwestern Ontario Chapter**

### **SPRING SEMINAR**

**Saturday March 28, 2009**

**9 am to 12 noon**

### **Re-assessment of Condo Properties**

All properties in the province of Ontario have been re-assessed, most properties have increased in value.

Great for resale but higher taxes may be levied.

**Registration form on back page!**

**Everyone welcome!**

### **SPRING 2009**

#### **ANOTHER SEMINAR**

**Saturday May 9, 2009**

**9 am to 12 noon**

#### **LEGAL CASES**

There are many interesting legal cases involving condominiums.

**Registration form inside!**

**Everyone welcome!**

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#### **IN THIS ISSUE**

##### **Status**

**Certificates**

**Page 2 & 3**

**Challenge to  
Authors**

**Page 5**

**CCI Roof Top  
Forum**

**Page 5**

**Message to  
Members**

**Page 5**

**Smoke Free  
Condo**

**Page 6**

## STATUS CERTIFICATES

By: J. Douglas Shanks LL.B. lawyer with Cheadles LLP

A status certificate is a statement by the Condominium Corporation setting out certain important information relating to the Condominium Corporation, the common elements and the particular condominium unit for which the certificate is being issued. The term "status certificate" replaces "estoppel certificate", which term was in use prior to the passing of the *Condominium Act, 1998* (the "Act"). Purchasers of a condominium unit should always obtain and review with their lawyer a status certificate. The status certificate will assist the purchaser in deciding if they want to purchase the condominium unit, and if so, some of the risks, restrictions and rules involved.

A status certificate, which includes all of the required attachments, must be given to anyone who requests it within ten (10) days of receipt of payment for it. A Condominium Corporation can charge a fee of \$100 inclusive of all tax and disbursements (such as copying charges, etc.) for providing the status certificate.

The status certificate must contain certain prescribed information. Without listing everything that has to be contained in a status certificate, since this is set out in the Act, some of the items to be included in the certificate are as follows.

- A statement of the common expenses for the unit and any default in payment of the common expenses;
- A statement of the increase, if any, in the common expenses for the unit that the Board has declared since the date of the budget of the Corporation for the current fiscal year and the reason for the increase;
- A statement of the assessments, if any, that the Board has levied against the unit since the date of the budget of the Corporation for the current fiscal year to increase the contribution to the reserve fund and the reason for the assessments;
- A copy of the current declaration, bylaws and rules;
- A statement of all outstanding judgments against the Corporation and the status of all legal actions to which the Corporation is party;

- A copy of the budget of the Corporation for the current fiscal year, the last annual audited financial statements and the auditor's report on the statements;
- A statement with respect to:
  - i. the most recent reserve fund study and updates to it,
  - ii. the amount in the reserve fund no earlier than at the end of a month within 90 days of the date of the status certificate;
  - iii. current plans, if any, to increase the reserve fund.
- A statement of the number of units for which the corporation has received notice that such units are leased during the fiscal year preceding the date of the status certificate.
- A statement of the amounts, if any, that the Act requires be added to the common expenses payable for the unit.

If a status certificate omits material information that it is required to contain, the certificate is deemed to include a statement that there is no such information. If a Condominium Corporation does not provide a status certificate after a request and payment for the same, then it is deemed to have given a certificate stating the following:

- i. there has been no default in the payment of common expenses for the unit;
- ii. the board has not declared any increase in the common expenses for the unit since the date of the budget of the Corporation for the current fiscal year; and
- iii. the board has not levied any assessments against the unit since the date of the budget of the corporation for the current fiscal year to increase the contribution to the reserve funds.

If the status certificate is wrong, there is no right of rescission. Nor is there any penalty on the Condominium Corporation for issuing a status certificate that is incorrect. If the certificate is incorrect, then the Condominium Corporation may be prevented from taking certain steps against a new unit owner. For example, if the amount of the common elements expenses was incorrect, then the buyer may not have to pay the increased amount. Another example

Continued on page 3

Continued from page 2

## STATUS CERTIFICATES

might be if the seller had made changes to the exclusive use common elements, i.e. a balcony or parking space, without the consent of the Condominium Corporation, but this was not disclosed in the status certificate, then the Condominium Corporation may not be able to force the unit holder to remove the changes. A final example might be if the status certificate hadn't provided details of any increased payments required to the reserve funds, then that increase may not be enforceable against the buyer.

Status certificates are not "disclosure statements". When a buyer is purchasing a condominium from a developer, it is not binding on the buyer until they receive a current "disclosure statement" from the developer. The buyer has ten (10) days to rescind the agreement after receiving the disclosure statement.

The disclosure statement must contain statements indicating information such as the following. This is not an exhaustive list of what had to be included in the disclosure statement, only some examples.

- Is the condominium leasehold or freehold, and if so what type?
- The address of the developer and the address of the condominium;
- A description of the property;
- Has the building been converted from a prior use;
- What units the developer intends to lease;
- Information about the Tarion New Home Warranty enrolment for the units and the common elements.

If there is a material change in the disclosure statement, then the developer has to deliver a revised disclosure statement within a reasonable time after the change takes place, and at the latest within ten (10) days before the deed is delivered to the buyer, i.e. closing. The buyer has a right to rescind the agreement within ten days of receiving the revised disclosure statement.

In conclusion, no one should buy a condominium unit from a developer without a "disclosure statement". Similarly, you should not buy a condominium unit on resale without obtaining a "status certificate" and getting advice on the information in the certificate.

J Douglas Shanks LL.B. devotes a substantial portion of his practice to Real Estate - Commercial & Business Law issues. He has been with Cheadles LLP for 28 years and is Vice-President of the CCI—Northwestern Ontario Chapter.

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**LEGAL CASES**

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

**Saturday, May 9, 2009**

**Starting at 9:00 a.m. to 12 noon.**  
**Registration begins at 8:30 a.m.**

Two lawyers who have dealt with a number of condominium cases and a knowledgeable insurance adjuster will provide a panel discussion. They will also review decisions of the Courts and issues that have arisen in their practices dealing with topics of interest to condo unit owners, Condominium Corporations and the purchaser of condominium units. There will be plenty of time for questions and answers after the panel presentation.

The seminar is to give directors, managers and owners insight into legal matters faced by other Condominium Corporations, and the reason why the case was won or lost. This is essential information for everyone that owns a condo.

**ENROLLMENT FEES:** CCI Members: \$60.00 for each participant. (includes GST)  
Non Members: \$120.00 for each participant. (includes GST)  
Fees includes coffee, tea and snacks.

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)

The CCI is now pre-approved by RECO. This course will earn RECO or RIBO attendees 3 MCE credits for 3 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)

**LEGAL CASES**

**NAME:** \_\_\_\_\_ (how your name will appear on 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 seminar.**

## A MESSAGE TO OWNER MEMBERS AND PROFESSIONS MEMBERS

Our newsletter is sent out twice yearly, hopefully three times, in the near future. Approximately 1650 copies are distributed to condominium owners, residents and our professional members as well to local government officials, other CCI Chapters, and members of our National Board of Directors. For membership information contact the Administrator by email or fax as shown at the top right on the front cover.

## CHALLENGE TO ALL AUTHORS.

There are many issues that are common to condominiums owners and sharing your insight would be most helpful. Management issues, building issues, legal topics, social events and successful completion of projects are only a few examples of what we are looking for. Please submit to the Administrator by email or fax as shown at the top right on the front cover.

## CCI's ROOF TOP / FORUM

### A Resource for Owners and Directors

CCI's National website hosts a discussion forum where owners and board members can exchange information and advice on issues affecting their Corporations.

The forum's overall objective is to generate discussion on all aspects pertaining to the Canadian condominium industry. In practical terms, the issues discussed are those typically raised at our various local seminars and deal with owner, director and property manager issues and conflicts. Although there are no recognized experts to answer questions, the discussion forum is very active, providing a wide range of input and opinion. Several topics are posted each day and often the responses to a topic number in the double digits.

Users can ask or respond to questions in a completely user-friendly format; or you may simply choose to monitor the various discussions. There is no requirement to actively participate, although it's helpful to weigh in with a comment based on one's own experience or knowledge. Regardless, the discussion forum is an excellent learning resource and even features a 'search' function so that you can research previous topics to discover if your issue has already been discussed.

If you'd like to share a situation with other directors and owners or perhaps discover that there's a successful solution to a problem, check out the CCI Discussion Forum today. Remember though, this is a discussion forum and should not be confused with acquiring "free" professional assistance.

You can log into it directly at [www.cci.ca/forum](http://www.cci.ca/forum) then click on 'join the discussion' at the bottom of the page.

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| 1/2 page      | \$110.00 | \$225.00                         |
| Full page     | \$210.00 | \$425.00                         |

**Deadline for Fall issue is Sept first and for Spring issue is Feb first.**

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## ADVERTISING

will be published on  
a first come basis.

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## **NO-SMOKING POLICY**

## **MULTI-UNIT BUILDINGS**

**By Susan K. Duncan of Northwestern Property Management Limited.**

Establishing a No-Smoking policy in a multi-unit residential building is being discussed by many condominium corporations throughout the province due to the health implications from second-hand smoke.

Second-hand smoke can penetrate a unit by various means:

- From an adjacent patio, balcony or outdoor common area;
- Through open windows or doors;
- Through electrical outlets, cable or phone jacks and ceiling fixtures;
- Through cracks and gaps around plumbing fixtures, floors, walls, ceilings, windows and doors;
- Through ventilation or forced air systems.

Studies have shown that there is an interest and a demand for smoke free environments. Many apartment owners are making their rental properties smoke free and I was advised at a recent housing trade show that to date only two condominium corporations in Ontario have established a No-Smoking policy in their building with the second one being in Thunder Bay. Thunder Bay Condominium Corporation # 26 known as Brookside Place, a 24 unit building was the first condominium in Thunder Bay to successfully pass a No-Smoking By-law/policy.

To adopt a No-Smoking policy for a condominium corporation would require an amendment to the corporation's by-laws and/or declaration with the required percentage of votes from the owners in

favour of the policy. Existing owners that smoke would be grandfathered. As units sell, new owners would not be allowed to smoke. Eventually the building would become 100% smoke free.

Adopting a No-Smoking policy is an important decision that must be discussed with all unit owners because of the various ways it can impact the unit owners and the Corporation. The movement towards smoke free policies is part of the Provincial trend in providing safe and healthy environments

Susan K. Duncan is a partner of Northwestern Property Management Limited and has been working in the field for 20 years. They manage 10 Condominium Corporations in the City of Thunder Bay .



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**Professional and Trade Services Members**

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| J. D. Barnes Limited          | Peter De Haan    | 622-6277       |

**Members Thunder Bay  
Condominium Corporation #  
& name known as:**

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. Parkwest 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

**ALL OWNERS ARE MEMBERS  
OF THE CHAPTER**

## RE-ASSESSMENT OF CONDO PROPERTIES

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

**Saturday, March 28, 2009**

**Starting at 9:00 a.m. to 12 noon.  
Registration begins at 8:30 a.m.**

The day will be broken up into four sessions, approximately 30 minutes each, with a short break between each and plenty of time for questions and answers.

Part 1. MPAC - Municipal Property Assessment Corporation

Part 2. City of Thunder Bay - Revenue Division

Part 3. Appraisal Institute of Canada

Part 4. Review/Appeal of Condo Assessment

The course is an excellent way for unit owners to understand why their property value has increased. This seminar will provide you with an understanding of how the assessment process works and what to do if you question the assessment. Vital information for everyone that owns a condominium.

**ENROLLMENT FEES:**    CCI Members:            \$60.00 for each participant. (includes GST)  
                                 Non Members:        \$120.00 for each participant. (includes GST)  
Fees includes coffee, tea and snacks.

**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 346-5690.**

**The CCI is now pre-approved by RECO. This course will earn RECO or RIBO attendees 3 MCE credits for 3 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)

#### Re-Assessment of CONDO Properties

**NAME:** \_\_\_\_\_ (how your name will appear on 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  
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