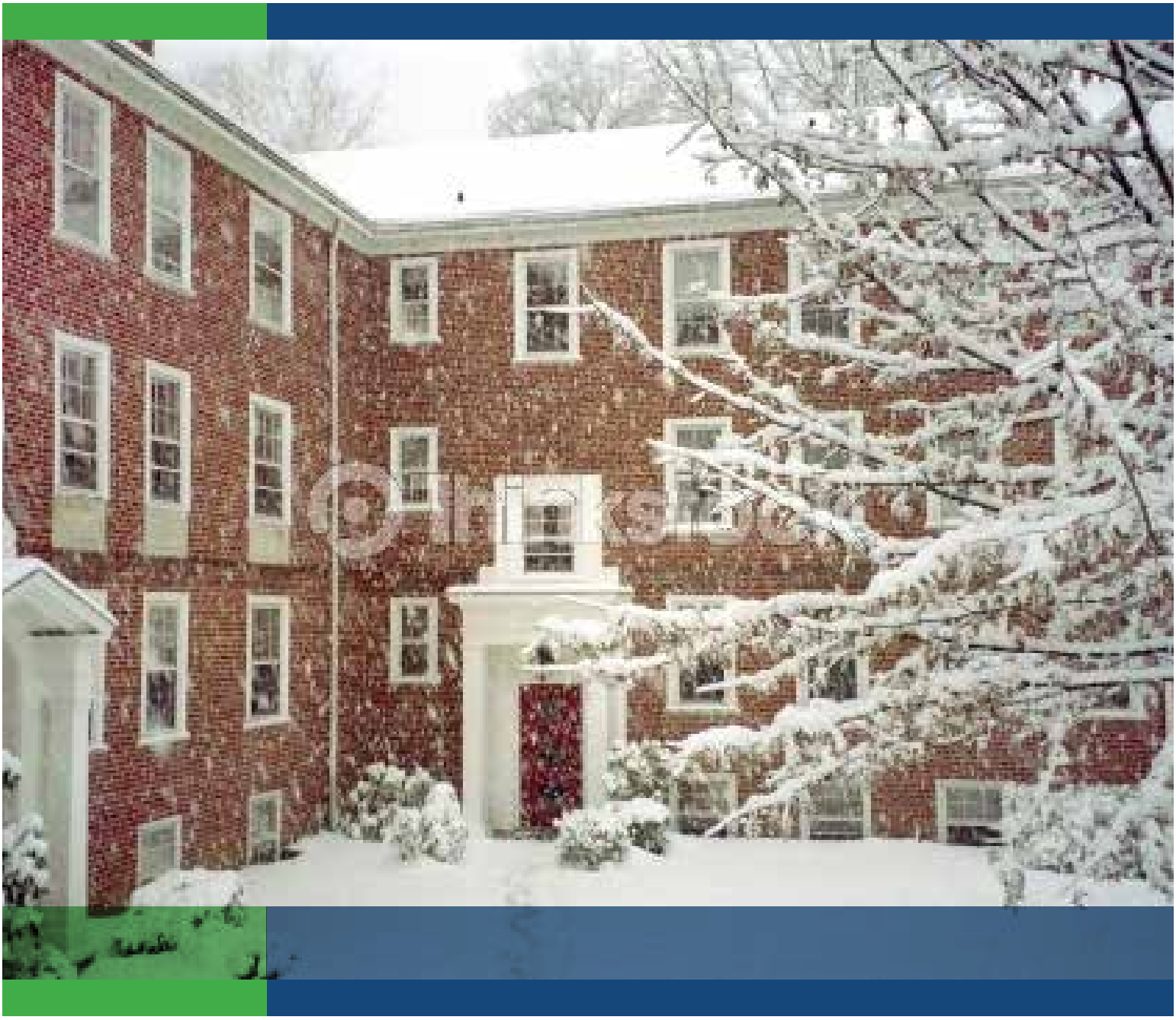

SUPERIOR REGION CONDO NEWS

Winter 2013

Canadian Condominium Institute

CCI

Institut canadien des condominiums

Northwestern Ontario Chapter

IN THIS ISSUE:

Canadian Condominium Institute | Institut canadien des condominiums

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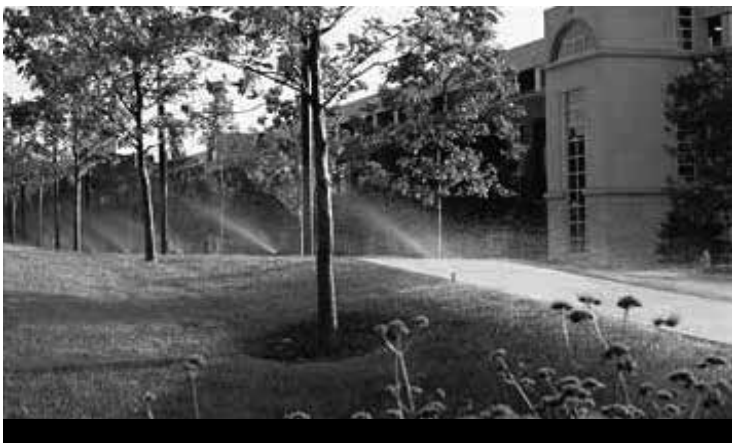
Get Smart – Managing our Water

By Nathan Helder, President, Gelderman Landscaping



The conservationist John Muir (1838-1914) once said that "when one tugs at a single thing in nature, he finds it attached to the rest of the world" What is more important and life supporting than water in nature? We are surrounded by water, there is so much we take it for granted! We don't really understand our water resources, as well as we should; what happens with groundwater or runoff, where do leaks occur in water transportation systems; how is water being used, how much energy is being used to move water into and in our homes, commercial buildings, treatment plants or irrigation systems? Every answer that we can find for the previous questions point to WASTE (=EXTRA COST). If water isn't effectively applied or used, costs will soar.

So, how are water rates calculated? Water rates are calculated by measuring how much water is needed at Peak Demand. This is the time when water use is at it's highest. Peak demand generally occurs at the end of July and the beginning of August. The water distribution system has to be sized to meet this demand even though it occurs for only a few weeks in the summer. Moving water, both clean and sewage water via underground pipes and treating water takes an extraordinary amount of energy and cost. Individually, we are learning to conserve water. But more needs to be done. We need to take a smarter approach to water management. Do you know how much water your Condominium's Irrigation System uses? Do you know how much water is being wasted and going down the drain? Many condominiums have no idea how much water their systems are using or how much water does their landscape area really need. Understanding your landscape requirements and water efficiency rates will reduce water usage at your Condominium between 40-50%. Sadly, a lot of that water can be wasted due to inefficient or poorly maintained irrigation systems.

It is more important than ever to find out exactly how your irrigation sprinklers are performing. Read on to find out how an irrigation audit can save you a lot of water and money while keeping your landscape healthy and beautiful.

Auditing: The First Step to an Efficient Irrigation System

The best way to determine your sprinkler system efficiency is to have a certified professional come to, your property and perform a detailed irrigation audit. They will conduct a series, of inspections, run some performance tests, collect data, and calculate the efficiency of your system, zone by zone. They will also use this data, to determine exactly how long you should run your sprinklers to keep your plants healthy while avoiding runoff and water waste. An irrigation, audit, will also detail technology of the past - faulty rain sensors, soil moisture sensors and inefficient sprinkler heads.

Recommendations for Saving Water and Money

1. Fix Leaks. The quickest return on investment is to fix leaking valves. Look for water running onto sidewalks or over curbs after the sprinkler system is turned off. If water flows constantly when the sprinkler system is off that indicates that a valve is not fully closing. Leaks in the mainline that go undetected, and continuous leaking because of the absence of a master valve.

2. Relocate sprinklers so that they are between 4–6 inches (10–15cm) from the edge of sidewalks, curbs, patios, etc. in lawn areas. In shrub areas they can often be 12 inches (30cm) from the edge, especially with a mature landscape. This will reduce the amount of spray onto the paved surface and will not create a dry area along the edge of the lawn.

3. Change the Timing. Run your irrigation system during the morning hours, especially if you use sprinklers. Less water is

lost to evaporation when the temperature is cooler, plus in most areas the wind doesn't blow as hard in the mornings. Watering in the evenings can lead to turf and plant disease problems because the water sits on the plants all night, especially in humid climates.

4. Consider Drip. Switch to drip irrigation for watering gardens, flowerpots and shrubs. Drip irrigation is about 20% more water efficient than sprinklers. It is easy to install and reasonably inexpensive.

5. New Technology. Technology in sprinklers has advanced over the last 20 years and many new sprinklers are more water efficient than the older models. Switch to rotary sprinkler heads and install master control valves. Some sprinkler head models have built-in pressure regulators. The pressure regulators save water by reducing water pressure at the sprinkler head nozzle. If too much water pressure is present, the sprinklers tend to create too much mist, allowing the wind to "carry" or "blow" the small droplets away and give uneven coverage resulting in water waste. Other sprinkler heads have built-in check valves that prevent water loss in lower elevation areas after the system has been turned off. Some irrigation controllers now come with a wind sensor that will prevent the system from operating in strong winds.

6. Prune Plant Material. Make sure tall grass, ground covers or shrubs are not blocking or deflecting the water spraying out of the sprinklers. The water from sprinkler heads that pop-up less than 3 inches high is often deflected by tall grass around the sprinkler head. When the water pattern is deflected by tall grass or leaves it results in uneven watering and water waste.

7. Install Smart Controllers. Smart controllers are an emerging technology for adjusting irrigation applications based on actual weather and soil conditions. According to the Irrigation Association, "Smart controllers estimate or measure depletion of available plant moisture to operate an irrigation system that replenishes water as needed while minimizing excess. A properly programmed smart controller makes irrigation adjustments throughout the season with minimal human intervention."

A sensor-based controller uses real- time measurements of one or more locally measured factors to adjust irrigation timing. The factors typically considered include temperature, rainfall, humidity, solar radiation and soil moisture. A sensor-based system often has historic weather information (i.e., an ET curve) for the site location programmed into memory and then uses the sensor information to modify the expected irrigation requirement for the day. A smart controller is similar to your thermostat in your home. Not only does the thermostat turn the furnace/AC off and on but more importantly it will only turn on when it reaches set temperatures. Smart controllers turn on the sprinkler system only when the turf and gardens need moisture.

What are the Results?

By implementing these strategies on your condominium property, not only will you be reducing your carbon footprint – saving water (40–50%), but also there will be a significant savings in dollars. The return on investment typically is less than three years. In addition, the property's landscape i.e., turf and gardens will be healthier and will require less inputs.

So, what will you do with this information? Get smart and reduce our water use!

Nathan Helder is president of Gelderman Landscaping and chair of Landscape Ontario's Environmental Stewardship Committee.

Operating Clothes Dryers During Sleeping Hours

Randy Mason, Vice President, Dryerfighters Inc.

In an effort to reduce electricity demand and consumption, there have been a number of recent campaigns introduced to promote energy conservation in Ontario. Encouraging homeowners to operate high electrical demand appliances during off-peak periods has been identified as one means of achieving this objective. The implementation of the Smart Meter program beginning in 2007, which provides electricity price reductions during off-peak hours for customers with this meter installed, will further encourage this practice. Related to this, the Ontario Fire MarshaL received a number of inquiries from the fire service regarding the safe operation of clothes dryers when residents are asleep at night.

In response to these concerns a review of residential fire loss statistics relating to clothes dryers was conducted for the period of 1995-2003. This analysis revealed the following facts:

- Ontario averaged 213 fires, eight injuries, and $1.9 million in dollar losses per year due to household dryers as an ignition source. There were 2 fatalities attributed to this fire source over the nine year period. The victims were not asleep at the time of the fire.
- The six hour time frame with the highest number of fire incidents is between 11:00 am. and 4:59 p.m., accounting for nearly 40 percent of residential dryer fires. The six hour time frame with the lowest number of fire incidents is between 1:00 a.m. and 6:59 a.m., accounting for only six per cent of residential dryer fires.
- The fire injury rate during sleeping hours (10:00 p.m. to 6:59 a.m.) is significantly higher at 6.9 injuries per 100 fires versus 3.0 injuries per 100 fires during waking hours (7:00 a.m. to 9:59 p.m.).
- The majority of dryer related fire losses are attributed to maintenance I installation issues such as lint accumulation in dryers and ductwork, improper venting (duct lengths in excess of manufacturer's installation recommendations) and use of plastic ducting. These fire losses are generally preventable through regular inspection and cleaning procedures

Is Your Pet Too Big? Pet Bylaws in Condominiums

By Doug Shanks, L.L.B Cheadles LLP and Mike Lewis

The Supreme Court of British Columbia has ruled that breaching a Condominium's Pet Bylaw can result in a Court order preventing a pet-owner from bringing his or her pet back into the common property. The ruling comes from the March 27, 2013 decision in Strata Plan LMS 2629 v. Blondin, where the Petowners breached the Pet Bylaw by keeping a dog that exceeded the height restriction of the Pet Bylaw in their strata unit. The Court also addressed the issue of applicable fines against the tenants resulting from their Bylaw breach.

Facts

The Respondents are owners of a Strata unit located in Langley, British Columbia. Before adopting their dog, the Respondents approached one of the members of the Strata Council, Gar Anderson, then the Vice President, and asked for approval to have a dog in their unit. Mr. Anderson signed a handwritten note approving a dog in their unit, however, the note made no reference to the size of the dog to be adopted. He understood the note to simply be a prerequisite for adoption from the adoption agency. The Strata council received complaints about the dog exceeding the height restriction of the Pet Bylaw. The Council wrote to the Respondents bringing the matter to their attention and providing them with an opportunity to respond to the complaint. The Respondents presented their case in front of the Council and it was decided that a resolution would be put forward determining whether to amend the Pet Bylaw by removing the height and weight restriction. The resolution was defeated.

The Council considered all the requests from the Respondents on the oversized dog issue but decided to uphold and enforce the Pet Bylaw. The Respondents were advised that failure to remove the dog would result in a fine of $200 per week.

Arguments

The Strata Corporation argued that the Respondents had an oversized dog in their strata unit without a prior exemption and were therefore in violation of the Pet Bylaw. The Respondents argued that they obtained written approval by Mr. Anderson which constituted an exemption under the Bylaw 4(10) and were thus not in breach of the Pet Bylaw. They Respondents also argued that Mr. Anderson had an indirect interest in the issue because it was he who signed the note and therefore should not have been able to participate in the Council decision finding them in breach of the Bylaw.

Decision

The court ruled that that the Respondents did not obtain a proper exemption from the Strata Council authorizing them to have a dog that exceeded the height restriction of the Pet Bylaw. No formal request was made by the Respondents to the Strata Council as a whole. Furthermore, the permission note signed by Mr. Anderson did not mention anything about a request for an exemption from the height restriction of the Pet Bylaw. Additionally, Mr. Anderson, on his own, could not authorize an exemption from the pet height restriction. It was a matter that needed to be addressed by the Strata Council as a whole.

The court struck down the argument that Mr. Anderson had an indirect interest in the issue and therefore should not have been able to participate in the Council decision finding the Respondents in breach of the Pet Bylaw. The court stated that he did in fact have a marginal interest in the matter as to whether he had signed the note and granted an exemption but this was largely irrelevant as he could not, on his own, grant such an exemption.

The Court enforced the Council's implementation of fines for breach of the Pet Bylaw. The dog was kept in the Strata Unit for a total of 35 weeks and with weekly fines of $200 per week, the total fine levied amounted to $7,000.

The Court also issued a permanent injunction enjoining and restraining the respondents from bringing the dog back into the common property.

Decision

The Ontario Court of Appeal decision in York! Condominium Corp. No. 382 v. DvorchitC upheld the condominium's rule restricting the size of pets to 25 pounds. Compliance with such a rule requires the removal of any pet from the condominium that weighs more than 25 pounds.

What is an Indemnity Agreement?

Robert Mullin, B.A. (Hons), LL.B, ACCI, Smith Valeriote Law Firm

Pursuant to section 98 of the Condominium Act, 1998; ("Act"), before a unit owner can make any change to the common elements the following must occur:

(a) the change must be approved by the Condominium's board of directors;

(b) the Board must ensure the change is consistent with the provisions of the Act and the Condominium's declaration; and,

(c) the unit owner must enter into an indemnity agreement with the Condominium, and register the agreement on title to the owner's unit.

These conditions are mandatory. If a unit owner makes any change to the common elements without satisfying all of these conditions, the unit owner is in breach of the Act.

An indemnity agreement, often referred to as a "section 98 agreement', is an agreement between a condominium and one or more unit owners. It regulates who is responsible for a unit owner's change to the common elements. It does not cover changes to the inside of a unit if they do not form part of the common elements.

What are the options?

(i) One-Off:

The first option is a "one-off " agreement. This option often covers a single change made by a single owner. This option is costly, but provides specificity for complicated or very unique changes to the common elements. The challenge is that for every change made, a "one-off " agreement is neede**d.**

(ii) Bulk Indemnity Agreements:

This second option is an indemnity agreement offered to all unit owners at once, often called a "bulk indemnity agreement". The purpose is to allow all unit owners to participate collectively in a comprehensive agreement. Although participation in the bulk indemnity agreement is optional, there are substantial advantages associated with a bulk indemnity agreement. First, with the "one-off " agreements the unit owner is typically responsible for all costs. However, with a bulk indemnity agreement, the cost of the agreement is typically borne by the condominium. Second, with a bulk indemnity agreement, rather than preparing and registering numerous agreements for every unit owner, the condominium can prepare and register one standard agreement, which covers numerous unit owners' changes to the common elements. Changes made in the future would shelter under the pre-existing agreement.

There are two distinct categories within a bulk indemnity agreement. The condominium may create a bulk indemnity agreement with an attached "Schedule A". This schedule lists all anticipated and possible changes. Any change not listed in the schedule would require a "one-off " indemnity agreement. The alternative is an indemnity agreement with no schedule. In this case the indemnity agreement does not set out a list of specific changes, rather, it will apply to any changes receiving board approval.

A bulk indemnity agreement with a Schedule "A" provides a more predictable, clear outcome, while giving up some of the flexibility and adaptability that a bulk indemnity agreement without a Schedule "A" provides. There are advantages and disadvantages with both choices. As a result, a condominium's choice will depend on its unique circumstances, and the input of legal counsel.

For more information about the process of creating a bulk indemnity agreement, please visit **www.smithvaleriote.com/condominium-law/condominium-tools**

CANADIAN CONDOMINIUM INSTITUTE

Northwestern Ontario Chapter

Presents

CONDOMINIUM COURSE LEVEL 101

This seminar, our first of 2013, will benefit all attendees by explaining concepts that better enable them to manage their condominium more effectively. This course will provide a thorough review of the Condominium Act 1998. This is an introductory first level course on the following topics: Management Issues, Insurance Issues, Accounting Issues and Engineering Issues.

SPEAKERS:
Manuel Estragadinho (GENIVAR)
Dan Kelly (Chartered Accountant)
Tony Rapino (Brokerlink Insurance)
Doug Shanks (Cheadles)
Gord Soloway (Northwestern Property Management)
Moderator: Doug Steen
Please Register in advance to ensure proper seating, space is limited.

To be held at: **SATURDAY, APRIL 13, 2013 9:00 am - 1:00 pm @ the PROSVITA (540 High St. S.)**
ENROLLMENT FEES: CCI Members: $60.00 for each, Non-Member: $100.00 each, (includes HST) coffee, tea and snacks included.
Please call (807) 346-5690 to register.
This course will earn RECO attendees one MCE credit for each hour of education. RECO Attendees will need to provide their Registration Number, check in & out to comply with requirements

REGISTRATION FORM (Please Print Clearly)

CONDOMINIUM COURSE LEVEL 101

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 REGISTRATION NO.:**_____

Please complete the course registration form and fax to 807-344-1507 or email to ccinorthontario@shaw.ca to attend this course.

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