

**1. OVERVIEW OF CONDOMINIUM LEGAL JURISDICTION BY ROBERT BUCKLER**

Presentation

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November 8/2012  
TF on Res. Condo  
Item 1

## Condominium Presentation to the Task Force On Residential Condominiums

November 8, 2012



**Robert Buckler**, B.A., M.Ed., R.C.M.  
*Beredan Management & Consulting Inc.*  
[rbuckler@beredan.com](mailto:rbuckler@beredan.com)  
(647) 210-7727

**Patricia Elia**, B.Comm., LL.B., ATC  
*Elia Associates*  
[patricia@elia.org](mailto:patricia@elia.org)  
(416) 446-0800, ext. 802



## Disclaimer

- *The content of the course materials and representations made by the presenters during the presentation & Q&A and within the materials are not to be interpreted as legal, condominium management or other advice and are provided only in the context of a presentation to the city of Vaughan's Task Force On Residential Condominiums.*
- *For official advice on such matters, attendees are encouraged to consult with the appropriately authorized and legal or other qualified professional.*

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## Agenda

- **Introductions**
- **Review Mandate**
- **Presentation Objectives**
- **Condominium Governance**
- **What is a Condominium?**
- **Condominium Living**
- **Municipal Spheres of Influence**
- **Where Do We Go From Here?**
- **Q&A**

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## Robert Buckler – Bio

- Owner of *Beredan Management & Consulting Inc.*, which specializes in condominium consulting for management firms, developers, condominium corporations, boards of directors, owners
- Attained the *Registered Condominium Manager (R.C.M.)* designation in 2006 and has taught Condominium Law for *Association of Condominium Managers of Ontario* (“ACMO”) since 2006
- *Court-Appointed Administrator* for two Condominium Corporations in Toronto
- Realtor® with *Century21 Heritage Group Ltd.*
- Condominium management educator, course developer
- Volunteer for *Canadian Condominium Institute-Toronto*, ACMO, City of Vaughan, *Toronto Real Estate Board* (TREB)

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## Patricia Elia – Bio

- Called to the *Ontario Bar* in 1996
- Has practiced law with *Minden Gross* and *Blake Cassels and Graydon*
- Is a Condominium law and Corporate lawyer with *Elia Associates Professional Corporation*
- Is a member of the *Canadian Condominium Institute* (“CCI”): Golden Horseshoe, Huronia and Toronto Chapters
- Is the Vice President of the *Huron Chapter of CCI*
- Is an owner of condominiums in Ontario
- Is a director of a condominium corporation in Ontario

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## Mandate of the Task Force On Residential Condominiums

*The Task Force on Residential Condominiums shall consider the variety of issues important to residents living in condominiums (including, but not limited to service levels, taxation, safety, environmental sustainability, etc.).*

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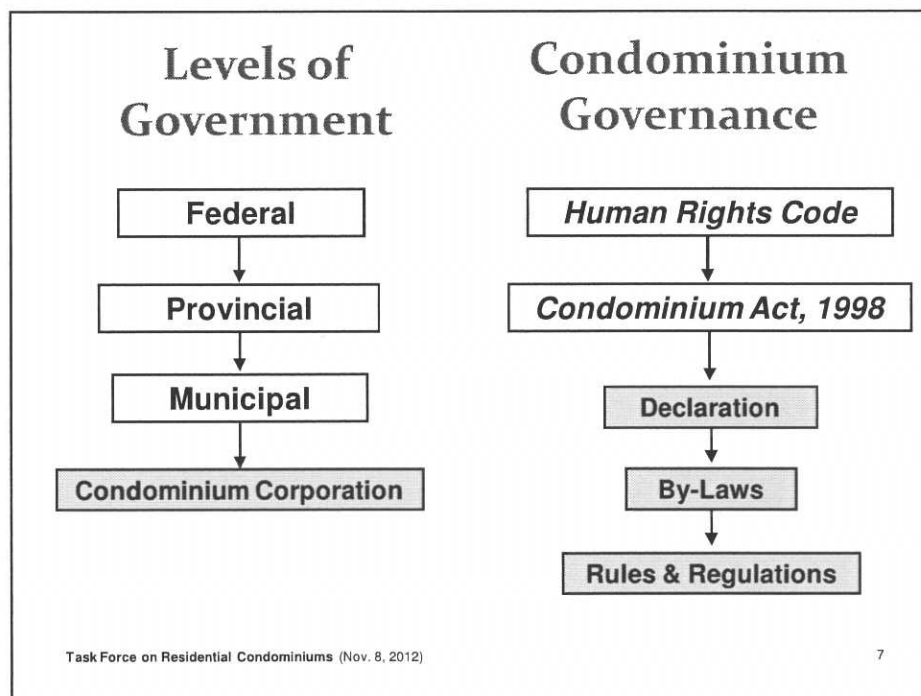
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## Presentation Objectives

- To provide a brief overview of the *Condominium Act, 1998*
- To differentiate the confines of municipal & provincial jurisdictions
- To cover Municipal issues/responsibilities
- To discuss Condominium Living as it relates to the auspices of the municipality
- To discuss 'areas of intersect' between condominiums and the municipality
- To start developing a list of suggestions to improve condominium living in the city of Vaughan

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## What is a Condominium?

- 'Tenants in Common' – shared ownership of common elements
- Types of Condominiums
- Units vs. Common Elements
- Declaration Schedules – Owners pay their share of the budget ('common element/maintenance fees')
- Declaration, By-Laws, Rules
- Condominium Corporation subject to many statutes including the *Accessibility for Ontarians with Disabilities Act*, *Green Energy Act*, *Contract & Agency Law*, *Occupational Health & Safety Act*, etc.

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## "Fourth Level of Government"

- Elected Board of Directors
- Managing the affairs of the condominium corporation
- Working in the best interest of the corporation and on behalf of the community while complying with laws
- Typically, the Board hires a property management company to handle accounting, operations, staff, contractors, etc.

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## Condominium Living

- What does this mean?
- What are the issues?
  - Demographics
  - Density
  - Planning (e.g., lack of parking, common elements vs. standard corporation)
  - Costs of Operation
  - Enforcement Mechanisms
- What is the municipality's role?

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## Municipal Spheres of Influence

- By-Laws
- Fire Safety
- Occupancy
- Parking
- Permits (renovations, large projects)
- Noise
- Pets
- Planning
- Signage
- Waste Management & Recycling

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## Where Do We Go From Here?

- What are areas of overlap with the municipality?
- What are the opportunities to service these communities?

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## Question & Answers



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# Thank You

**Robert Buckler, B.A., M.Ed., R.C.M.**  
*Beredan Management & Consulting Inc.*  
[rbuckler@beredan.com](mailto:rbuckler@beredan.com)  
(647) 210-7727

**Patricia Elia, B.Comm., LL.B., ATC**  
*Elia Associates*  
[patricia@elia.org](mailto:patricia@elia.org)  
(416) 446-0800, ext. 802



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Condo Task Force – Issues as identified by members - November 8, 2012	
Issue	Explanation: Reason why this issue is important.
<p>Communication from Condo board members and residents of the condo X</p> <p>Board of Directors</p> <p>Quality of the Board of Directors</p> <p>Board Minutes</p> <p>AGM</p> <p>Budget</p> <p>Reserve Fund Study</p>	<p>Condo board members should be in open communication with the residents as they are acting on behalf of the residents.</p> <p>Residents should be given the names and contact information of the board members. Residents should also be informed of upcoming meetings with an agenda in order to give the residents opportunity for input.</p> <ul style="list-style-type: none"> <li>- Qualifications – need better information</li> <li>- Mandatory at least one course a year for each year on board</li> <li>- Lack of understanding of responsibilities</li> <li>- struggle to get volunteers, let alone knowledgeable ones</li> <li>- Courses should be mandatory – paid by the Corporation. Need to agree to taking the courses prior to being allowed to run for election,</li> <li>- need for free Director orientation workshop</li> </ul> <p>very lackadaisical attitude towards minutes of Board Meetings.</p> <ul style="list-style-type: none"> <li>- draft of the minutes should be available to all those that request a copy, or all those who attended the meeting along with the proxies or to every owner. I think four to six weeks subsequent to the meeting would be more than adequate time to have the draft prepared.</li> <li>- owners should have the opportunity to ask questions about the budget</li> <li>- concern as to what is being charged as a reserve fund item</li> </ul>
<p>Renting out of condo units X</p>	<p>There should be a limit as to the percentage of units that can be rented out by owners. When owners rent out units.</p> <p>Too many buyers are using the condo units as investments and not as their home</p> <p>Certain percentage should be allocated (renters have no interest in building)</p>
<p>Taxes on condo units X X</p>	<p>Condo units should not be taxed at the same rate as home owners.</p> <ul style="list-style-type: none"> <li>- tax levy is unfair as it now stands</li> <li>- payments for some services are through both condo fees and taxes – parking enforcement, waste, grass, snow</li> </ul>

	maintenance
	-
Making the builder accountable when selling a condo unit and what is said by their real-estate sales people	We were told by the real-estate seller on our unit that our unit was pet friendly with no restrictions. We disclosed that we had a pet and the size of the pet and were told no problem. Once moved in we are constantly harassed by condo management and board members that there is restrictions to the size of our pet etc..
Intensification	Puts too much strain on existing infrastructure
Municipal inspection	Standard not realistic for use
Safety	Enforcement of fire routes, handicap parking rules
General review of Condo Act	Many parts of existing Act are unfair to residents
Damages caused by owner	Questions as to who pays what
Property Management	Little communication between management and residents
Mediation and Arbitration	- procedures should be provided
Real Estate Agents and Lawyers	- Agents and lawyers should assist purchasers in obtaining important information that may affect their decision
Status Certificate	- need for better understanding
Access to documents	- fees charged for documents is unfair to owners

Please note that the X indicates the issue was brought up by more than one member of the Task Force