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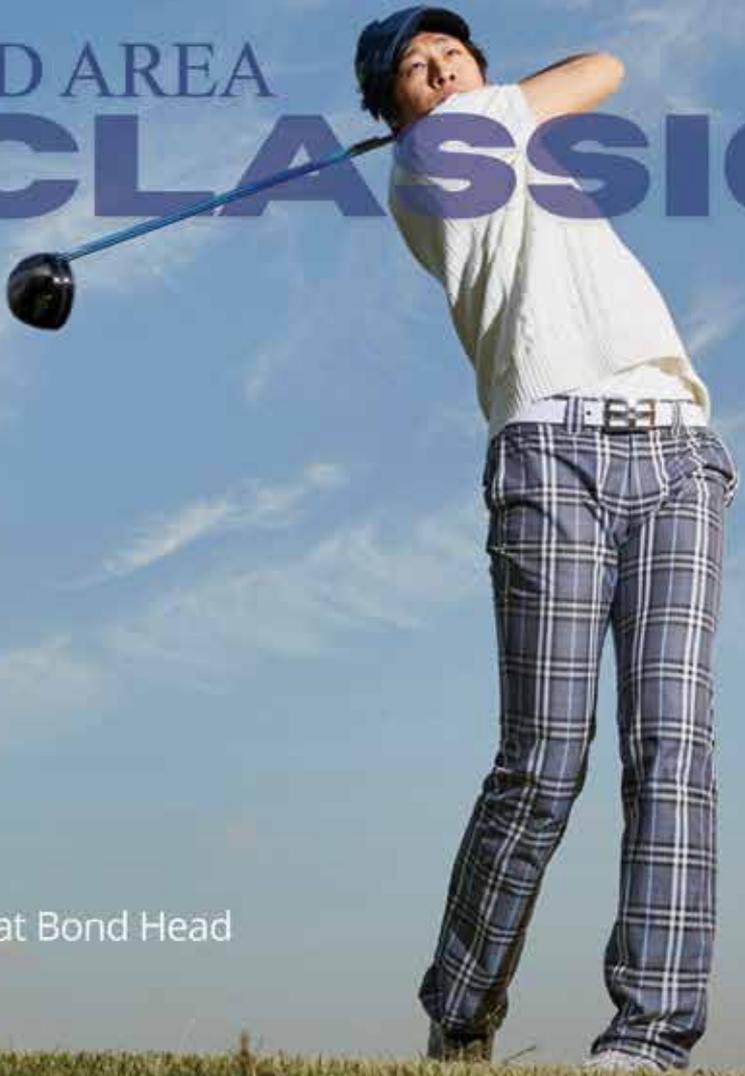
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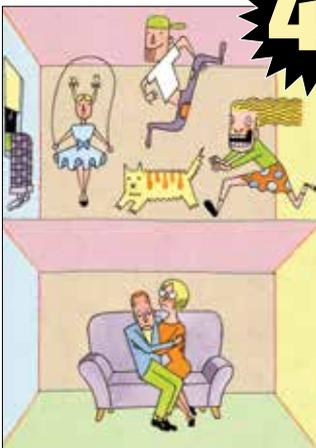
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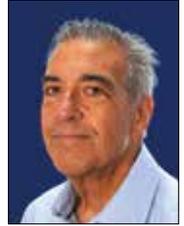
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President's Message

Here's What We're Working On:

We have been very busy preparing for Spring and the coming year. In early January, we had our annual planning session. I am excited about our plans for 2025. Our goal for this year is both providing value to our existing members and attracting more members to CCI-T.

Here are a few things we are working on:

The education committee has events planned every month. The goal is to keep members engaged by providing leading edge educational sessions. There is a mix of virtual webinar and in-person events. The tentative plans include:

June: 25th - Best Practices for Procurement

September: 11th - Annual Golf Tournament
25th - Coffee With Experts - Accounting

October: (TBD) - Condo Horror Stories with AGM

November: 21st & 22nd - Condo Conference

December: 5th - Holiday Party

Both our membership and marketing committee have been busy both with member retention and growth of the chapter. Our goal is to ensure our current members get everything they can out of their membership and show future members the value of joining CCI-T. With that in mind, our legislative committee has been working on preparing a submission to the CAO regarding the proposed regulations regarding condo owners meeting, and expansion of the CAT's jurisdiction

to include owners' meetings. In addition, there have been meetings on what the "net zero" initiatives for Toronto will mean to condominiums.

The sponsorship committee has been reaching out to both past and potential sponsors as our sponsorship program starts every January. Once again, we are planning to have a golf day to engage our members, facilitate a fun networking day, and help raise money for the chapter. More information to follow.

The delivery of our programs could not take place without the support of our sponsors. A big thank you to all our sponsors, but a special shoutout to FirstService Residential for their commitment to CCI-T as the Diamond sponsor. None of this and all of our other efforts would be possible without all our volunteers. I would like to take this opportunity to thank them all for their hard work in supporting the chapter. I couldn't do my job without all your support. For those of you who are interested, we are always looking for new volunteers and people who would like to submit articles for publication in the Condovoice magazine. Please contact condovoice@ccitoronto.ca for more information.

I hope you enjoy this spring edition of CondoVoice with many articles geared to enhancing condominium communities!

Brian M. Antman, CPA, CA
President, CCI-T

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Editor's Message

The Importance of Education in Condominium Living

Welcome to our Spring Issue of Condo Voice! I'm Shane Haskell, Board member of CCI Toronto, Chair of the Marketing Committee, and the newly appointed Editor of this magazine.

Education is crucial for fostering a well-informed and engaged condominium community, especially in urban areas like Toronto where many residents lack understanding of condo living. This knowledge gap can be effectively addressed by reviewing the condo's declaration, bylaws, and rules. Without proper education, residents may remain unaware of essential condo management and governance practices.

To address this concern, the Condominium Act, 1998 (the 'Act') underwent an amendment in 2017 to emphasize the importance of board members' knowledge in condo matters. Section 29(2) of the Act mandates that all Ontario condo board directors complete training provided by the Condominium Authority of Ontario (CAO) within six months of their appointment or reelection. Failure to comply with this requirement results in automatic disqualification. Director training 2.0 is now available for enhanced learning.

For over three and a half decades, The Toronto and Area Chapter of the Canadian Condominium Institute (CCI-T) has been instrumental in supporting and assisting condominium communities and managers in making informed decisions through education and discussion sessions. These sessions have significantly

increased awareness of the condo industry and helped understand the challenges facing condominiums in today's climate.

CCI-T provides both virtual and in-person events to accommodate different learning preferences. While online seminars offer convenience, in-person sessions also provide valuable networking opportunities, allowing participants to connect with industry experts and other condominium stakeholders.

Preparation through education is crucial for board members, owners, managers, and Realtors®. Being a member of CCI-T offers exclusive membership discounts and access to educational sessions on condo operation and management. This valuable resource is often overlooked by stakeholders. We want to emphasize that owners of your community are also members and are encouraged to stay educated, informed, and successfully navigate the complexities of condo living. Renew your membership today at ccitoronto.org.

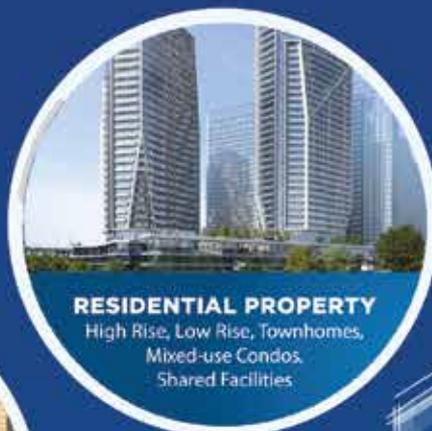
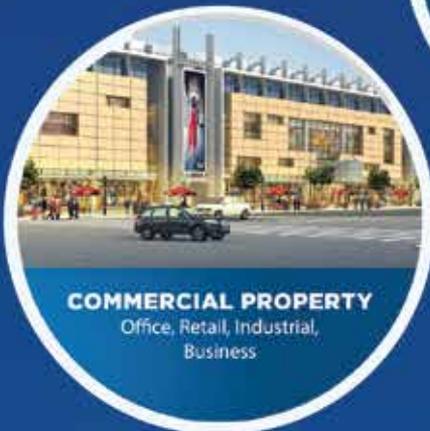
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Shane Haskell,
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Case Law Update

Decisions From the Courts

Oppression remedies, legacy agreements, and court-ordered forced sales



Frankel v. York Region Condominium Corporation No. 664, 2025 ONSC 719
A Cautionary Tale in Condominium Governance: When a Unit Owner’s Rights Are Ignored

Condominium living is often described as a delicate balance between collective governance and individual rights. When that balance tilts too far in favor of cost-cutting or bureaucratic convenience, the results can be disastrous. *Frankel v. York Region Condominium Corporation No. 664* (“*Frankel*”) is a textbook example of what happens when a condominium board dismisses a unit owner’s legitimate concerns, ultimately facing legal and financial consequences for its missteps.

At the center of this case was Joshua Frankel, an 80-year-old unit owner at York Region Condominium Corporation No. 664 (the “*Corporation*”), who had a simple yet fundamental expectation: the right to a peaceful home. His battle was not over a trivial inconvenience but a persistent, low-frequency mechanical noise emanating from the Corporation’s aging water pumps—an intrusive and unrelenting disturbance that robbed him of sleep and peace of mind. What began as a straightforward noise complaint quickly escalated into a legal showdown over a condominium corporation’s duty to honor agreements, respect statutory obligations, and uphold fairness in community management.

The Dispute: A Board’s Broken Promises
 Despite multiple complaints and investigations, the Corporation failed to remedy the noise problem. Eventually, a settlement was reached: the Corporation agreed to install specified new pumps to resolve the issue. But instead of honoring its promise, it installed a cheaper alternative—one that failed to address the noise, leaving Frankel trapped in a cycle of sleep deprivation and frustration. The board’s decision was not just a breach of contract; it was a demonstration of bad faith, dismissing the well-being of a resident in favor of financial expediency.

The failure to resolve Frankel’s complaint exposed the Corporation to liability under section 135 of the *Condominium Act, 1998* (the “*Act*”), which protects unit owners from oppressive and unfair treatment. The court found that the board’s refusal to install the agreed-upon equipment and its disregard for Frankel’s ongoing suffering amounted to oppression and a breach of his reasonable expectations. Furthermore, the court recognized the health implications of prolonged noise exposure under section 117 of the Act, acknowledging that sleep deprivation can cause serious physical and psychological harm.

The Court’s Verdict: A Resounding Reprimand for the Board
 Justice Akazaki’s ruling was clear and uncompromising: condominium corpo-

rations are not above the law, nor can they evade their contractual responsibilities under the guise of fiscal prudence. The court ordered the Corporation to take immediate steps to resolve the noise issue, imposing a strict timeline and requiring an independent acoustic assessment to verify compliance.

To drive home the seriousness of the Corporation’s failures, the court awarded Frankel \$32,500 in damages, recognizing the undue hardship he endured. Additionally, the Corporation was ordered to pay \$30,000 in legal costs—an implicit rebuke of its oppressive conduct and a reminder that ignoring a unit owner’s legitimate concerns can come with a hefty price tag.

Notably, while the court did not explicitly mandate the installation of the originally proposed pumps, it strongly suggested that failure to do so could lead to further liability. This ruling sends a clear message: cost-saving measures will not be tolerated when they come at the expense of a resident’s fundamental rights.

- Key Takeaways**
- 1. The Oppression Remedy is a Shield for Unit Owners**
 This decision reinforces that condominium boards must act in good faith and align their decisions with unit owners’ reasonable expecta-



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tions. When a board disregards a resident's legitimate rights in favor of administrative ease or financial convenience, courts will intervene. The oppression remedy under section 135 of the Act is a powerful tool to prevent unit owners from being steamrolled by corporate decision-making.

2. Noise Complaints Can Be a Serious Legal Issue

A key takeaway from this case is that persistent noise disturbances are not merely an annoyance—they can rise to the level of a prohibited condition under section 117 of the Act if they pose a risk to health and well-being. Boards cannot dismiss these complaints as subjective grievances; they must take reasonable steps to mitigate nuisances that compromise an owner's ability to enjoy their home.

3. A Deal is a Deal: Settlement Agreements Must Be Honored

Condominium corporations cannot unilaterally modify agreements to suit their preferences. The board's decision to install a cheaper, ineffective alternative instead of the agreed-upon solution was not just a breach of contract—it was an act of bad faith that directly contributed to the finding of oppression. This case serves as a stark reminder that transparency and accountability are non-negotiable in condominium governance.

Comment on s. 134(5) of the Act: A Misstep in the Decision

While Frankel is a landmark case in many respects, paragraph 38 of the decision contains an oversight regarding legal cost recovery under s. 134(5) of the Act. The ruling suggests that unit owners lack a provision analogous to the one allowing corporations to recover full indemnity costs when enforcing compliance. However, this interpretation overlooks the significant amendments made in 2017 under Bill 106, Protecting Condominium Owners Act, 2015, which redefined the scope of cost recovery and introduced greater scrutiny to ensure fairness.

Though s. 134(5) explicitly favors corporations, courts have increasingly recog-

nized that in cases of oppression under s. 135, equitable principles justify awarding substantial or even full legal costs to unit owners who successfully challenge corporate overreach. The omission of this nuance oversimplifies the statutory framework and fails to reflect the evolving judicial approach toward fairness in condominium disputes.

A Landmark Decision for Condominium Residents

Frankel is a wake-up call for condominium boards and property managers: unit owners are not powerless. Governance decisions cannot prioritize cost-efficiency at the expense of fairness and legal compliance. When a condominium corporation dismisses a resident's legitimate concerns, breaches a settlement agreement, and forces an owner into litigation to seek relief, courts will step in to ensure justice prevails.

For condominium boards, the message is unambiguous: your community is not just a business—it's a home for real people. While financial prudence is important, it cannot come at the cost of trust, accountability, and the well-being of the residents you serve. Boards that fail to recognize this reality do so at their peril, as Frankel makes abundantly clear.

Carleton Condominium Corporation No. 383 v. Laflamme, 2024 ONCAT 136

When Individual Preferences Collide with Community Rules: A Tribunal's Firm Stand on Smoking Bans in Condominiums

Few disputes in condominium living are as contentious as smoking bans. When individual habits clash with community rules, tensions can quickly escalate. *Carleton Condominium Corporation No. 383 v. Laflamme* ("Laflamme") is a stark example of what happens when a unit owner refuses to comply with a no-smoking policy, testing the boundaries of condominium governance and enforcement. In a decisive ruling, the Condominium Authority Tribunal of Ontario (the "Tribunal") reaffirmed that condominium corporations have both the authority and the obligation to enforce smoking prohibitions, even against long-time smokers unwilling to quit.

This case underscores a broader trend: tribunals and courts are increasingly prioritizing community well-being over individual preferences, particularly when second-hand smoke affects neighbors. The ruling highlights a unit owner's duty to respect condominium rules, the temporary nature of "legacy" exemptions, and the financial consequences of persistent non-compliance.

The Background: A Standoff Over Smoke

Ms. Ginette Laflamme, a unit owner in Carleton Condominium Corporation No. 383 (the "Corporation"), had been smoking in her unit for years. When the Corporation enacted a no-smoking rule effective June 30, 2019, existing smokers were granted a "legacy" exemption, allowing them to continue smoking indoors temporarily, so long as they took reasonable steps to prevent smoke from drifting into common areas and neighboring units.

However, even before the full ban took effect, residents had begun filing complaints about tobacco smoke emanating from Ms. Laflamme's unit and seeping into hallways. The complaints persisted well beyond June 2019, despite repeated warnings and compliance notices from the Corporation. Laflamme, steadfast in her defiance, insisted she was "too old to quit" and continued smoking indoors, prompting the Corporation to escalate enforcement efforts.

After exhausting all amicable solutions, including multiple written warnings, emails, and personal outreach, the Corporation took the matter to the Tribunal, seeking an order to force compliance.

The Tribunal's Ruling: No Room for Defiance

The Tribunal ruled unequivocally in favor of the Corporation, finding that Ms. Laflamme was in direct violation of both the No-Smoking Rule and the Condominium Act, 1998 (the "Act"). The Tribunal determined that the persistent infiltration of smoke into common areas and neighboring units constituted a nuisance under section 117(2) of the Act, affirming the Corporation's right to take action.



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Importantly, the Tribunal acknowledged that the Corporation had done everything reasonably possible to secure Ms. Laflamme's voluntary compliance before resorting to legal action. Given her continued defiance, the Tribunal found that financial penalties were necessary to recover enforcement costs and deter further non-compliance.

Tribunal's Orders: Compliance Comes at a Cost

The Tribunal issued a strict compliance order with multiple directives to ensure enforcement:

- *Immediate Cessation of Indoor Smoking* – Ms. Laflamme was ordered to immediately cease smoking inside her unit and comply fully with the Corporation's no-smoking regulations.
- *Right of Access for Enforcement* – The Corporation was granted authority to enter Ms. Laflamme's unit with two hours' notice if future smoke-related complaints arose, allowing prompt verification of compliance.
- *Financial Penalties* – Ms. Laflamme was ordered to reimburse the Corporation for its enforcement-related expenses, including:
 - \$1,356.00 for prior legal enforcement efforts,
 - \$150.00 for tribunal filing fees, and
 - \$1,000.00 toward the Corporation's legal costs.
- *Lien for Unpaid Costs* – If Ms. Laflamme failed to pay the ordered costs, the Corporation was entitled to recover them by adding the amount to her common expenses. Under section 1.45(2) of the Act, non-payment could ultimately result in a lien against her unit, ensuring the Corporation's ability to recover the costs.

Key Takeaways

1. No-Smoking Rules Are Enforceable—and Tribunals Will Uphold Them

This ruling sends a clear message: as long as no-smoking policies are properly enacted and communicated, unit owners must comply. Long-time

smokers do not have a permanent right to continue smoking if a condominium community adopts a ban.

2. Legacy Exemptions Have Limits

Ms. Laflamme's ability to smoke under a "legacy" exemption was temporary—not a lifelong right. The Tribunal's ruling confirms that condominium boards can phase out exemptions without being required to provide indefinite accommodations.

3. Persistent Non-Compliance Will Be Met with Financial Consequences

The Tribunal did not hesitate to impose financial penalties on Ms. Laflamme for her repeated disregard of condominium rules. Unit owners should take note: failing to comply with condominium regulations can lead to substantial legal costs, potential liens, and enforcement actions that may impact property ownership.

The Future of Smoking Bans in Condominiums: A Growing Trend

The ruling in Laflamme aligns with a broader legal trend toward stricter enforcement of condominium rules, particularly those impacting health, safety, and community well-being. With the increasing adoption of smoke-free residential buildings, courts and tribunals are showing little tolerance for residents who refuse to comply with legally enacted restrictions.

For condominium residents, the message is clear: personal preferences do not override community rules. Whether the issue is smoking, noise, or other persistent nuisances, unit owners must respect the collective rights of their neighbors—or face legal and financial consequences.

For condominium boards and property managers, this decision reinforces the importance of proactive, documented enforcement. As seen in this case, a well-documented strategy—including written notices, legal warnings, and independent verification—can ensure success in legal proceedings.

Toronto Standard Condominium Corporation No. 2931 v. Tsatskin, 2024 ONSC 6392

When Misconduct Makes Condominium Living Impossible: A Rare Case of a Forced Unit Sale

In a striking example of how extreme misconduct can unravel the fabric of condominium living, *Toronto Standard Condominium Corporation No. 2931 v. Tsatskin* ("**Tsatskin**") stands as one of the rare cases where a court ordered the forced sale of a unit. The Ontario Superior Court of Justice took this extraordinary step to protect residents from persistent harassment, vandalism, and abuse at the hands of a single owner. The case underscores the growing willingness of courts to impose severe consequences when an owner's behavior makes communal living untenable.

At the heart of this case was the question: Can a condominium corporation force a unit owner to sell their property due to egregious rule violations? The court answered with a resounding 'yes,' making it clear that when an owner repeatedly disrupts the cooperative foundation of condominium life, expulsion may be the only solution.

Background: A Pattern of Harassment and Violence

The respondent, Marina Tsatskin, had been a unit owner at Toronto Standard Condominium Corporation No. 2931 (the "**Corporation**") since October 2022. From the outset, her presence in the community was marked by escalating misconduct, including acts of vandalism, physical assault, and harassment of residents.

Among the most shocking allegations were incidents of hate-motivated vandalism, including spray-painting swastikas on residents' doors. She physically assaulted another resident by spray-painting her face and hands. Tsatskin also unleashed a barrage of racist, anti-Semitic, and offensive verbal abuse, including calling one resident a "Nazi."

Her disruptive behavior extended beyond verbal and physical aggression. She accused fellow residents of involvement in human trafficking and stalking—completely unfounded claims

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that fueled a climate of fear. This unrelenting harassment forced the Corporation to seek an interim injunction on November 2, 2023, banning her from residing in the condominium or using its common elements. The court later extended the order, recognizing the psychological harm caused to residents and emphasizing that her conduct was irreconcilable with community living.

The Court's Ruling: A Final Chance Squandered

By April 8, 2024, the court concluded that Tsatskin had flagrantly violated the condominium's declaration, by-laws, and rules, and that she had forfeited her right to remain in the building. Rather than ordering an immediate sale of her unit, the court initially granted her a final opportunity to comply, warning that any further misconduct would result in a forced sale.

The Final Breach: Retaliation and Escalation

Rather than demonstrating remorse, Tsatskin doubled down on her misconduct. Evidence presented to the court showed that she and her family engaged in retaliatory and vexatious tactics, including:

- Filing baseless complaints with the Law Society of Ontario (“LSO”) and the Human Rights Tribunal of Ontario (“HRTO”) against residents and their legal counsel.
- Targeting residents’ employers by filing HRTO complaints against companies where her adversaries worked, seemingly to damage their careers.
- Sending explicit and harassing emails, including one to building management and legal counsel containing a vulgar image and inappropriate message.

With this continued campaign of intimidation, the Corporation returned to court, seeking the ultimate remedy: a court-ordered forced sale of Tsatskin's unit.

The Court's Final Decision: A Rare Forced Sale and Permanent Injunction

On November 27, 2024, the Ontario

Superior Court of Justice ruled that Tsatskin had willfully breached the April 2024 order, leaving no alternative but to compel the sale of her unit. The key components of the ruling included:

- *Mandatory Sale of the Unit* – Tsatskin was ordered to enter into an agreement of purchase and sale within three months, with a closing date no later than six months from the ruling. If she failed to do so, the Corporation was authorized to take control of the sale and seek an order for vacant possession.
- *Financial Penalties and Cost Recovery* – The proceeds from the sale of the unit would be used to cover all outstanding legal costs owed to the Corporation. Any unpaid amounts would be added to her unit's common expenses, which, if left unpaid, could result in a lien against the property.
- *Indemnity Costs* – The Corporation was awarded \$30,000.00 in substantial indemnity costs, reinforcing the financial consequences of prolonged non-compliance.
- *Compensation for Victims* – An additional \$25,000.00 was awarded to the residents who were directly targeted by Tsatskin's harassment, acknowledging the harm inflicted upon them.
- *Permanent Injunction* – To prevent further misconduct, the court imposed a permanent injunction prohibiting Tsatskin and her family from:
 - Communicating with or harassing residents, their families, or their employers.
 - Initiating legal or regulatory complaints against residents without prior court approval.
 - Residing in or leasing any unit within the condominium.

Key Takeaways

1. A Forced Sale Is an Extreme but Viable Remedy

While rare, this case confirms that courts are willing to order the sale of a condominium unit when an owner's misconduct makes communal living impossible. This remedy is reserved for

the most egregious cases, but it remains an option when all other enforcement measures fail.

2. Harassment and Retaliatory Complaints Have Legal Consequences

The court took a firm stance against Tsatskin's abuse of legal and regulatory complaint mechanisms. Filing baseless HRTO and LSO complaints to harass fellow residents was deemed a serious form of misconduct.

4. Condominium Corporations Have a Duty to Protect Residents

The Corporation's decisive actions, including securing restraining orders and seeking a forced sale, were necessary steps to protect the safety and well-being of its residents. This ruling underscores that boards have not only the authority but also the obligation to take action against problematic owners.

Balancing Property Rights and Community Welfare

This case sets a significant precedent in condominium law, reinforcing that individual property rights do not extend to conduct that jeopardizes the safety and harmony of the community. Condominium living requires a fundamental level of respect for shared spaces and governing rules. When an owner crosses the line into sustained harassment and intimidation, the courts have demonstrated their willingness to intervene decisively.

For unit owners, Tsatskin serves as a stark warning: persistent misconduct can lead to eviction, financial penalties, and even forced sale. For condominium boards, this case affirms their authority to take legal action when a resident's behavior threatens the well-being of the community.

As condominium living continues to evolve, this ruling underscores a critical balance—while property ownership carries rights, those rights are not absolute when they infringe upon the peace and security of others. When that balance is irreparably broken, courts have shown they are prepared to restore order—no matter how drastic the remedy may be. **CV**

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Condominium Finances

Set Goals *Before* Budgeting

A simple strategy to improve a condo community's finances

Effective financial management is the cornerstone of a well-functioning condominium corporation. Yet, many condo boards set out to develop an annual budget—which is their financial road map—without a clear understanding of longer-term objectives for the community, leading to a range of potential challenges from reserve fund shortfalls to unexpected special assessments and resident dissatisfaction.

Without a three- to five-year plan that accounts for expenditures such as capital improvements, common area enhancements and regular maintenance—boards may find themselves reacting to immediate needs rather than proactively building for the future. It's a common challenge, and one that can be difficult to overcome.

As with so many management hurdles, the simplest solution can often be the most effective. In this case, it means defining goals for the condo community before beginning the budget process. That simple step can provide a basic structure that will help align financial planning with the community's long-term vision. Doing so also enables the corporation to benchmark progress as it moves to achieve desired end results.

One such end goal would be optimizing the corporation's operating and reserve fund levels.

For example, corporations will commonly incorporate several months of contingency funding into their operating fund as a cushion to cover future (potentially unforeseen) expenses. Condo managers can help their boards conduct a historical review of the corporation's financial statements and operating fund reserve to better understand income, expenses, assets and liabilities, and set the bar for adequate funding. Industry guidelines recommend maintaining one to three months of budgeted operating expenses in the operating fund. This stems from the fact that a condominium corporation

is a non-profit organization that should not accumulate unnecessary operating surpluses, instead collecting money from condo owners as needed with a cushion to mitigate cash flow fluctuation throughout the year.

The difference between a one- and three-month operating surplus can be significant, so it's important to understand and define the condo community's priorities and operational end goals. It's about asking important questions: What kind of community do homeowners want to build and maintain, and with what amenities? And what degree of funding do we need to achieve that goal? Some key factors to consider: How well does the corporation budget? Is there a great deal



ILLUSTRATION BY CARL WIENS

This entire goal-setting process is made easier by maintaining transparent communication with owners. Providing an accurate summary of the proposed budget encourages engagement and helps to build consensus



end goal would be to assess the adequacy of the current reserve fund balance and whether it can cover potential future capital expenses, all to avoid shortfalls or rapid, unexpected fund depletion. Of course, this entire goal-setting process is made easier by maintaining transparent communication with owners. Providing an accurate summary of the proposed budget encourages engagement and helps to build consensus around the community's future.

of variability in expenses compared to the corporation's set operating budget? A historical five-year budget review can provide answers. If actual expenditures were logged at less than 5 per cent of the operating budget, for example, maintaining a one-month operating fund surplus of budgeted operating costs may be sufficient. But if the corporation is logging annual budget deficits of more than 5 to 10 per cent, a larger operating fund surplus is likely required. A deep-dive budget analysis can help to mitigate future surpluses and shortfalls.

A key aspect of benchmarking is conducting regular reviews—ideally, on a quarterly basis—to compare actual expenditures to the budget, assessing progress against the condo corporation's short- and long-term goals. If, for example, the operating fund is depleted in the first quarter or half of the year due to unanticipated expenses, the board may decide to make

adjustments and defer some discretionary spending to the second half of the calendar year to meet those budget targets.

By understanding a budgetary starting point and desired end goal—and assuming the condo board and property manager are working together to set realistic expense estimates for the year—it's easier to accurately determine necessary condo fee increases to align with financial targets. At that point, the board can communicate necessary increases to owners by demonstrating that they understand their expectations and have a realistic idea of what it will cost to operate the community throughout the year.

On the reserve fund front, regular, comprehensive reserve fund studies will provide a detailed analysis of common area components and projected maintenance or enhancement costs, while helping to ensure long-term financial stability. An

There's no doubt that it can be difficult to organize boards of directors and residents, many of whom are preoccupied with work or daily life. But being deliberate and scheduling pre-budget goal-setting sessions is worth the effort. In fact, it's a necessary part of the process for condo communities that hope to achieve financial success while avoiding issues such as surprise special assessments.

Jan Kundakei is a partner in the Condominium Practice at Adams + Miles, a mid-sized accounting firm serving the Greater Toronto Area and beyond. As a leader of our condominium team, Jan works closely with condo boards, property managers and other key stakeholders to manage everything from their audit and reporting requirements to delivering solutions designed to mitigate accounting risk and unlock new financial efficiencies. Jan and our condo practice manage approximately 500 condo audits each year. 



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A Perfect Balcony or Terrace Doesn't Happen by Chance

Why clarity is key before upgrading your condo balcony or terrace

Let's be honest—your balcony or terrace is so much more than just an outdoor area. It's an extension of your living space, a private escape, and maybe even the best seat in the house when the city skyline lights up at night. Whether you dream of sipping coffee on a peaceful morning retreat, hosting friends under the stars, or cultivating a lush high-rise sky garden, your vision for this space should be crystal clear before you begin making any upgrades.

Too often, condo owners jump into balcony renovations with enthusiasm but little planning, only to end up with a space that doesn't quite match their expectations—or worse, an expensive project that spirals out of control. The key to avoiding frustration, wasted time, and unnecessary costs? A well-defined vision.

Here's why clarity matters and how it can make all the difference in transforming your bare, bleak balcony or terrace into the perfect outdoor oasis and one of the favourite places in your home.

Avoiding Costly Mistakes

Without a solid plan, upgrading your balcony or terrace can become a financial nightmare. You might start with the idea of “figuring it out as you go,” but once decisions start piling up—decking materials, furniture, lighting, greenery—costs can skyrocket. Making



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Upcoming CCI Toronto events, including Condominium Director Certification courses our chapter will be teaching, are listed on our website at ccitoronto.org.

You can also check out CCI National's events at cci.ca to access course dates through other Ontario chapters.

The Eight Courses Include:

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- 103 - Budget, Audit, Financial Statement Fundamentals
- 104 - Enforcement Fundamentals
- 105 - Reserve Fund Fundamentals
- 106 - Meeting Fundamentals
- 107 - Records, Returns and Certificate Fundamentals
- 108 - Repair, Maintenance and Change Fundamentals

All director certificate courses are CMRAO approved.



choices under pressure often leads to expensive mistakes, like ordering custom furniture that doesn't fit, choosing decking that isn't fire-rated or makes the railing height less than the 42" building code requirement, or installing components that clash with your condo's aesthetics and most important is not aligned with your condo corporation's Rules and regulations.

A clear vision upfront helps you:

- Set a realistic budget and stick to it.
- Choose the right materials that fit both your style and micro-climate.
- Prioritize what matters most so you don't overspend on things you don't need.

Instead of scrambling to adjust mid-project, take the time to outline exactly what you want before you begin.

Avoiding Style Inconsistencies

Picture this: You finally complete your balcony makeover, step outside to admire your work... and realize it doesn't feel like you. Maybe you envisioned a sleek, minimalist retreat, but without a clear plan, you ended up with an ornate, over-decorated space. Or perhaps you wanted a lush, green sanctuary, but somehow it feels bare and uninviting.

Defining your aesthetic beforehand ensures that every design choice—from furniture and lighting to plants and de-

Time is one of your most valuable assets.

The last thing you want is to waste it on back-and-forth decisions or mid-project changes that could have been avoided with proper planning

cor—creates a cohesive look that reflects your personality.

Therefore – Ask yourself:

- Do I prefer a modern, minimalistic vibe, or a cozy, rustic feel?
- Should my space blend with my condo's interior or stand out as its own retreat?
- Do I want a natural, green space, or a more structured, architectural look?

Being intentional about your style from the start saves you from costly do-overs and guarantees a space that feels like home.

Maximizing Every Square Foot

Condos aren't known for sprawling outdoor spaces, which makes smart planning essential. Even a small balcony can be transformed into a functional, stylish

retreat with the right design. But without a clear vision, valuable square footage can go to waste.

Consider how you'll use the space:

- Dining & Entertaining: Do you need seating for guests? A small bistro set for 2 or 4, or built-in bench might be the solution.
- Relaxation & Solitude: Is this your morning coffee spot? A comfy lounge chair with soft textiles could make all the difference.
- Gardening & Greenery: Want to bring feeling of nature into your high-rise home? Plan for green walls (if permitted), plant containers, or a mix of potted plants. And do you have the time to maintain live plants and if not fire-rated, UV stable synthetic plant forms may be just what you need.

Thinking ahead about function ensures every precious square inch of your balcony or terrace serves a purpose.

Saving Time – For You and Your Installers

Time is one of your most valuable assets. The last thing you want is to waste it on back-and-forth decisions or mid-project changes that could have been avoided with proper planning.

If you're hiring professionals, they work best when they have clear direction.



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A well-defined project scope means:

- Fewer revisions and change orders.
- Faster installation times.
- Less frustration and confusion for both you and your contractors.

And if you're attempting a DIY upgrade, clear planning ensures that you don't waste hours—or days—on unnecessary adjustments or purchases that don't fit your vision.

Creating a Space That Truly Aligns with Your Life

Your outdoor space should enhance your lifestyle, not just look good in photos. Without clarity on how you actually want to use it, you risk ending up with a beautiful space that doesn't serve your needs.

Think about your daily habits and preferences:

- Do you love hosting small gatherings, or is this space your personal retreat?
- Are you looking for a low-maintenance design, or do you enjoy tending to plants and greenery?
- Will you use it year-round, or is it

mainly for warm-weather relaxation?

By answering these questions early, you'll ensure that your finished space adds real value to your daily life.

How to Get Clear Before You Start

If you're not sure where to begin, here are some steps to follow to help you define your vision:

1. Visualize with Purpose – Gather inspiration photos but go beyond collecting images. Ask yourself why you like them. What specific elements appeal to you? The colours? The layout? The materials?
2. List Your Priorities – What are your non-negotiables? Whether it's built-in seating, a fire feature (if you have a natural gas line on your terrace), or a specific type of decking, knowing your must-haves will guide your choices.
3. Measure Your Space – Take precise measurements before making purchases to avoid costly mistakes.
4. Set a Budget – Determine how much you're willing to invest and stick to it.
5. Consult Professionals (if you have con-

straints on your time) – If you're working with a designer or a contractor, bring them in early to help refine your ideas and avoid major pitfalls. Hot tip: Make sure they know what they are doing. If they don't have proven experience working in condos and really know how to design and can supply references that verify their skills and experience... run the other way!

The Bottom Line

A beautiful, functional balcony or terrace doesn't happen by chance—it happens by design not by default. Taking the time to get crystal clear about what you want before starting your project. This alone will save you time, money, and frustration while ensuring that your outdoor space truly enhances your condo living experience.

So, before you pick out that first piece of furniture or order materials, take a step back. Visualize. Plan. Prioritize. A little clarity now will lead to a stunning, well-designed outdoor oasis that you'll enjoy for years to come. 



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Liam Grey
OLCM-L
GPM Property Management Inc.

Condominium Finances

Securing the Future

A guide to evaluating and managing condominium reserve funds

Condominium Boards in Ontario are tasked with ensuring the long-term financial stability of their properties. One of the primary tools at their disposal is the reserve fund, a pool of money set aside for major repairs and replacements. Effective planning, regular inspections, and proactive maintenance are critical to maintaining the building's infrastructure while safeguarding the financial interests of all unit owners. This article explores how boards can evaluate their reserve fund planning, execute necessary repairs, and monitor the fund's balance to ensure long-term adequacy.

Understanding the Reserve Fund

Under the Condominium Act, 1998, every Condominium Corporation is required to establish and maintain a reserve fund to cover the cost of major repairs and replacements of common elements and assets. The Act mandates that corporations conduct a reserve fund study every three years. This study provides a professional estimate of future repair and replacement costs and recommends how much should be contributed to the fund annually.

The reserve fund is distinct from the operating budget, which covers day-to-day expenses like utilities and janitorial services. The reserve fund is used exclusively for capital expenditures such as roof repairs, HVAC replacements, and window replacements. Without careful management, the fund may be insufficient when

repairs are needed, leading to special assessments or deferred maintenance, both of which negatively impact property value.

Evaluating Reserve Fund Planning

Evaluating reserve fund planning involves several important steps:

- 1. Review the Reserve Fund Study:** The reserve fund study serves as the foundation of planning. It is conducted by a qualified engineer or planner who assesses the property's common elements and estimates future repair costs. The study includes a schedule for repairs and recommends the annual contributions necessary to maintain sufficient funds.

The board should review the reserve fund study carefully, ensuring it reflects the current condition of the property. Factors like inflation, material costs, and labour shortages should be accounted for. If the study is outdated, adjustments or updates should be made.

- 2. Compare Actual Contributions vs. Study Recommendations:** The board

must ensure actual contributions to the reserve fund meet or exceed the study's recommendations. This helps avoid funding shortfalls. If contributions are lower than recommended, the board should investigate the reasons and make necessary adjustments.

Contributions to the reserve fund come from monthly common element fees collected from unit owners. Striking a balance between affordable fees and sufficient funding is essential for the board.

- 3. Monitor the Health of the Reserve Fund:** The board should regularly review the reserve fund's balance and upcoming repair needs. A projection model can be created to track expected withdrawals for repairs and incoming contributions over the next few years. This proactive monitoring allows for early identification of potential shortfalls, enabling timely adjustments.

- 4. Assess Historical Repair Costs:** Historical repair data can provide valuable insights into the accuracy of the





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reserve fund study. If past repairs consistently cost more than estimated, the board may need to update the study's figures.

- 5. Ensure Regular Maintenance and Inspections:** Implementing a maintenance program may be an additional expense for the corporation, but it provides significant long-term financial benefits. Regular inspections and maintenance help identify deficiencies before they become expensive disasters, reducing the likelihood of unexpected major repairs that can deplete the reserve fund. By addressing issues early, boards can better manage repair schedules and prevent costly emergencies.

Best Practices for Planning and Executing Repairs

- 1. Prioritize Repairs Based on Urgency and Impact:** Some repairs, like roof or electrical system repairs, are more urgent than others. The board should prioritize repairs that affect safety and the building's structural integrity. Non-urgent repairs can be scheduled later if the reserve fund is under pressure.
- 2. Obtain Multiple Bids for Major Projects:** When planning major repairs, obtaining multiple bids ensures the board gets competitive pricing and can compare different approaches. Hiring contractors with experience in condominium buildings helps avoid issues with the quality of work. Transparency in the bidding process is also key to maintaining trust with unit owners.
- 3. Schedule Repairs During Off-Peak Times:** Repairs scheduled during off-peak times, such as early spring or late fall, often come at lower costs as demand for contractors is lower. Interior work may be more affordable and less disruptive if scheduled when many residents are away, such as during holidays.
- 4. Create a Contingency Plan:** Unplanned repairs can arise due to extreme weather or equipment failures. A contingency plan should be in place, including a portion of the reserve fund allocated for emergencies. Having a line of credit available for unexpected expenses is another option.

- 5. Communicate Regularly with Owners:** Transparent communication with owners regarding the status of the reserve fund, upcoming repairs, and any changes to fees is crucial. Providing regular updates via newsletters or meetings fosters understanding and support for the board's decisions.

Monitoring the Reserve Fund

Monitoring the reserve fund requires ongoing vigilance. The board should regularly review the balance and future repair needs, ensuring that contributions are being made as planned. It's also important to be prepared to adjust contributions if inflation or other factors drive up repair costs. Regularly updating the reserve fund study ensures that the board can make incremental adjustments rather than resorting to large fee increases or special assessments.

Evaluating the reserve fund and planning for repairs are key responsibilities of a Condominium Board. By thoroughly reviewing the reserve fund study, prioritizing necessary repairs, implementing regular maintenance plans, obtaining competitive bids, and maintaining transparent communication with owners, boards can ensure the reserve fund remains healthy and repairs are carried out in a timely and cost-effective manner. Proper reserve fund management not only protects the building's infrastructure but also contributes to the financial stability and value of the condominium. **CV**

Liam Grey, OLCM-L, is a condominium management professional and Agricultural Engineer with a Master's degree in Soil Physics. He currently works at GPM Property Management Inc. With experience in financial management, regulatory compliance, operational processes, and stakeholder communication, Liam works closely with condominium boards to support effective decision-making and long-term planning. Leveraging his analytical background, he applies data-driven approaches and predictive modeling to optimize financial forecasting, planning, and resource allocation. His analytical skills and diverse background contribute to efficient property management and community engagement.



Lisa Ricci
President
Markland Wood Group

Landscaping

The Professional Touch

Why condo property managers and board members should hire a professional lawn care and landscape maintenance company this spring



As the seasons change and the flowers begin to bloom, spring presents the perfect opportunity for condo property managers and board members to refresh and rejuvenate their outdoor spaces. While the importance of landscaping might seem like an afterthought, the reality is that a beautifully maintained landscape can make or break a condo's appeal. More than just adding aesthetic value, investing in professional lawn care and landscape maintenance can elevate property value, attract high quality tenants, and set the stage for a thriving community.

The Value of a Professionally Maintained Landscape

A well-maintained landscape does more than just look good—it increases property value, creates a welcoming environment, and sets a tone of quality for everyone who interacts with the space. Studies show that homes with attractive landscaping can see an increase in value of up to 10%. For condo properties, this is particularly important. The common areas that residents

and potential tenants share are often the first impression of the community. If these areas are clean, lush, and inviting, it can make a significant difference in attracting A-class homeowners or renters.

High-quality landscaping doesn't just appeal to buyers or renters—it's also a key factor in retention. Condo residents tend to appreciate the investment in their living environment, which directly impacts their satisfaction. A well-maintained exterior makes them proud to call the property home. With the growing demand for premium living spaces, it's essential for condo managers and board members to realize that investing in professional landscaping is an investment in the community's future.

Why You Shouldn't Base Your Decision Solely on Price

When it comes to hiring a landscaping company, many property managers might be tempted to choose the cheapest option available. However, choosing

based on price alone can lead to poor-quality results that might end up costing more in the long run. Here's why:

1. Experience with Condo Properties

Landscaping for condos is different from residential lawn care. Condominiums have shared spaces, complex irrigation systems, and often have larger grounds that require more attention. A landscaping company with specific experience working with condos will understand the unique needs of your property. Look for a company that has worked with other condo associations and can provide references or examples of past work.

2. Expertise and Range of Services

A professional landscaping company should offer a wide range of services beyond simple lawn mowing. These services should include:

- *Lawn care and maintenance:* Mowing, fertilizing, and aerating the lawn regularly.

ILLUSTRATION BY JAMIE BENNET

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- **Tree and shrub care:** Pruning, trimming, and removing dead or overgrown branches.
- **Irrigation management:** Maintaining and adjusting irrigation systems to ensure water efficiency and conservation.
- **Flower beds and seasonal planting:** Creating vibrant flower beds with seasonal plants that enhance curb appeal.
- **Spring and fall clean-ups:** Clearing away debris, leaves, and other unwanted elements that can detract from a property's beauty.

A landscaping company that offers a full suite of services will ensure that every aspect of the property's exterior is well-maintained and cared for. From curb appeal to ongoing maintenance, hiring a full-service provider will save you time, effort, and money in the long run.

3. Reputation and Reliability

Professionalism is key. Look for a landscaping company with a solid reputation for reliability. A company that doesn't show up on time or fails to communicate effectively can create unnecessary headaches for property managers and board members.

A reliable landscaping company will have established systems in place, ensuring that all work is completed on schedule and to the highest standard. Don't hesitate to ask for references or read online reviews to ensure the company's reliability and reputation are up to par.

4. Eco-Friendly and Sustainable Practices

More and more property managers and homeowners are prioritizing sustainability. Today's professional landscaping services often offer environmentally friendly solutions, such as organic fertilizers, water-efficient irrigation, and sustainable plant care practices.

Choosing a company that prioritizes eco-friendly practices will not only reduce the property's environmental footprint but also attract environmentally-conscious tenants. Sustainable landscaping can low-

er water consumption, reduce the use of harmful chemicals, and enhance the overall health of your property's green spaces.

5. Licensed and Insured

A landscaping company should always be properly licensed and insured. This protects you as a property manager or board member in case of accidents or damage during maintenance. In addition, a licensed company is more likely to follow local regulations and adhere to industry standards.

The Long-Term Benefits of Professional Lawn Care and Landscaping

Hiring a professional landscaping service is more than just a seasonal task—it's an investment in the property's future. Here's how:

1. Boost Property Value

As mentioned earlier, beautiful landscapes can increase property value by up to 10%. This is particularly beneficial for condo properties, where common areas and shared spaces can significantly influence the overall perception of the community. A well-maintained exterior shows that the property is cared for and respected, which can increase its value over time.

2. Attract High-Class Homeowners and Tenants

A professional landscape immediately boosts the curb appeal of your property, making it more attractive to potential homeowners and tenants. In the competitive real estate market, A-class buyers and renters are looking for properties that reflect a high standard of living. When they see a lush, well-maintained landscape, they'll be more likely to view the property as a premium space.

If condo owners decide to rent out their units, the landscaping can help attract high-quality tenants as well. Clean, beautiful outdoor spaces can be a deciding factor for renters who want a home that reflects their lifestyle.

3. Enhance Resident Satisfaction and Retention

Good landscaping is about more than just looks—it's about creating a space where people feel comfortable and proud to live.

A beautifully kept landscape encourages outdoor activities and socialization, increasing overall resident satisfaction. In turn, this leads to higher retention rates, as residents are less likely to leave a property they are happy with.

4. Reduced Long-Term Costs

When landscapes are properly maintained, the chances of costly issues arising, such as drainage problems, pest infestations, or overgrowth, are significantly reduced. Regular lawn care and maintenance prevent these issues from escalating, saving you money on expensive repairs and replacements down the line.

Conclusion

Spring is the perfect time to invest in a professional lawn care and landscape maintenance company for your condo property. Not only will it enhance the visual appeal of your property, but it will also boost property value, attract high-class homeowners and tenants, and create a positive, long-lasting impact on the community.

By choosing a professional landscaping company that is reliable, experienced, and offers a comprehensive suite of services, condo property managers and board members can ensure that their outdoor spaces remain vibrant and well-maintained year-round. Remember, the value of a beautiful landscape is far more than just skin deep—it's an investment in the future of the property, its residents, and its community. 

Lisa Ricci is a seasoned expert in the snow removal and landscaping industry with over 15 years of experience. Starting in hands-on roles across various companies, Lisa gained invaluable insights into the strengths and weaknesses of the field. In 2015, she co-founded Markland Wood Group, a family-owned business offering high-quality snow removal and landscaping services. Markland Wood Group now serves over 20 condominium corporations across the Greater Toronto Area. Lisa's commitment to excellence, integrity, and client satisfaction continues to drive the success of her business as she leads a team dedicated to delivering exceptional results for clients and communities.

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A city skyline with various skyscrapers under a clear blue sky. In the foreground, there's a road and some greenery. A QR code is located in the upper right corner of the image.

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Reserve Fund Study Report Cards

NAME	GRADE
<h1>Window Shopping is Exhausting!</h1>	<h1>A</h1>
<p>A-EXCELLENT CATCH B-COMMON MISTAKE C-COULD DO BETTER D-DEFICIENT QUALITY</p>	

Site Description

The site consists of a 25-storey tower, with 300 units built around 1980. At the time of the 2016 reserve fund study, the building contained the original windows, which consisted of large operable sliding units and fixed IGUs, all in aluminum frames.

Reserve Fund Assumptions

At the time of the 2016 reserve fund study, the windows were approaching 40 years old. Aside from aesthetic concerns, such as faded frames, there were many performance issues including cold drafts and condensation, increased rate of failed IGUs, and deflection of the mullions due to the large span at the sliders, causing operability issues. In 2016, the board wanted to consider what options were available. As such, they engaged the corporation’s restoration engineer to complete a window evaluation concurrently with the reserve fund study. The evaluation provided two options: retrofitting the existing windows, or wholesale replacement. The reserve fund study modeled both options for the board’s consideration.

The Reality

The retrofit option was less expensive than wholesale replacement and would help address some of the performance issues. However, retrofitting the windows was still quite expensive and the evaluation determined that retrofitting the existing windows may only help defer window replacement by 10 years or so. As such, the board opted for the wholesale replacement strategy.

Unfortunately, around the time that the board decided to embark on this project, the COVID-19 pandemic struck, and the budgets for window replacement increased sharply. Funding options were explored in depth including increasing the reserve fund contributions, levying a special assessment, and borrowing. With support from the restoration engineer and reserve



fund planner, the board was able to pass a borrowing by-law and secure financing ahead of the tender phase.

The restoration engineering team led the project during the design phase with support from the reserve fund planner as the work progressed. To ensure the corporation’s priorities for window design were met and to ensure the corporation was obtaining fair value, certain quality control and risk management measures were implemented. These included detailed specifications with stringent testing requirements for air, water, and struc-

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Consider all options when it comes to major projects. In some cases, a retrofit may make sense, but in others full replacement may be the preferred strategy

tural capacity and full-scale testing in the manufacturer's plant.

Once the design was approved by the board a competitive tender process was completed, the reserve fund study was updated to reflect the tendered costs, which in total surpassed \$15 million. The cash flow was carefully planned, incorporating a combination of regular contribution increases and a loan. Prior to the first phase of construction, a mock-up at one suite was completed to ensure the aesthetic elements of the design were achieved and to complete performance testing, this time in the field.

Lessons Learned for Reserve Fund Planners

When major projects (e.g. window replacement) are imminent, component evaluations should be recommended to the board to ensure all options are considered. This provides the board with the information needed to make an informed decision and helps them effectively communicate the strategy to unit owners.

Reserve fund planners should be prepared to provide support to their clients and restoration engineering peers when major projects are implemented, particularly when cash is tight or alternative funding such as loans and special assessments are required. Boards may depend on reserve fund planners to help communicate to unit owners when these major projects come due.

Takeaways for Board of Directors and Property Managers

- Window replacement is a multi-stage journey that requires careful planning and thoughtful execution.
- When it comes to the reserve fund study, providers will reflect the most likely course of action that current and future boards will take on projects. An evaluation can offer various strategies, which can then be incorporated into the reserve fund plan. When major work is anticipated in the near term, it is advisable to complete component evaluations in advance of the reserve fund study so that the renewal strategies can be considered and reflected in the study.
- Consider all options when it comes to major projects. In some cases, a retrofit may make sense, but in others full replacement may be the preferred strategy. Your reserve fund planner, together with your restoration engineer, can provide valuable guidance in making the right choice.
- Regular and transparent communications with unit owners is critical to a successful major project. Be prepared to answer tough questions and rely on professionals where necessary. 



Sandy Fantino
Vice-President, Client Executive
BFL CANADA

Cover Story

Luxury Amenities Come With High Risks

Managing liability in condos with pools, gyms, and rooftop spaces

Condo residents are seeking ever higher levels of amenities and recreational options. This ranges from club houses to swimming pools, state-of-the-art gymnasiums, and rooftop gardens.

Premium additions come with a higher price tag and expose condo corporations to additional liability in the event of an accident and injury while a resident or their guest is enjoying the facilities. This article will provide a comprehensive approach to minimizing potential legal liability and financial risks to the condo corporation.

Swimming Pools and Water Safety

One of the most attractive but potentially risk laden recreational facilities is the swimming pool. According to Health Canada, between April 1, 2011, and April 13, 2023, some 56.3 per cent of 1,109 recorded drowning-related cases occurred in residential or public swimming pools. While the breakdown doesn't specify condominiums, pools can pose a danger to adults as well as young children and require vigilance and high levels of safety. Nor do those figures include people who slip and fall on the slippery surfaces around pools or experience other medical emergencies in and around the pool.

Gyms Create Other Hazards

While it's difficult to create an accurate Canada-wide picture of gym specific injuries, Statistics Canada found that 35 per cent of general injuries occur during sporting or exercise activities. While accidents may be due to negligence by a person working out, injuries like slips and falls could occur due to wet floors or poorly maintained exercise equipment. Rooftop gardens may carry risks from tripping hazards, ice and snow build-up in the winter season and other threats.

There are several simple but important steps to keeping residents, visitors and others safe when using these facilities.

Insurance Coverage

Making sure that the condo corpora-

tion is covered by a comprehensive commercial general liability insurance is an important first step to ensuring adequate coverage arising from injuries and accidents in these much sought after amenities. Some condo corporations may require specific policies or limits for high-risk areas or umbrella coverage for additional protection.

Determining the right coverage is best addressed by a broker. It is also important to select an appropriate level of coverage. In selecting the amount of coverage, condo corporations should be aware of recent personal injury settlements awarded by Canadian courts that are continuing to increase. One case that is particularly instructive for condo corporations involved an apartment complex



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where the landlord was found negligent and liable for a 2-year old's fall from the fifth floor of his aunt and uncle's residence due to a broken screen in the bedroom window. The child suffered severe injuries and permanent brain damage. It was deemed that the landlord had not repaired the screen when previously requested and a settlement of \$14.2 million was awarded. *

**Lexpert, Business of Law, Largest personal injury settlement amounts in Canadian history, Kairos Anggadol, <https://www.lexpert.ca/news/legal-faq/largest-personal-injury-settlement-amounts-in-canadian-history/378856>, Aug 18, 2023 (There are other instances that have exceeded \$17 million.)*

Signage and Waivers

It is important to post clearly written and highly visible signage in high-risk recreational areas. This includes specifying safety rules, age and height restrictions, and other hazards that could exist. Under the Occupiers Liability Act (OLA), condo corporations must take a reasonable level of care to ensure that someone using the facility is kept safe. Limits can be placed on liability but only if the person using the facility signs a written waiver which is highly recommended.

The waiver should provide details of the risks and dangers to the people participating in the activity. Also, it should specify that the individual should not be intoxicated or under the influence of narcotics or medications while swimming or working out. Alcohol consumption may become an issue if a person is intoxicated and injures themselves on the property, which in some cases could imply liability. Residents should know the risks and understand the rules for them and guests. Bylaws limiting liability are not advised.

Maintenance and Inspections

The OLA requires that the condo corporation carry out routine inspections of the amenities to ensure that all equipment meets the building code and appropriate provincial legislation to ensure that spaces are safe. This includes inspecting pool ladders and stairs, making sure the pool deck is clean and fix-

Conducting a regular risk assessment to identify any potential dangers and liabilities is essential. **Consult with the corporation's legal counsel to get appropriate legal advice**

ing cracks and uneven surfaces in the area around the pool. These inspections – along with regular, written reports – are important in the event of a claim. Maintenance protocols are essential as they address potential hazards quickly. It also shows that the property manager has a procedure in place to ensure defective equipment is taken out of service and repaired or replaced. Consideration should also be given to installing cameras to provide an additional level of security and oversight.

Common Sense Prevention

Non-slip flooring should be installed around the pool and other slip-resistant mats should be placed near ladders along with adequate handrails and other signage to advise caution and warn of slippery surfaces. Similar cautions should be posted in gyms. Gyms should also have adequate towels for mopping up spills and anti-bacterial sprays for wiping down equipment. Gyms and hot tubs also present special problems as they are often conduits of high levels of noise that create a nuisance and the potential for litigation.

Staff and Training

Property managers, volunteers and qualified personnel should be fully trained in maintaining the facility's amenities and engage qualified technicians to repair any malfunctioning equipment as soon as possible. Ensure people are trained in CPR and emergency response especially property managers who might manage these spaces and common areas. Lifesaving equip-

ment such as an automated external defibrillator (AED) should be installed along with a ring buoy, a throw line, rescue pole, first aid kit and phones with emergency contact information. Gyms should have appropriate emergency kits including an AED too. These kits need to be examined and updated as per the manufacturer's recommendations.

Rules and Regulations

Ensuring rules are enforced and circulated amongst residents via e-mail, safety notices delivered to residents and posted in all public spaces such as the pool, hot tub or gym areas is important. Guest policies should also be clearly displayed in these areas.

Resident Communication

Informing residents is key, so it's important to provide them with regular updates and discussions at board meetings to update any bylaws, rules or regulations needed as well as discussion relating to maintenance and inspections. Residents should have an opportunity to provide feedback regarding safety concerns and ensure that they know who to communicate with.

Risk Assessment and Management

Conducting a regular risk assessment to identify any potential dangers and liabilities is essential. Consult with the corporation's legal counsel to get appropriate legal advice and ensure that risks are being addressed and managed according to the law.

While accidents are rare, they do happen. Condo corporations need to be prepared for such an event and follow these simple steps to ensure a safe environment for residents and minimize their risk and liability. Your insurance broker is a person to start with if you have any questions about what steps to take.

Sandy Fantino R.I.B. (Ont.) is a Vice President, Client Executive & Team Leader for the BFL CANADA Realty Division with over 13 years of insurance industry experience. Her focus is finding the best insurance solutions for condominium corporations and along with her team, she prides herself on professionalism and service to her clients. 



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ONE OLD MILL

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Gracing the threshold of One Old Mill is To the River, a magnificent bronze sculpture of a female swimmer in repose amid the Humber River's reeds and currents," according to Toronto artist, Alexander Moyle. The resplendent work is indicative of the care, skill and vision that residents of One Old Mill have come to treasure in their board and management.



PHOTOGRAPHY BY JEFF KIRK





Above, Left to Right:
 Paul Philbrook, Chris Coniglio,
 Ernesto Gradin, Brian Porter,
 Thomas Bond

At Right, Left to Right: ;
 Paul Philbrook, Brian Porter,
 Maria Bulu, Chris Coniglio,
 Michaela Popescu, Thomas Bond,
 Anila Hysi, Ernesto Gradin





Above: Anila Hysi, Maria Bulu

Located on the northwest corner of Riverview Gardens and Bloor St. West, One Old Mill stands on the furthestmost western boundary of Bloor West Village, a lively section of Toronto which extends from Riverview Gardens east to Ellis Park Road, a meandering north-south thoroughfare that forms a portion of High Park's western border. The Village holds the distinction of being Canada's first Business Improvement Area, a designation now shared by eighty-three City of Toronto neighbourhoods.

The architecturally striking One Old Mill was completed in 2014 and contains two-hundred and eighty-five, one and two-bedroom suites occupied by a mix of young families and older Canadians, approximately forty-five percent of whom are renters according to Paul Philbrook, the Board's President. One Old Mill's owners and renters enjoy a wide range of amenities including a well-equipped gym, party room, 24/7 concierge, outdoor patio, coin laundry, yoga studio, pool, three guest suites, and a dedicated dining room with an adjacent kitchen. For the convenience of the building's dog owners, "On P1 level, there is a hose in the

bike/car wash area. If your poor doggie is layered with slush and ice after a walk, you could rinse him or her," says Paul.

One Old Mill's very active Social Committee, headed by the Board's Communications and Socials Director, Brian Porter, organises a Summer Solstice party, monthly Book Club meetings, Games Night, Friday Happy Hour, a yearly Potluck BBQ, and an Academy Award Party in their luxurious, eighteen-seat theatre. On the night of Hollywood's most gala event, residents win a chocolate replica of Oscar for the most accurate winner predictions. One Old Mill's Kids Halloween party is especially popular with the buildings, "witches, fairies and friends," according to the Board's newsletter. "We're a very social building," says Brian with pride. Many of One Old Mill's spring, summer and fall social events take place on their expansive rooftop Sky Lounge, which affords residents and visitors a panoramic, two-hundred and seventy-degree view of the city - north, south and west.

The building's Green Committee, headed by the Board's Secretary, Chris Coniglio,



“We’re a very social building,” says Brian with pride. Many of One Old Mill’s spring, summer and fall social events take place on their expansive rooftop Sky Lounge, which affords residents and visitors a panoramic, two-hundred and seventy-degree view of the city - north, south and west



coaches residents on how to conserve electricity, plans and coordinates their yearly herbal garden planting and serves as a welcoming committee, helping new residents navigate the building and understand how to use One Old Mill's wealth of amenities. Several times a year, the Green Committee sets out a food donation bin in the lobby. The items collected go to the Bloor West Food Bank, a local charity that serves over three-hundred and twenty-five area families each week.

"Do we always agree?" asks Paul of their monthly Board meetings, "No, but we have respect for each other's opinions, and our meetings are characterized by real affinity and sense of purpose," to which Chris adds, "We mesh."

One Old Mill's five-member Board is made up of Paul Philbrook, President; Ernesto Gradin, Vice-President; Thomas Bond, Treasurer; Chris Coniglio, Secretary and Brian Porter, Director of Communications and Socials. Paul, the Board's third President, purchased his suite four years before One Old Mill was ready for occupancy and moved in on

'day one'. He says of his decision to move from his Mississauga home to a Toronto condominium, "Bloor West Village is neat, the Kingsway is near and this is a beautiful-looking building."

"I'm actually the veteran on the Board, says Brian, "I ran (for the Board) once we went through the registration process and I stayed on the Board ever since." Ernesto, who has an extensive engineering background, is the Board's go-to resource for everything related to the building's well-being. "We do very good maintenance," he says of the Board's loving attention to their building's continued good health.

The Board communicates with residents via their web portal, email and the two notice boards in each of their three elevators. As well, the Board publishes two newsletters. Paul's monthly President's Update is a well laid-out, four-pager full of important news, management notices, new staff announcements and upcoming social events. Brian's The Insider, a two-page, multi-coloured, polished newsletter, published several times a year, is packed with photos, an-

nouncements and One Old Mill success stories.

"What makes us work really well is that we are all professional, thought-provoking people and I think we challenge each other in a healthy environment, at least once a month. We get into healthy debates about certain things but we always seem to come to a consensus," says Chris. "We've seen a real nice transition over the years as the Board has evolved," adds Brian.

This year's AGM, which takes place in June, will be their first fully hybrid meeting, giving owners the option of attending in person or participating virtually.

As with most condominium corporations across Canada, the pandemic burdened the Board with significant cash-flow challenges. "We didn't have any party room revenue, and we didn't have any guest suite revenue, which is pretty significant," says Tom. Additionally, having to hire extra cleaning staff and the cost of supplies severely impacted One Old Mill's operating fund. "So by the end of the year (2020), we were basically out of money,"



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says Tom. Nevertheless, through effective fiscal management and good governance, the Board kept their yearly maintenance fee increases to the single digits.

One Old Mill's knowledgeable and experienced Property Manager, Anila Hysi is assisted by Maria Buli, five security staff, six cleaners, and Victor Castillo, who handles the building's heavy-duty cleaning chores. Victor was hired in 2018 and is the longest-serving member of the One Old Mill family. At year-end staff receive a generous 'thank you' from the Board's ten-thousand-dollar Gratuity Fund.

As with any building entering its second decade, what can fail, will fail and that applies to the components of big-ticket items like boilers. "We replaced the burners in all three units and bought one extra (burner) to have it as spare," says Ernesto. The successful project, completed last year, was an unwelcome but not a total surprise, certainly not for Ernesto, "You cannot expect a burner to last forever."

In early 2024, the Board had thicker mats installed in the free weight area of their gym to mitigate the sonic boom that we gym rats know results from those of us who insist on dropping our weights to the floor.

As a cost-cutting measure, and to reduce the building's carbon footprint, three years ago the Board had the common areas, including One Old Mill's five-level underground parking garage retrofitted with LED lighting.

Activities organized by their Green Committee include Earth Hour on March 22nd, Earth Day in the third week of April, and a Spring Clothing Swap on May 3rd - all to raise awareness around the need to protect Mother Earth. In the early spring, the Green Committee also meets to decide what to plant in the One Old Mill's rooftop herb garden, popular with the building's culinary champions.

Long before being mandated by law, the Board installed electric vehicle charging infrastructure on every level of underground parking garage. "The first President had made that (EV installation) a priority and I would say in so many ways



he was ahead of the curve. A couple of us on the Board were wondering at the time, 'Is that really what we wanted to be thinking about?' and in the end it was absolutely the right decision," says Brian.

A donation area in One Old Mill's basement provides residents with the opportunity to 'adopt' unwanted items such as appliances, dish ware, clothing and furniture, mitigating the building's contribution to landfill. To handle resident's daily detritus, each floor has a recycling room with two chutes, one for recyclable items and one directs organics and garbage to their respective ground-level destinations. Residents deposit glass in the dedicated bins located in every recycling room.

In 2024, the Green Committee launched

their In-Suite Energy Consumption Tracking Project to help residents understand how their energy usage compares to other units of similar square footage. The goal of the ongoing project is to not only save the corporation money but also reduce the building's carbon footprint. The data, which is submitted voluntarily and anonymously by each suite, will eventually be analyzed using software powered by artificial intelligence.

"Residents have a really good understanding of the Board and what we do and appreciate the work that the Board does", says Brian who adds, "Residents are happy to let us manage the affairs of the condominium." And in the condominium industry, that level of trust in a Board is truly golden. **CV**

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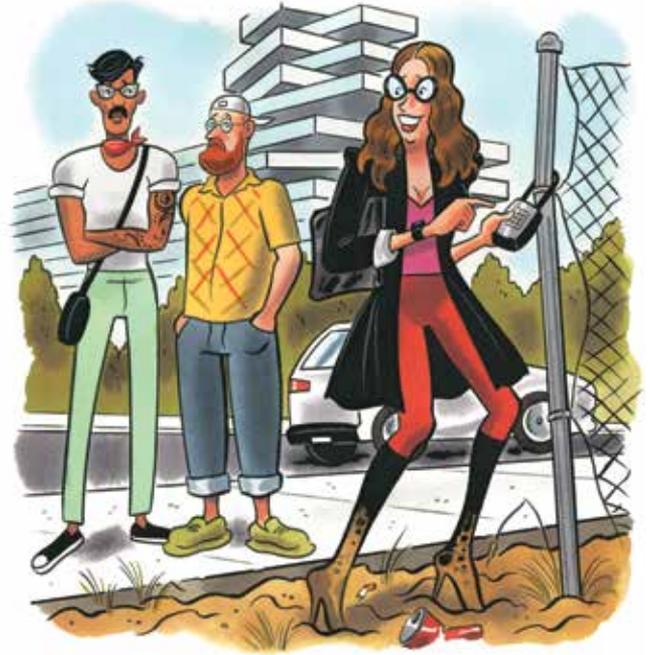


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Locking Down Your Lockbox Policy

We need to review our corporation's lockbox policy to see if it measures up



Lockboxes – a small detail that's often not front-of-mind, but I'm going to let you in on a little secret - do yourself a favour and don't overlook this seemingly minor thing. The way a corporation manages (or doesn't manage) lockboxes at a property can leave quite an impression on a buyer, for better or for worse.

As we know, each condo has a slightly different set of rules and policies – and it's important that safety, security, and ease of access are all taken into account when developing a lockbox policy. Locations typically include being held with the concierge, in a stairwell, in a designated lockbox area/closet, in the parking garage, or the building's exterior.

The best and smoothest showings are usually in buildings that require showing agents to register with the concierge by providing them with a business card and showing a valid RECO license. The concierge then provides them with access to a secure lock box area or hands the lockbox to the agent directly.

What about properties that don't have a concierge? Or properties that for some

strange reason don't allow or want to manage any sort of lockbox protocol. I've encountered all sorts of exciting adventures in trying to locate lockboxes. Some highlights include – deciphering instructions to find a specific fence pole down the street and around the corner – only to find that the lockbox is frozen solid as it's open to the elements, and it's -10 outside.

Others include lockboxes on fences where there's no concrete or grass – just dirt, and mud... That's always fun to navigate, trying not to slip and fall while also limiting the amount of mud you're stepping in so as not to trudge through the halls of the condo we are about to go see.

Having lockboxes in stairwells on the same floor of the unit can work – however, I have been locked out of corridors a few times trying to get back in from the stairwell. Why lockboxes would be put in areas where doors lock behind you is a mystery I'll never get the answer to.

And I think my favourite instance of lockbox management (enter sarcasm

here) would have to be when the lockboxes are hung at a brand-new building on temporary construction fencing. From the time our showing was confirmed to the time we arrived; the lockbox and the entire fence had been removed! This was a waste of our time trying unsuccessfully to access the property, and a stressful day for the listing agent and seller, trying to locate and retrieve their unit keys.

Being sent on a wild goose chase to try and locate lockboxes is not the most professional and certainly not the smoothest process for all involved. It is a very disappointing experience for buyers when they are excitedly searching for what is likely the largest purchase of their lives. Sometimes I feel like we are on an episode of *The Amazing Race* when trying to locate them, and it really shouldn't be made to be such a challenge.

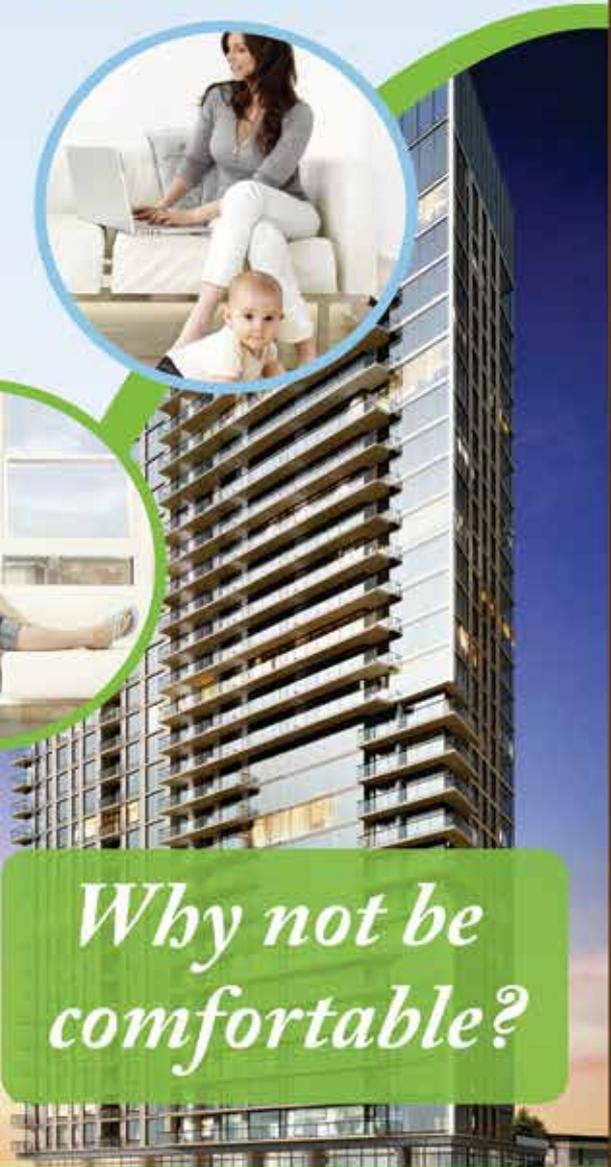
In the Real Estate Council of Ontario Bulletin 7.2, RECO it states that 'lockboxes should be located in a safe, well-lit, secure, and accessible place.' But we, as realtors, are only able to do so if the corporation shares the same view. While managing lockboxes may seem like 'one



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more thing' for the building to manage, corporation oversight helps to limit the anonymity of those accessing the property and also helps limit the potential for unauthorized use.

Keeping keys in a main floor area where there is pedestrian traffic and security cameras will help to thwart any ill-doers. This way you avoid a 'Crime of Opportunity' by limiting the risk or temptation of a passerby that's looking to get up to no good. I would suggest going a step further and have lock boxes registered with management along with a deposit requirement to sign them out, which will be given back upon return of the lock box. It allows for oversight and ensures that keys are only left for legitimate reasons – not for the likes of undercover Airbnb operations, or unwanted access to units, etc. It also helps to ensure that realtors will come back for their lockboxes and not leave them there to rust and rot.

Having a designated area and system, will enhance the condos security and the buyer experience in general in addition to supporting the sale of the unit. Particularly in the GTA where new build condos are popping up all over the place, there can be upwards of 50 units that require lockboxes. Avoid all involved playing "guess the lockbox", and have a well-organized area (with the concierge

Keeping keys in a main floor area where there is pedestrian traffic and security cameras will help to thwart any ill-doers. This way you avoid a 'Crime of Opportunity' by limiting the risk or temptation of a passerby that's looking to get up to no good

or a designated realtor space for larger buildings) that differentiates each lockbox.

I'm all for having the unit number on the lockbox to help differentiate it and make locating the box easy; however, I share a word of caution with this system if lockboxes are outside or in an area that is accessible by the public. I would add a requirement to the lockbox policy that no unit number is to be displayed on the lockbox. Many corporations have provided their own numeric labelling system to keep track of lockboxes so that only those who have proper permission

can locate and open the appropriate lockbox. Being incognito in this regard is important for the safety and security of the unit and property.

I recently worked with a buyer whose focus was finding a great new condo to live in, and one that was safe and secure, as she was a single female living on her own. While searching for properties with her, she would 'deduct' marks for a property where the lockboxes were left outside. The location of lockboxes didn't give her confidence that the property took safety and security as seriously as she had wished. Also, keep in mind that realtors are typically showing properties on evenings and weekends – which means an evening showing that takes place in any season other than summer means that there is no sunlight. Low visibility adds a layer of frustration and risk to the buyer and realtor while juggling phones, flashlights etc. My client was my flashlight holder on more than one occasion – needless to say she didn't purchase a unit in any of those buildings!

Nothing should be more important than the safety of one's home, and the saleability of it. I encourage you to review your corporation's lockbox policy and see how it measures up! It's really the small things that add up when helping a buyer decide on which property is right for them. 

CCI Toronto and Area NEWS

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We also work to develop relationships with government authorities so that we can ensure they are educated on the impact legislative changes have to condominium corporations. In doing so, we can proactively work to benefit our members.

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Ryan Ricci
 Magnum Protective Services Limited
 Director of Business Development

Noise!

Flooring, Vibration and In-Suite Renovations

A condo board's guide to noise prevention

Renovations are a fact of life in any condominium. While they can refresh a tired unit and increase property values, they can also be a source of friction, particularly when it comes to noise and vibration. One of the biggest culprits? Flooring. Choosing the right flooring and ensuring proper installation are crucial for minimizing disturbances to your neighbors and maintaining peaceful coexistence within your condo community.

Condo board members and property managers are often the first point of contact for noise complaints, making them key players in creating a quieter community. Understanding basic acoustic principles when making in-suite renovation decisions is essential. Proactive condo boards and managers can educate residents about building renovation rules, monitor contractors to ensure renovations meet the requirements of the governing documents, and ultimately protect the corporation from potential legal challenges.

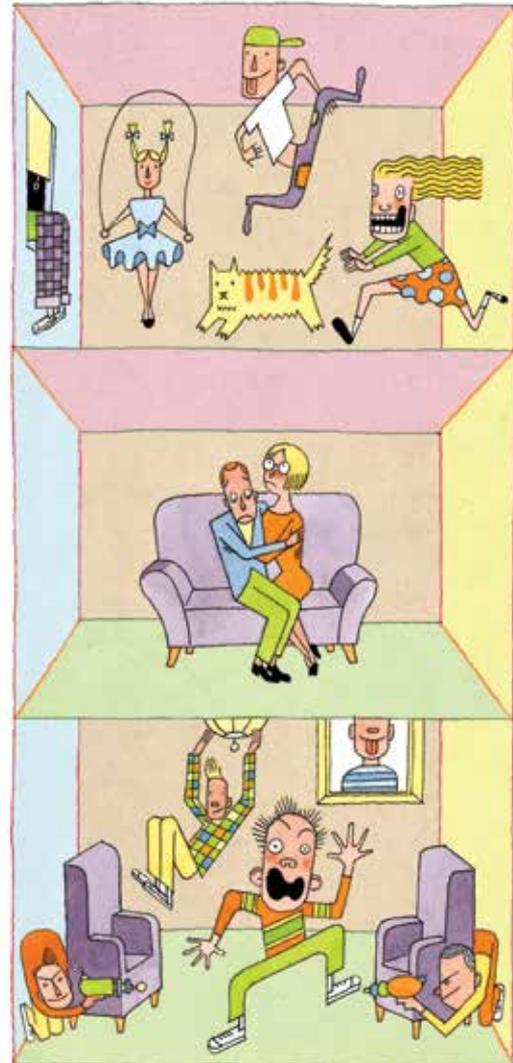
The Quiet Question

Why do some condos thrive while others struggle with noise?

The problem is multifaceted: Poor initial building design, noisy neighbors, and residents with varying sensitivities to sound.

While you can't control all these factors, you can control the acoustic products approved for renovations and the consistent enforcement of your building's rules. And that's where the real difference lies.

A shocking statistic: Many condo boards and managers unknowingly recommend and approve acoustic underlayment



products that haven't been tested for their specific building type. This highlights the critical need for informed decision-making.

As a condo board member or manager, you've likely fielded complaints about noisy renovations. Footfalls, dropped objects, and even the scraping of furniture can transmit through floors, creating unwelcome noise for those living below. These issues are often exacerbated by a lack of purposeful underlayment or the installation of hard surface flooring where softer options previously existed. Suddenly, the rhythmic thump of someone's routine becomes a major disruption.

So, what can be done? Education and clear communication

ILLUSTRATION BY STEVEN GUARNACCIA

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are key. Your condo association should have clear guidelines regarding flooring materials and installation procedures. These guidelines should address several areas:

Underlayment Requirement

The importance of proper underlayment cannot be overstated. A high-quality underlayment acts as an isolator and shock absorber, reducing impact noise and vibration. Specify minimum Impact Insulation Class (IIC) ratings for underlayment used beneath hard surface flooring. An IIC rating of 55+ is recommended in Canada. But wait, don't just specify IIC or FIIC, though. Consider the floor and ceiling assembly of your building. It's a common misconception that underlayment's alone carry an IIC or FIIC rating. These ratings reflect the performance of the entire floor/ceiling assembly, including the structural components. While underlayment plays a vital role, its effectiveness depends on the overall construction. Therefore, simply specifying an IIC or FIIC rating for the underlayment isn't sufficient. You need to include the building's floor and ceiling structure and how the underlayment works within that structure.

Communication and Approval Process

Establish a clear process for homeowners to submit their renovation documents, including flooring choices and underlayment specifications. This allows the board to review the proposed materials and offer guidance before the work begins. Open communication can prevent misunderstandings and minimize future complaints. Consider creating a simple checklist or form for homeowners to complete, outlining all the necessary information.

De-escalation Tactics

Noise complaints can be stressful for everyone involved. Condo board members can play a crucial role in de-escalating these situations. Active listening is paramount – allow residents to fully express their concerns and show empathy. Maintain a calm and neutral tone, avoiding taking sides. Ask specific questions to clarify the issue and then restate it to ensure understanding. Clearly explain the process for handling

Noise complaints can be stressful for everyone involved. Condo board members can play a crucial role in de-escalating these situations. Active listening is paramount – allow residents to fully express their concerns and show empathy



complaints and outline relevant condo policies. Set realistic expectations about what can and cannot be done. Offer potential solutions, such as mediation or noise mitigation strategies. Crucially, follow up with residents and provide updates, demonstrating that you're taking their concerns seriously. Use proven de-escalation techniques, like lowering your voice, pausing before responding, or suggesting a break if the conversation becomes heated. And, as always, document everything. If de-escalation efforts are unsuccessful, involve a third party, which might mean mediation, acoustic testing, or, if necessary, legal counsel.

Beyond the technical aspects, remember that empathy and understanding go a long way. Remind residents that renovations can be disruptive and encourage them to be considerate of their neighbors. By setting clear expectations, fostering open communication, and prioritizing acoustic performance, you can help ensure that renovations in your condo community are a positive experience for everyone. A little forethought and planning can go a long way in preserving the peace and quiet of your building.

Prevention: The Unsung Hero of Noise Control

While reactive measures like dealing with noise complaints and resolving disputes are essential, proactive prevention is the true key to a peaceful condo community. It's often less discussed, but it's arguably the most effective approach. Investing time and resources upfront to establish robust guidelines and educate residents can save countless headaches down the road.

When it comes to flooring and vibration, a crucial aspect of prevention is understanding the interplay between flooring choices, underlayment, and the building's structure. As we've discussed, it's a common misconception that underlayments alone carry an IIC or FIIC rating. These ratings actually reflect the performance of the entire floor/ceiling assembly, including the structural components. While underlayment plays a vital role, its effectiveness depends on the overall construction. Therefore, simply specifying an IIC rating for the underlayment isn't sufficient. You need to consider the building's structure and how the underlayment works within that structure.

By focusing on prevention, you shift from reacting to noise problems to proactively minimizing their occurrence. This not only creates a more peaceful living environment for all residents but also reduces the likelihood of costly and time-consuming disputes. Remember, a little investment in prevention goes a long way in preserving the peace and quiet of your condo community. **CV**

Steven Vasconcelos is the President of *The Floor Studio Inc.*, a national distributor of *RHINO Sound Control Acoustic Underlayments*. A CMRAO & CAMICB-approved educator and guest author of several condominium publications. As a certified Floor Inspector, Steven brings extensive expertise in flooring and acoustics to the condominium market. He is passionate about helping condo boards and property managers create quieter, more comfortable living environments through informed decision-making and best practices in flooring installation.

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Brian Horlick



Lisa Kay

Thank you to Brian Horlick
and Lisa Kay for their work as
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direction, and we recognize
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Lisa Kay,
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Good Advice

Treat People With Kindness

Kill them with kindness, slather them in honey

- *You Get More Bees with Honey.*

The proverb has been traced back to G. Torriano's 'Common Place of Italian Proverbs'. It first appeared in the United States in Benjamin Franklin's 'Poor Richard's Almanac' in 1744, but its first recorded use is in Common Place of Italian Proverbs and Proverbial Phrases, collected by G. Torriano and published in 1666.

This phrase would indicate that you make more friends by being kind rather than by being nasty. I believe this general philosophy works in every facet of life including condo living. I would extend this to say not only do you make more friends, but you get more cooperation from people using kindness. And who wouldn't want that in our world of condo living!

In my 25 years in the industry, I have worked with many kind and humble people that are so accomplished and wise, I can't help but want to do better myself and do better for them. The positive energy that they give off invokes happiness and reduces stress amongst all they interact with including themselves- it's a ripple effect. Kindness also makes



people more effective and productive in their work.

Many studies that have examined the benefits of kindness such as stress reduction, improved cardiovascular health, enhanced mental well being, longevity, increased immune function, increased release of oxytocin, are just some of the proven benefits of kindness. It also takes less energy to be kind than nasty which you could put toward a myriad of other activities like: improving your golf swing, cooking your significant other a nice meal, learning to play an instrument, ... the possibilities are endless.

Think of the effects in condo communities. Seeing and participating in acts of kindness are contagious, spreading positivity and inspiring others to be kind within their community. It's the pay it forward theory. Fostering a kind culture leads to increased compassion and greater willingness to help others within communities resulting in a more compassionate and caring society.

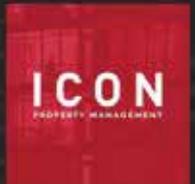
So, the next time you are feeling blah, stressed or someone rubs you the wrong way kill them with kindness, slather them in honey ... it will make you feel better ...if no one else. **CV**



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