



Summer 2023

Comfort Chronicle

WHY NOT BE COMFORTABLE

IN THIS ISSUE

Bill 91: Less Red Tape, Stronger Economy Act 2023

On April 3, 2023, the Government introduced the above-referenced legislation. Included in this Act are several provisions to enhance corporations' flexibility to implement certain processes. If passed, these proposed changes would replace the temporary framework for virtual processes, including meetings which currently expire September 30, 2023.

Specifically, the proposed changes would:

- Require certain information to be in notices of owners' meetings that are held in virtual/hybrid form (e.g. instructions for attending virtually).
- Require owners' email addresses and other electronic communication addresses to be kept in the corporation's record of owners in certain circumstances, including to enable delivering notices electronically without an agreement.
- Permit condo owners to opt-out of electronic communication of notices under the new framework.
- Prohibit records requesters from accessing electronic communication addresses from the corporation's record.

- Remove requirement for the condo board to make a resolution to determine the corporation's method of electronic communication in certain circumstances
- Outline transitional provisions to help condos move to the new framework.
- Amend/revoke certain regulatory provisions that may no longer apply due to proposed legislative changes (e.g. provisions related to the agreement to receive electronic notices).

To complement the proposed legislative changes, the ministry is also proposing changes to O. Reg 48/01 (General).

For more information, take a minute to check out

www.ontariocanada.com/registry/view.do?postingId=44270&language=en.

Surviving Board Transitions	2
Fire & Life Safety: a Recap	2
Fire & Life Safety Cont'd: the Board's Responsibility	3
Exclusive Use Common Area: What you Can't Do	3
Unintended, but Possibly Foreseeable Consequences	4

IMPORTANT DATES

Canada Day

Monday, July 3, 2023
(Management Office Closed)

Civic Holiday

Monday, August 7, 2023
(Management Office Closed)

**NEW
ACT
NEW
ERA**

Surviving Board Transitions

The Condominium Act mandates staggered terms of service in order to facilitate board membership continuity. During the normal course of events knowledgeable owners elect the best possible board member replacement and if the process follows its normal course, the seasoned members mentor the new member/s.

Unfortunately, there are also abnormal board transitions. Consider the case where an entire or majority of the board resigns. In such cases an owners' meeting must be called to elect replacement members. Until that time, neither the remaining members (if applicable) nor property manager can make any decisions.

If an entire Board of Directors is being

replaced due to an owners' petition, the new Board will need to depend on the Property Manager, the corporation's lawyer, accountant and engineer to be brought up to speed.



Why is the aforementioned important? It reminds us of the importance of electing the right people for the job from the very beginning. It also reinforces the idea that

every shareholder has a continuing responsibility of monitoring the board's decisions and activities.

The Protecting Condominium Owners of Ontario Act (PCOA) 2015 mandates the process and requirements for electing/becoming Board members. Electing members must be taken seriously and thoughtfully. When Board members are responsibly elected, owners should be reassured that the best candidates are managing their homes and their investments.

While always important, new Boards are advised to keep shareholders regularly updated to maintain community satisfaction.

Fire & Life Safety - a Recap

Emergency Plans - Every condo corporation must have an **Emergency Plan**, the contents of which should include:

- Emergency contact numbers (911, property manager, etc.)
- Fire alarm pull stations locations
- Alarm sounds description (if building has multi-level alarm system)
- Emergency instructions for residents (e.g. testing door handle temperature before using)
- Detailed safe evacuation routes via stairwells
- occupant special needs list for firefighters

Plans must be available to first responders and local fire prevention offices. Obviously, residents must also be aware of same.

For further information on Emergency Plans, please check out www.condoauthorityontario.ca then search "Emergency Planning and Preparedness."

Smoke Alarms - Every unit owner must have a working fire and carbon monoxide detector which must be tested annually by a fire inspection company.

Fire Alarm Tests - The corporation's building-wide fire equipment must also be tested by a fire inspection company. In order to minimize resident inconvenience this test can be performed when insuite smoke alarms are tested.

Fire Code -All Ontario corporations must comply with the Ontario Fire Code. [Visit the Ontario Fire Marshal for further information on fire and safety procedures in condominiums.](#)



Fire and Life Safety Cont'd– the Board's Responsibilities

Boards are responsible for ensuring their buildings are safe. The following are some suggestions of what is required:

1. Fire Safety Plan – condos with more than 10 residents must have a Fire Safety Plan approved by the Chief Fire Official.
2. Plan Review – Boards must review their plan annually. Plans must be updated to reflect all building modifications, new staff, ongoing or newly completed renovations and/or upgrades – especially to electrical systems or alarms.
3. Training & Drills – Corporations must maintain records of supervisory staff training
Fire drills must be held quarterly with

records of same maintained for 12 months.

For high-rise buildings with seven stories or more or with occupancy 18m above grade, annual resident fire drills must be held and documented.



4. Fire Safety and Short Term Rentals – Condos with more than four short term rentals change their status from condo to hotel. This means there are additional safety requirements.

One thing such requirement is that fire safety supervisory staff has to stay in the building on a continuing basis. It's not just strictly for residential buildings. A copy of fire emergency procedures must be posted in the following areas:

- Main reception area
 - Each floor area of the building
 - All exists
 - The inside surface of the egress door of each guest suite. (This means Boards have to identify each short term rental unit in order to remain compliant)
5. Communicate – Corporations must share the plan annually.

Exclusive Use Common Area: What you Can't Do

A recent court case resulted from an owner changing the existing garage door and front door to a modern slab door with glass panels.

Section 98 of the Condo Act requires owners wishing to make changes to any item that is exclusive use common element first secure written Board permission and enter into an alteration agreement. This was not done.

As one can imagine, the above-referenced changes stood out significantly from the uniformity of the rest of the project. The Board, in an attempt to retroactively come to an agreement, met with the owner but was unsuccessful.

This left the Board with no alternative but to bring a compliance application to force the owner to restore the original doors.

The owners counter sued for oppression. The Court's decision sided with the corporation and dismissed the owner's oppression claim.



"..it is not the function of the court to stand in the shoes of the condominium Board and make decisions about property management issues (such as what modifications to the common elements should be allowed referable to a particular unit). A unit owner must accept the jurisdiction of a condominium Board to make decisions about exclusive use common areas and to enforce rules about maintaining a uniformity of appearance

This is a core function of a condominium Board.

Notwithstanding the Respondent failed to obtain the approval of the Board at any point for the doors he installed in 2020, he was invited subsequently to apply for the Board's approval which he did, and there followed lengthy negotiations about the modification to his doors. The Board has offered to pay for the new front door and the installation costs.

The Respondent has not been treated in a differential or discriminatory manner from other unit owners with similar compliance issues. The Board's uniformity in appearance concerns are objectively reasonable and in the economic interests of all unit owners including the Respondent."

Ont. Reg 506/18 July 1 Deadline is Fast Approaching

Pursuant to Ontario Regulation 506/18, owners of buildings 50,000 sq. ft. and over must benchmark and report their annual energy and water use to the Ontario Ministry of Energy by July 1st. There are some exemptions to this mandate so it would be wise to check www.ontario.ca but it should be noted that an "owner includes a corporation created or continued under the *Condominium Act, 1998* . Buildings with less than 50,000 sq. ft. are invited to participate voluntarily in order to take advantage of the advantages of benchmarking and reporting. Those corporations that have not already done so should create an annual process for meeting this mandate and update their annual calendars to reflect same.

As we are all aware, each year greenhouse gas emissions are becoming a more pressing problem. In Toronto, buildings account for 58% of those emissions and the City is aiming to have all building reduce their emissions to net zero by 2040 or sooner. The key to reaching this goal is by measuring and benchmarking each building's energy, natural gas and water consumption(EWRB). The annual building measurement reports are compared with other buildings of similar size and function to ascertain a building's performance within a sector, its own previous performance or its performance against other buildings within a portfolio. Using the benchmarking technique corporations can establish a baseline for the amount of energy used and emissions produced by their building today, the effect of changes such as basic operations and specific to ascertain their benefit or lack of same.

The benefits of this process include:

- Saving money by understanding and tracking usage
- Identifying energy and water conservation opportunities
- Taking action to improve building's greenhouse gas emission

For further information please contact www.toronto.ca/ewrb and for concise information as to what and how to report contact the Ministry of Environment and Energy at <https://www.ontario.ca/laws/regulation/r18506>

The logo for Comfort Property Management, featuring the company name in white text on a blue rectangular background.

Comfort
Property
Management

Comfort Property Management is proud to announce that we have again passed our ACMO 2000 recertification. This designation recognizes our continuing mission of service excellence. As always, we thank those corporations who have already entrusted their properties to our care and we look forward to a lengthy partnership with you. We also invite any condominium corporations interested in learning more about our unique management philosophy to contact us.

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