

Letters to the Editor



SPRING 2010

We received a number of email questions and online comments as a result of our spring 2010 CM magazine. Our legislative coverage and the joint ef-

orts of ACMO and CCI-Toronto with regards to the Harmonized Sales Tax prompted the most feedback. It has certainly generated a great deal of debate both for and against.

We appreciate all your comments and we hope to make your letters a regular feature in CM magazine. Please continue to send them to us at editor@acmo.org or via the Association's website www.acmo.org.

■ Update on Reserve Fund Change

In your Spring 2010 issue on page 4 ...The Update on Reserve Fund Change, you mention that the statutory "topping up" deadline is fast approaching. Can you tell me what that deadline is please. I am on the Board of Norfolk Standard Condo Corp. No. 23 in Simcoe.

Sandra Mels
Treasurer NSCC#23

The Condominium Act requires that any condo corp. registered before May 4th, 2011 must be adequately funded within 10 years of the date of the Act. The standard interpretation of adequately funded, a definition that has developed within the industry over the past 9 years, is that the increases in contributions annually should not exceed the rate of inflation.

The extension by the Government to help deal with the HST means that condo's will now have until 2015 to reach this benchmark of "adequate funding". This is important because it al-

lows condos not to have to place a huge burden on owners this year. Without this allowance by the Government of Ontario a condominium would not only need to increase their reserve contributions but would also need to contribute up to 8% of their existing balance of the reserve fund before May 4th, 2011.

■ Breaking Barriers

Please refer to the article in the spring 2010 edition of CM entitled "Breaking Barriers in Condominium Communities." There are always two sides to a story of this nature. Unfortunately it was obvious that Mr. Moher and Mr. Chaplick used information from the media that was released by Ms. Sharmaine Hall, the solicitor for Mr. DiSalvo. Ms. Hall is employed by Ontario Human Rights Legal Support Centre and her salary is paid by Ontario taxpayers. Obviously she will only release information that is beneficial to her client and employer....

Unfortunately there are several statements in this article that are inaccurate and in error. Had Mr. Moher and Mr. Chaplick contact the BoD of HCC #186 prior to publication of this article, they may have avoided damnation of our board of Directors....

Peter Shepherd, Presently Officer of HCC#186, Former member of BoD for 12 years, Witness for the corporation in the HRTO DiSalvo case

Our article, "Breaking Barriers in Condominium Communities", was intended to provide practical advice to boards of directors. The background facts that appear in the article were researched directly from the written decision of DiSalvo v. Halton Condominium Corporation No. 186 of the Human Rights Tribunal of Ontario. The adjudicator in the DiSalvo case, Ms. Flaherty, heard evidence under oath from the unit owner and the board of directors. Her findings of fact are entitled to deference.

While we might agree with Mr. Shep-

herd's views about the correctness of the outcome, it was not our intention to go beyond the tribunal's findings and reinvestigate the case.

Yours truly,
Bradley Chaplick & John Moher

Hi Dianne. I hope you are able to take some downtime in between these publications. You do a fabulous job. As one who chases folks to write articles I can only think it must be exhausting for you from one to another. Thanks for doing it though. I, for one, am grateful for what I learn in the CM Magazine. Have a fabulous spring.

Trish Kaplan, CCI (Hon's)
Administrator, CCI London & Area

Please direct your correspondence to editor@acmo.org or on our website at www.acmo.org. Letters may be edited for clarity and length.