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Magazine Theme

It’s the digital age. Managers, management companies and their boards must keep on top of technology trends to make their corporations more efficient and effective.

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If you’re not using technology to transform your operations in a busy condo marketplace, you might be wasting time and money while losing your competitive edge. Read more starting on page 19.

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On a cold weekend in November I witnessed volunteerism in action. Locked away in a local hotel meeting room, the board of directors and staff of ACMO spent two solid days working with a strategic planning facilitator to hammer out a new strategy and path for ACMO in the coming years. Yes, everyone in the room was technically a trained ‘professional’, but they were volunteering by virtue of giving freely of their time to improve and advance a very good cause: condominium management.

Improving the quality of condominium management is at the core of ACMO’s vision and mission, and it’s also the underlying reason behind the recent introduction of government regulation and licensing for the condominium industry. The new regulatory regime, while positive and much needed, is still in its infancy and evolving, particularly in the area of condominium management education. It remains to be seen how this will play out and what role ACMO will play in it.

Condominium education has been ACMO’s stock-in-trade for over 40 years and is the primary reason members join, so it’s no surprise we felt compelled to hold a strategic planning session in the wake of these seismic changes. They say that “hope is not a strategy” and that “by failing to prepare, you are preparing to fail”, so it was imperative that ACMO critically re-examine our role within the industry and think strategically about how we can ensure our ongoing relevance in the long term.

So, where are we going? What challenges and opportunities must we address? What will we focus on? How will we deliver value and stay relevant? We explored these questions and many more during our planning session, but a consensus formed to focus on four key strategic areas over the next three years:

- **Membership Growth:** To deliver better membership value, increase member satisfaction and expand and diversify our professional community.
- **Educational Leadership:** To be perceived as the premier educator of condominium managers by improving, expanding and diversifying our educational programs and resources.
- **Brand Awareness:** To raise the awareness and profile of ACMO and our professional community as the trusted resource of choice for condominium expertise and excellence.
- **Organizational Excellence:** To build an effective, efficient and sustainable organization for the future that meets the needs of our professional community.

Skeptics might take the jaded view that these objectives are moot in the wake of government regulation, however, they would be wrong. Industry regulators don’t build supportive learning communities, industry associations do. The volunteers that purposefully crafted these objectives are extremely committed and enthusiastic about building a strong and vibrant community of condominium management professionals led by ACMO. The tagline “Elevating Condominium Management” captures what we are trying to do. In the coming weeks and months, we’ll be working together to finalize our detailed plans and, as the BTO hit exclaims, making sure we’re “Taking Care of Business”.

Paul B. MacDonald
Executive Director
It’s more than a condominium. It’s one of your biggest investments – and your home. Shouldn’t every aspect of it be of the highest quality?

For 40 years, ACMO has worked to improve the quality of the condominium management profession. With access to quality education and a strong network of professionals, condominium managers with the RCM designation provide a higher level of service to you, your fellow board members, and the industry as a whole.

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Looking Back …
and New Beginnings

Reflecting on 2019 it has been a most challenging and eventful year with a precipitous learning curve not only for condominium managers, but all professionals and stakeholders within the industry.

On a positive note we’ve maintained a healthy membership with solid retention rates for returning members. At a recent ACMO luncheon I asked a long-standing member if they recognized most members in the room and the response was “No”. I personally view this as a milestone and an indication of success in evolving the diversity of our membership. It’s encouraging to see new members forming strong professional relationships that will enhance their careers and those of their direct reports, as well as their condominium boards, residents and all stakeholders.

The main highlight for the year was the annual Condominium Conference in October with a change in venue. ACMO and CCI-Toronto worked in close partnership for a solid year to deliver a modern, new conference with a fresh program and I think we succeeded. The majority of attendee exit surveys were overwhelmingly positive, and this feedback will assist us in making 2020 conference even better.

In November, we hosted our annual ACMO Awards Luncheon to honour the best of the best in our industry. Behind the scenes the Awards Selection Committee met for the difficult task of evaluating the nominees. After much spirited dialogue and debate the top candidates were selected and I extend a special congratulations to all of them.

Just recently the board and staff of ACMO participated in a 2-day strategic planning session to lay the groundwork for a new strategic plan to guide ACMO in the coming years. The industry is evolving rapidly, and our plans need to evolve accordingly to ensure our continued relevance. Elsewhere in this publication, our Executive Director will share some thoughts on this.

As we move into the holiday season, I wish all a safe and happy holiday season and the preciousness of time to share with your loved ones and families. I look forward to new beginnings in 2020 and the continued support and commitment of our members. Let’s continue to be ‘loud and proud’ of our industry and condominium management, the profession of choice!

Quote of the day from Dave Kerpen: “Wherever there is a human being, there is an opportunity for a kindness”

Audrey M. McGuire, RCM
ACMO President

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ABOVE THE REST

It’s more than a condominium. It’s one of your biggest investments – and your home.

Shouldn’t every aspect of it be of the highest quality?

For 40 years, ACMO has worked to improve the quality of the condominium management profession. With access to quality education and a strong network of professionals, condominium managers with the RCM designation provide a higher level of service to you, your fellow board members, and the industry as a whole.

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Our Industry’s Best – 2019 ACMO Awards

ACMO’s premier award presented to a Registered Condominium Manager who has demonstrated an extraordinary commitment and dedication to professional condominium property management.

Alexander Vainshtein, RCM............MANAGER OF THE YEAR

Presented to a Registered Condominium Manager who has demonstrated team leadership in business practices, and/or in the development of professional property managers.

Harold Cipin, RCM..............LEADER OF THE YEAR

Presented to an employee of an ACMO Associate firm who has made an exceptional contribution to ACMO or the condominium industry in Ontario.

Sally Thompson..............ASSOCIATE OF THE YEAR

Presented to a condominium manager who is new in the profession and has displayed exceptional service.

Shena Grouse.............GENESIS AWARD
In future editions of CM magazine, you can read commentaries by these outstanding recipients. Congratulations to all recipients and thank you to the many engaged and enthusiastic people who submitted nominations.

**Tarion Issues New Disclosures**

Tarion will implement two new measures pursuant to its mandate “to improve and simplify the new home purchasing process with a focus on informed decision-making” for consumers. These measures are: 1) New search tools on Tarion’s Ontario Builder Directory that show information about a development project and builder history; and 2) a detailed information sheet that outlines potential risks associated with the purchase of certain pre-construction condominiums. You can view the full news release here: https://www.tarion.com/news/63985/
tarion-improves-disclosure-and-consumer-protection-new-home-buyers

**Ontario Electricity Rebate**

The Ontario Ministry of Energy, Northern Development and Mines introduced the new Ontario Electricity Rebate (OER) effective November 1, 2019 for households, farms, long-term care homes, small businesses and residential multi-unit complexes, like apartments and condominiums.

The OER will replace the 8% rebate and the reduction previously provided through Regulated Price Plan (RPP) rates, as well as the Global Adjustment (GA) reduction. As a result, the Electricity line on bills will rise, the OER will provide an increased percentage rebate, and the average residential bill will increase in line with inflation.

Follow the links below for more information:

**Letter from the Minister of Energy, Northern Development and Mines:**

**Changes to your electricity bill:**
https://www.ontario.ca/page/changes-your-electricity-bill

**Fire Code Enforcement Recent Crackdown Affects Multi-Level Condominiums**

The Association of Condominium Managers of Ontario joins CCI-Toronto in bringing this communication to managers and directors.

Toronto Fire Services and a growing number of other municipal Fire Services from outside the GTA have begun an inspection blitz at all high-rise residential buildings, including multi-unit condominium corporations, to ensure compliance with the Ontario Fire Code, a regulation under the Fire Protection and Prevention Act. Fire Services have instructed all inspectors to visit each building at least once per year. All

---

**More Annual Awards for Industry Achievement**

Main image left to right: Armand Conant, Shibley Righton LLP; ACMO president Audrey McGuire, RCM; Manager of the Year – Alexander Vainshtein, RCM; Paul MacDonald, ACMO Executive Director. Above top: Armand Conant, Shibley Righton LLP; ACMO president Audrey McGuire, RCM; Leader of the Year – Harold Cipin, RCM; Paul MacDonald, ACMO Executive Director. Above middle: Armand Conant, Shibley Righton LLP; ACMO president Audrey McGuire, RCM; Associate of the Year – Sally Thompson; Paul MacDonald, ACMO Executive Director. Above bottom: Armand Conant, Shibley Righton LLP; ACMO president Audrey McGuire, RCM; Genesis Award – Shena Grouse; Paul MacDonald, ACMO Executive Director. Photos: Ferenzaz Lalji.
Flexible learning for busy professionals

Take the steps you need to comply with the new Condominium Manager education requirements

In partnership with the Association of Condominium Managers of Ontario (ACMO), Mohawk College offers the following courses online:

- Introduction to Condominium Law*
- Physical Building Management
- Financial Planning for Condominium Managers*
- Condominium Administration and Human Relations

*In-class options are also available.

Develop your knowledge, skills and abilities

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Toronto Notices of Violation are listed on the publicly accessible Toronto Fire Services website.

Various Fire Services are taking a “zero tolerance” position (i.e., a very firm and comprehensive approach) with respect to Fire Code compliance inspections. Specifically, 300 new fire inspectors have been hired and Toronto Fire Services and other Fire Services are issuing Notices of Violation for building conditions which were not previously inspected. Of course, the work of Fire Services throughout Ontario seeks to ensure that the lives of Ontario residents are prioritized over and above cost considerations, with a view to saving lives.

Though there has been a zero tolerance approach to all Fire Code sections, particular attention has been given to Part Seven, (which deals with inspection, testing, notification and maintenance of certain fire emergency systems), specifically as that part applies to smoke control systems in high-rises. As detailed attention is paid to this section of the Fire Code, directors and managers should be aware that fire inspection vendors have not historically addressed Part Seven Fire Code requirements. Among other criteria, these requirements include pressurization fans, door closers, records of tests and inspections, voice communications and safety plan inclusions.

ACMO and CCI-T each support treating these Notices of Violation as a life safety emergency and recommend that the emergency protocols itemized in management service contracts be used to resolve any noted deficiencies. In addition, it should come as no surprise that while inspecting for Part Seven Code compliance, all other fire related items are also typically reviewed by Fire Services.

ACMO and CCI-T agree that immediate resolution of any noted deficiencies is critical to maintaining a good relationship with local Fire Services. Directors are advised to support an “immediate resolution approach” in order to ensure the health and safety of the condominium’s residents and to maintain a good reputation in their condominium.

Tridel Named OHBA Home Builder of the Year for Fourth Time

Congratulations to Tridel, parent company of DEL Property Management, and Canada’s largest builder of condominium homes, who was named 2019 Ontario Home Builder of the Year at the OHBA’s Awards of Distinction ceremony earlier. The victory marked the fourth time Tridel has walked away with the evening’s top prize, which highlights an OHBA member company that demonstrates excellence within their business, industry and community.

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Future-Focused in the Digital Age

Anyone involved in the Ontario condominium industry knows that change happens. We are asking executives of ACMO 2000 companies to provide their thoughts to engage an executive-level discussion of why management companies must be future-focused in the digital age, which means staying current with technology, offering well-trained managers in order to compete at a high level, and at the same time achieve efficiencies for their boards.

If you are a director, owner, government partner or a professional in the industry, this discussion will be important for you.

Technology significantly impacts the client experience across virtually all industries, and property management is no exception. We live in a world where new devices are coming to market daily, and businesses are developing solutions to problems their customers didn’t know they needed – or even existed. Similarly, our boards are expecting their property management company to provide digital solutions and products to make their lives easier.

Customers have been trained to expect a seamless user experience. When boards hire a property management company, they desire more than simply having a knowledgeable site manager. They require high-tech software platforms that allow managers, boards and residents to effortlessly access information, communicate and pay invoices on smartphones and computers.

Even beyond management tools, our clients look to us to be experts in green technology. It is vital to have energy management experts on staff to facilitate sourcing state of the art systems to reduce their energy consumption and offer reporting and benchmarking services.

While technology supports our relationships with boards, it is also the key to hiring and retaining quality property managers. By using digital processes to centralize administrative tasks, we can free our managers of hours of more routine administrative work to allow them to focus on the actual job of management. The manager’s focus should be on managing the property, servicing the residents, guiding contractors and supporting the board. Companies who offer this are not only more efficient, but are attractive to managers and assist in recruiting younger property managers who we know value work/life balance. As we see a decrease
It’s about freaking time

Announcing Common Ground, a condo law practice with uncommon sense.

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I’m launching Common Ground Condo Law with your needs in mind. Focused, responsive and accessible legal advice. Technology that makes your life easier. A legal practice grounded in common sense.

Most of you probably know me as the industry-shaking voice of the Ontario Condo Law Blog. For 16 years, I’ve written extensively about condominium law and dispute resolution. I’ve lectured at seminars, conferences, and courses for legal professionals, condo managers, directors and unit owners.

I helped the government review the Condo Act, advocating for meaningful reforms and manager licensing. And while I didn’t design the awful condo forms, I’ll lend my support to fixing them.

My next goal is to change the way legal services are delivered – to better meet the needs of Ontario condo corporations and their managers.

Note my new contact info
chris@commongroundcondolaw.ca
T 416.467.5712

CommonGroundCondoLaw.ca
100 King St W, Suite 5700
Toronto, ON M5X 1C7
in professional condominium managers, remaining technologically savvy will attract the top talent.

Being future-focused in the digital age not only means investing in technology but investing in the training and development of associates to adequately utilize the technology and in turn, train clients how to use these resources. This includes investing the time to train associates, but may also include investing in changes to your corporate culture to promote new processes to those who may be more resistant to change. Training is the crucial component to developing in the industry, and successful property management companies will support the growth and evolution of associates alongside the industry.

With new technology undoubtedly comes additional responsibility. Data breaches seem commonplace nowadays as even global companies fall victim to breaches. Property management companies have always held sensitive data such as payment details and contact information, but now that information is held digitally, we must take every measure to protect our customer’s data. Companies with IT and cybersecurity expertise, who can respond quickly to IT issues and know the most current security measures will have a leg up on competing companies.

A technological transformation does not have an end date. To remain competitive in the digital age, we must be continually updating and improving our systems and processes. The property management companies that welcome change, adopt new technology, and constantly look ahead to challenges and opportunities on the horizon, will maintain their competitiveness in the industry.

MARK D. HOPKINS, President of FirstService Residential, Ontario, leads the team of more than 1,000 associates. This team proudly provides service to over 350 communities and over 45,000 units across the province. In 2017, Mark was appointed to the inaugural Board of Directors of the Community Associations Institute (CAI) Canada Chapter, currently holds the position of President Elect and is slated to be the President of CAI Canada in 2020.

fsresidential.com
It’s Time to Embrace Transformative Tech

If you’re a condominium owner or manager in Canada, you likely know that condominiums dominate new home construction, far outpacing new builds of single family and rental housing. Condominiums are also big players in supplying the rental market, often through investor purchases. What does it mean for your business? If you’re not using technology to transform your operations in a busy condo marketplace, you might be wasting time and money while losing your competitive edge.

Today, most condominium owners expect the convenience of online services. Online services are not only great for owners, shareholders and renters, but also beneficial for managers and staff. Automating workflows to convert tedious manual processes into efficient electronic transactions makes for a more productive staff, happy owners and shareholders, satisfied renters and more profitable operations.

**Powerful Proptech**

With urban living innovations such as Sidewalk Lab’s proposed smart neighbourhood for Toronto, the real estate landscape in Canada is clearly changing. And the changes are all driven by tech and new ways to use data to make life easier. When it comes to condominium management, connecting and accessing data is crucial — with big data analytics being a leading industry disruptor. Having one source of clean and reliable data via a single property management platform is a best practice. Combining centralized data with artificial intelligence and machine learning can deliver predictive insights and recommended actions to meet business goals.

For daily condominium operations, a mobile software platform gives you fast access to reliable information and the ability to quickly execute tasks from your desk or on the go. You can easily manage:

- Completed certifications
- Ownership and unit transfers
- Charges and fee calculations
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For owners, board members and other shareholders, a comprehensive condominium services platform can provide secure 24/7 access, via an online portal, to important information and transactions including:
• Financial accounts and ledgers
• Fee payments
• Concierge services including amenity booking and payment
• Maintenance request tracking
• Community calendars and event announcements
• Board meeting minutes and reports
• Status certificate purchasing
• Publicly available document purchasing

On the subject of documents, any condominium manager in Canada can tell you that some days it feels like it’s all about forms, forms and more forms. Software that assists with form completion for mandatory reporting, including Periodic Information Certificate (PIC) management, can be a life saver. With a software solution that automatically fills out PIC forms with accurate data pulled from your property management system, condominium staff can save valuable time to focus on more important tasks.

Automating the purchase and delivery of status certificates and other condo documents online saves time and money for everyone.

**Game-changing Apps**

By packaging data in a mobile-friendly way with the convenience of tapping on your smartphone to perform tasks and execute transactions, apps are a truly transformative technology for managers and tenants alike. Following are a few of the best apps you should be using now:

**Condo Violations**

With so many rules and regulations to keep track of and comply with, there’s never been a better time to use a condominium violations app. Condominium managers can easily track violations, take photos and record voice notes and messages, send letters to owners about violations, and warn non-compliant pet owners to clean up after their furry companions and more.

Diligent violations management means a better opportunity to prevent repeat offenders from costing you significant legal fees. A condominium violations app tracks the legal status of each unit. For example, since owners must pay monthly maintenance fees, if an owner misses more than one month, the unit can be put into a legal status — and for that unit you can upload legal forms and track the status history all in one place.

Tracked violations can also be easily accessed and used in future meetings with the board of directors or for condo-related disputes (small disputes in Ontario can be resolved online as of 2017).

**Smart Tracking**

If you’re not tracking package deliveries and other tenant-related items online, you’re missing out on an opportunity to optimize your time. A package scanning app is an easy way for concierges or other site staff to keep track of tenants’ packages by providing real-time access to shipping details along with notifications for in-suite deliveries. You can also use an app to keep track of tenant keys, visitor notifications and away notices as well as unit access instructions.

**Mobile Maintenance**

All your preventative, routine and emergency maintenance tasks can be managed from any device using an app. Maintenance staff and managers can speed up response times, which increases tenant and owner satisfaction and can prevent small repair issues from developing into complicated and expensive problems. You can easily track technician locations and performance, assign work orders and monitor all related tasks through a smartphone or tablet.

**The Path Forward**

Develop a plan to start using the technology you need now to get ahead of disruptive change. Ensure your staff knows how to get the most out of all your software and apps through proper training (online classes are a great option for most people). And before all else, if you’re not already using a single platform for centralized condominium management, the most important transformation to move your business forward is ensuring your entire portfolio of data is connected, reliable and accessible.

**Peter Altobelli** is Vice President of Sales and General Manager for Yardi Canada Ltd. Yardi develops industry-leading property and investment management software for all real estate asset classes. Peter has worked in the technology industry for more than 30 years and began collaborating with Yardi to establish a footprint in Canada in 1998. Currently, Peter leads Yardi’s presence in Canada with a focus on fostering client partnerships and introducing innovative products that drive growth and increase efficiencies.
The Evolution of Technology: Silos to Centralized Integration

Evolution typically happens at such a slow rate that it happens without fandom, but careful observers can point to specific moments in time when evolution is on its precipice. We are at one of those moments now, where the delivery of condominium management is on the verge of major change.

The evolution at hand will elevate condominium management companies and their clients alike for those that ride the wave, and for some that fail to evolve fully, make the way of the dinosaur. I’m talking about changing how technology and software have been used for the last 10+ years. The industry is due to evolve.

For the last era, all management companies use software to manage one aspect of their business operations, mainly accounting. What is eye-opening and set to evolve, is that accounting is just one of many areas of operations that encompass condominium management, and yet few management companies have software for the other aspects. Moreover, the industry hasn’t subscribed to the concept of centralized software as part of the management company’s toolset, policies and procedures, and overall service delivery.

I call this the ‘Silo Effect’, where each area of operation is an individual silo without any sharing of data or resources into other departments. Consider that each area of delivering condominium management services is a silo: accounting, building management, owner management/communications, vendor management, AGM coordination, document management and so on. Some management companies do use software for these individual silos/operations, but it’s often at the choice and expense of the individual condominium and not tied into any of the management company’s other service delivery operations. The Silo Effect causes several evident
concerns and problems for both the condominium corporation and management company. The remedy to the Silo Effect is integration – the integration of operations through technology and software.

The problems related to the Silo Effect result in inefficiency, errors, poor customer experience, reduced profitability and extra work overall.

**Scenario 1**

Consider the following example: An owner wants current financial information about their unit. These are the steps typically required within the Silo Effect.

1. An owner goes to their community website and sees no information (because their individual website does not integrate with head office’s accounting system)
2. The owner must then:
   a. See the condominium manager in person
   b. Email the manager
   c. Phone the manager
   d. Drive to head office
3. The manager typically does not have accounting information, so when they get this request, they must contact accounting by phone or email.
4. Accounting gets the phone or email request and then provides information back to the manager.
5. The manager gets information back to the unit owner.
6. This long cycle continues if there are more questions.

Clearly, a lot of steps and work for all parties that can span days to get a simple and typical request handled. Now let’s look at the centralized and integrated approach for the same scenario.

1. Any owner goes to their community website and retrieves all of their unit’s financial information (because the community website integrates with head office accounting).

As you can see, centralized integration is powerful, effective and efficient.

Software integration eliminates many steps for the owner, condominium manager and accounting team. When implementing integration, look for the preferred method of real time rather than the antiquated batch integration; wherein real-time integration, data is exchanged between systems on the fly, and batch integration involves exchanging data in intervals such as once a day.

The example above demonstrates the efficiency brought in by evolving from silos to integration, but it also has another beneficial result. Condominium managers can consistently achieve great customer experience and mitigate against staff burnout, efficiency and effectiveness, all being key performance indicators to any successful business.

Customer experience is tremendously improved with the centralized integrated approach. A management company can
now easily offer “continuity of service” as part of their service delivery. The continuity of service concept should not be overlooked and viewed as a vital element in the evolution of property management service delivery.

Service delivery today is at the building level, resulting in only a single manager knowing how to use the software. One of the core reasons for this is that the software is not central to the management company, but rather selected and purchased by the individual condo. This translates to key members of condominium operations such as the senior managers, executives and other departments, who do not have training or access to this siloed system. Typically, a change in manager for various reasons such as portfolio shuffle, sick days or vacation time off, place a new or temporary manager onsite without any idea how to use the software that is critical to building management. Comparatively, the centralized integrated model allows a management company to train every staff member on their software, resulting in a better experience for everyone involved across the entire portfolio.

With a better understanding of the benefits of using centralized integrated software, let’s dive into another example. In the following scenario, we look to see how evolving from silos can result in positive change and avoid owners becoming frustrated and look for a change in management companies.

**Scenario 2**

When an owner logs into their community website and updates their contact information, there’s an expectation that they have provided this information to the management company; however, in silo mode, they have only provided the information to the website. The good folks in the accounting department or head office have no idea this has changed. This ultimately results in duplicate owner data and will have head office using outdated information for various functions such as mailouts, notices and miscellaneous services. The end result is a very poor client experience, and potential legal ramifications.

The centralized, integrated approach allows for one set of records that bridge various, if not all, departments and functions that comprise the operations of any condo.

When you have the various aspects of condominium management operations working together through integrated software, you create a powerful ecosystem that leads to efficiency, control, better service, and better satisfaction.

A management company is responsible for its entire portfolio as much as they are each individual client. The most effective way to manage a portfolio is to have a standard set of tools, policies and procedures, and software, to create an ecosystem for their operations. Countless other industries with portfolio-style management have adopted central integration; the condominium industry is on its way to follow suit, to the benefit of the entire industry.

**Darryl Deen** is the founder and President of Shiftsuite. He has been providing trailblazing technology and software for the condo market since 2002.

Shiftsuite.com
Engaging Experiences with Digital Signage

Condominium managers are looking for new ways to connect with residents to deliver superior living experiences and are investing in digital technology to achieve that goal. One of these technologies that has begun modernizing the next generation of condominiums is the introduction of Resident Portals. These are software platforms with features designed to streamline and simplify communication for managers and residents by offering real-time building announcements and delivering engaging experiences when integrated with digital signage in the property.

Traditionally, digital signage has been used by advertisers in out-of-home environments to entice audiences, or used by exhibitors at events to create unique branding experiences. However, communities have begun to embrace digital signage to deliver contextual information such as building announcements, community messages, board meeting schedules, and other pertinent updates alongside advertising to keep residents informed.

Research conducted by PATTISON Onestop, the leader in digital out-of-home media in Canada and a leading provider of digital products in residential properties, found that 83% of condo residents living without a digital screen in their building believe it would be an effective way to receive information such as news, traffic, weather conditions and building announcements during dwell times that are common with living in a highrise building. Seventy-one percent of residents with a digital screen in their building were found to have taken secondary actions (searched online, spoken to others, etc.) after seeing advertised content displayed on a digital screen in their building. Of those surveyed, it was found that 97% of residents with a digital screen in their apartment or condominium believe the content shown on the screens is informative, relevant and comes from a trusted source to help them stay up to date.

So, what steps should residential communities take to begin creating these engaging experiences through the use of digital signage? It is important to understand that digital signage doesn’t just refer to the screen itself but consists of several components that deliver superior experiences for residents:

- **Digital Displays** – To create engaging experiences, it is important to strategically place the large, high-reso-
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olution screens in the heavy-traffic areas of condominiums such as the lobby, and within elevators to maximize the effectiveness of audience engagement during dwell times such as waiting for an elevator or spending time in common areas.

- **Content Management Systems (CMS)** – A Content Management System is an online platform for managing and scheduling messages to be displayed on the digital screens. Through the flexibility and customization of digital, property managers can sign in and access the program to add, edit and publish content in real time to be displayed across the digital screens in their building.

- **Emergency Override System (EOS)** – Offering the peace of mind and immediacy to alert residents during an emergency. An emergency override feature is an added tool that can be used to communicate alerts and direct residents to safety quickly and efficiently.

- **Resident Portals** – The content management system needs to be integrated with a resident portal to show important building announcements and specific information as it relates to the residents of the building. This could include unit-specific messages, parcel notifications, and other communications that keep residents abreast of what is happening in their building.

- **Content** – Once you have the digital displays connected to your Content Management System and Resident Portal, you need to establish which content to display. With advertisements that cater to local businesses and building announcements that are relevant to the residents, digital signage becomes a versatile communication tool that provides relevant information and breaks the mold of traditional mass media.

  Delivering content with contextual relevance is the highest form of currency when it comes to reaching audiences on the medium of digital media; it makes messages more impactful. Offering a digital screen within a residential property gives a modern upgrade to make residents feel more connected with their building while receiving an additional amenity for information and convenience.

Peter Pietrzkiewicz is Founder and CEO of Concierge Plus. conciergeplus.com
2019 was a year of many firsts for the Condominium Conference: A new conference venue and a new trade show space, a new student networking lounge, and a new opening night networking venue are just some of the exciting options that were on offer for attendees.

Location. Location. Location. By all accounts, Exhibition Place hit all the right notes with access by road, transit and train. Attendees enjoyed educational sessions at the Beanfield Centre, then crossed the road to the Enercare Centre for breaks and lunch with exhibitors and the ever-popular trade show.

Feedback was positive for the student networking lounge, a quiet space that provided those new to the condominium industry with the chance to chat informally with experienced condominium managers and professionals. And the networking event at The Rec Room was well attended with the chance to meet and greet fellow managers, directors and exhibitors.

Each of the keynote speakers – Michael Landsberg and Barbara Stegemann – brought their own personal stories to the conference. Both were absorbing speakers with lessons that could be applied to our own lives.

Education took centre stage. The various sessions were a highlight as moderators and panellists showed their expertise, and topics had something for everyone.

Thanks are extended to everyone involved, with a special shout out to conference partner Fine & Deo. Planning is already underway for the 2020 Condominium Conference to be held on October 2 and 3 at the Beanfield Centre. See you there!
Thank you to photography sponsor Wilson, Blanchard

The always popular Legal Panel closes the 2019 Condo Conference

Keynote speaker Barbara Stegemann

New in 2019 and very popular was the Student Networking Lounge
Technology to Manage Business and Life
How Can Technology Bring Communities Together?

It’s a challenge raised frequently by condo boards and property managers alike – what can we do to build a more cohesive community? With everyone from young professionals to retirees packing their days with activities, it’s often a challenge to get owners to engage at all with their neighbours, let alone engage with their condo’s governance processes.

Despite common challenges, it is possible. Not only possible, but rather straightforward, to build a more connected community by using readily available technology. These tools not only make condominium managers’ lives easier, but also help keep communities connected.

Here are four ways in which technology can help build community and facilitate better communication.

1. Mobile Apps
There’s a lot to love about mobile apps, and the same is true for property management apps specifically. First, they allow communication directly with homeowners 24/7 from anywhere, using a smartphone. With the right app, condominium managers can send announcements to their communities and respond instantly to reports from anywhere in the world.

Other convenient features of property management apps include an ability to manage guard tour patrols. Managers get real-time incident alerts, schedule patrols and notify guards about patrol time changes. Many of the most challenging security issues can be taken care of right through a smartphone.

Unit owners can also benefit from mobile apps, especially when it comes to service requests and booking of amenities. They can use the app to reach management at any time and from anywhere. In fact, using these apps means that managers can spend less time doing administrative work and more time doing projects that add value.

2. Discussion Forums
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ings can be a challenge. Most people work full-time jobs and don’t have time to attend special meetings. Online property management tools help solve this problem with online discussion forums.

This feature allows unit owners to voice their concerns and discuss pertinent issues on their own time and in a safe environment. Worried that things will get out of hand? Most boards prefer to leverage the software’s moderation features to facilitate civil discussion.

Unlike a private Facebook group, a discussion forum is a platform that management owns and controls. That means the manager has complete control over what happens and it’s easier to moderate the discussion.

All told, cloud-based discussion forums are the present and future of communal connectivity.

3. File Library

The File Library is a property management software feature that allows management to store all of the corporation’s files in a large cloud interface. Managers can even set permission levels on some of the files so they’re only available to select groups of users.

It doesn’t matter if management needs to share a PDF, Word, Excel, or photo, the file library will organize everything into appropriate categories that are easy to search.

Also important to mention is the ability to notify users once a file is uploaded. Managers can even use it to track viewing and engagement on each file to measure how effective communication efforts have been.

Finally, the File Library’s quick search function is where users can search for specific files and eliminate the headaches of digging through various folders just to find a single file.

4. Committees

Successful condominium boards often use committees to accomplish different tasks, from budgeting to landscaping to organizing community events. Technology can come in handy when it comes to promoting the smooth function and productivity of these committees.

Good quality property management software can be used to facilitate communication between committee members, the board and the community at large. Committees can use surveys to obtain useful feedback on what’s working and what isn’t within the community, and private discussion forums to discuss the results. This makes it easier to make informed decisions that contribute to well-being and togetherness.

Committee members can also use this technology to solicit community involvement when planning events. Features like discussion forums and a shared event calendar are a convenient way to keep everyone in the loop, whether it is about upcoming meetings, maintenance or social events.

Software also makes it possible for each committee member to upload and organize files related to specific tasks. This facilitates better collaboration and increased productivity.

Conclusion

Contrary to popular belief, technology can bring people together when used effectively. It allows us to keep in touch with less effort, whether we are trying to connect with our neighbours or unit owners. Thanks to technology, people can share experiences, communicate faster and keep up with the world around us using just a mobile phone.

Property management software can be particularly helpful at creating connected communities. Condominium boards and managers use this software to communicate frequently with homeowners and facilitate better service delivery.

As a result, unit owners feel empowered because they’re always well-informed about what’s happening in their building or neighbourhood. Managers are able to solve problems without being physically present while making sure that each committee fulfils its duties. It’s a win–win for everyone and the result is an organized and interconnected community.

Brian Bosscher is the president and founder of Condo Control Central, a leading Toronto-based company that provides web-based communication, management and security cloud solutions for condominiums of all sizes. He is also a former board member, having served more than 12 years as both treasurer and president. He can be reached by phone at 647-557-8479, or by email at brian@condocontrolcentral.com. Condocontrolcentral.com
Technology for Managers

In 2017, the Condominium Act observed an update, and the industry was introduced to the Condominium Authority of Ontario (CAO) and the Condominium Management Regulatory Authority of Ontario (CMRAO). Currently, our field is undergoing an interesting developmental stage, where we have the opportunity to observe how the new licensing requirements of property managers influence the industry.

So, what can the advent of a regulatory authority mean for an industry that was previously largely unregulated? Well, unless there is a colossal influx of people looking to enter the condominium management industry who can complete the educational and working requirements – we can expect a material shortage of qualified managers. Even today, many management companies will admit that there is a lack of General Licensed managers in the workforce.

Thankfully, we live in an age where technology has bridged the gap between condominium manager and homeowner. The internet has also streamlined how we communicate inter-organizationally. In fact, changes to the Condominium Act are complemented by technology – electronic proxies and telecommuting into board meetings are legitimized within the updated Act.

Condominium managers can benefit by streamlining their operations via technology. Many tasks can be conducted remotely, and technology can help ease the growing pains within our industry. In this article, I aim to explore three of these technologies and how they can impact the working manager.

Shared Network Drives (Cloud-Based Technologies)

A shared network drive is a data storage medium that is accessible over networks, local and remote – in other words it is a cloud-based technology. Some network drives have mapping functionalities, which allow for folder storage of varying depths. These systems facilitate the storage of internal records via a rigid filing structure. Most managers may be familiar with Google Drive, a type of cloud storage service. However, proprietary shared network drives adopted by management companies can be much more sophisticated and comprehensive in their application. The utility of this technology within the condominium management context is monumental. Management companies and condominium corporations can benefit by adopting an internal...
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shared network filing or cloud-based storage system.

For example, the Ministry of Government and Consumer Services has implemented a new process for accessing records from condo corporations. With this process, come strict timelines (especially for the turnover of core records) which management companies and boards of directors must comply with. A management company that has adopted a shared network or cloud-based storage system is much more equipped to respond to these types of records requests. It provides the capacity to submit records remotely without necessarily being on-site – a vital function for managers with a portfolio.

Content Management Systems (CMS)

Cloud-based technologies and content management systems (CMS) run hand in hand; however, a CMS expands on the capabilities of cloud-based document storage in order to deliver more utility to the end-user. A content management system integrates document management, digital asset management, and record retention – in other words, this system supports peer-to-peer collaboration throughout an enterprise.

Earlier, we explored how the condominium property management industry will likely progress given recent changes to the Condominium Act and the implementation of a licensing and governing authority. Higher disclosure requirements, rigid timelines and strict entry requirements will mean that condominium managers must increase efficiencies in order to keep up with ever-growing demands. A content management system will support a property manager by saving time and helping stay compliant. Furthermore, management companies will need to ensure their Limited Licensees are receiving the appropriate oversight in accordance with the Condominium Management Services Act, 2015. CMSs track how documents are written, who has reviewed them, and the changes made by individuals throughout the collaboration process.

Accounts Payable Automation Systems

An accounts payable (AP) automation system works by streamlining and automating the accounts payable processes. It can further function to support Generally Accepted Accounting Principles (GAAP) by removing repetitive manual tasks and facilitating better control and visibility over vital financial data. AP automation systems are vastly popular and typically facilitate an approval and coding function of invoices to a fully cloud-based medium. Most AP automation systems are integrated into a management company's enterprise resource planning system (ERP system) which can provide further utility by matching the corresponding invoices with the appropriate expense. Theoretically, such systems reduce strain on both the property manager and the accounts payable department.

So far, we have explored three different technologies that can support the average manager to help them overcome the growing pains of the condominium management industry – and yet, this is only the tip of the iceberg. A plethora of other technologies exist, such as video-conferencing software, business intelligence systems, customer-relationship management systems, etc. However, our industry is so niche in its structure that many of these solutions are not effective or even practical.

In practice, many of these technologies don’t necessarily solve the ever-increasing workloads that property managers are experiencing – they only alleviate the symptoms (and in some cases can cause even more problems). While it’s exciting to theorize the different ways we can utilize technology, it’s important to remember the human aspect of this industry. As technology advances, it’s imperative that the manager does not lose the personal, customer-facing skills that are too often taken for granted. Sometimes the best solution to a problem is through empathy and compassion – qualities that technology cannot simulate.

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Over the last few years, there has been a lot of confusion and questions about the new legislation affecting the industry. Back in 2017, licensing for condominium managers was introduced, and two new administrative authorities were created. At the time ACMO was already offering the Registered Condominium Manager (RCM) designation, along with the courses required to obtain it. When the new licensing regime came into effect, ACMO’s condominium management courses were adopted as the education required to achieve a licence. In other words, a would-be manager who had not already completed the four ACMO courses would need to take them to get a CMRAO licence. To complicate things, transitional licences were also awarded to some existing managers who had experience but who didn’t yet have the education, and limited licences were offered to those entering the industry without experience.

Confused yet? I don’t blame you. Let’s break this down and take a quick look at the major players in the condominium space, starting with the industry associations:

ACMO

Association of Condominium Managers of Ontario (ACMO)

Founded in 1977, ACMO is the oldest of the industry associations, with the mandate to represent condominium managers in Ontario. ACMO offers the Registered Condominium Manager (RCM) designation; a voluntary designation that denotes quality and professionalism in the industry. ACMO also offers the four courses required to obtain the RCM, along with hours of informational videos that keep managers up to date on changes in the industry. ACMO also produces its own magazine (CM magazine) and has its own voluntary accreditation program for management companies that pursue the highest standards.
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of quality, the ACMO 2000 certification. Note that ACMO does not offer licences to condominium managers.

### CCI

**The Canadian Condominium Institute (CCI)**

The CCI was founded in 1982 and has a mandate to represent the interests of condominium corporations, owners and directors. They have chapters all over Canada, and they produce a great deal of educational content for their members, including magazines, newsletters and other publications, educational videos, podcasts and recordings. The CCI also offers voluntary in-person training for directors, and hosts events across the country.

Now let’s look at the regulatory bodies overseeing the condominium industry:

### CAO

**The Condominium Authority of Ontario (CAO)**

The CAO is a regulatory body created in 2017 through provincial legislation. The CAO keeps an extensive database of all condominiums in Ontario, including directors, management companies, and other pertinent information. The CAO offers online director training which must be completed within six months of being elected. Directors that miss this deadline are automatically removed from the board. CAO also oversees the CAT, which is a tribunal that helps settle disputes between condominiums and homeowners. Right now, their scope is limited to providing an online dispute resolution service, but there are plans to broaden their mandate in the future.

### CMRAO

**The Condominium Management Regulatory Authority of Ontario (CMRAO)**

The CMRAO was also founded in 2017 through legislation and is the regulatory body responsible for licensing condominium managers and management companies. When the CMRAO came into being, they offered three types of licences for condominium managers: the limited licence, for people who are new to the industry; the transitional licence for those with at least two years of experience but without the accepted educational requirements; and the general licence for those who have both the minimum two years’ experience and the education. The transitional licence is being phased out and will not be available after June of 2021. The educational requirements for the General Licence are the four RCM courses offered by ACMO, or their equivalency exams. As the name implies, the limited licensee cannot perform as many duties as a general licensee. Note that the CMRAO does not offer the RCM. The RCM remains a voluntary designation offered only through ACMO.

So, let’s recap: CCI and CAO provide relevant information for homeowners and directors, whereas ACMO and CMRAO provide relevant information for condominium managers. The RCM designation is a voluntary designation that managers can earn through ACMO, whereas the licence is a mandatory requirement administered by the CMRAO, even though the CMRAO uses ACMO courses for their licensing. Finally, CCI and CAO both offer training for directors, but CCI training is optional whereas CAO training is mandatory.

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Opponents of electronic voting are scared. Scared that electronic voting is going to expose the archaic and flawed system of proxy voting for what it is – unnecessary and obsolete. They’re scared because they know that it is largely through proxy voting that some people have been able to maintain and secure their positions for extended periods – giving them years, sometimes decades, of unchallenged control and all the benefits that come with it. So, while the rest of the world has already adopted electronic voting or is moving quickly to embrace it, in Canada we see self-interested pockets of resistance trying to hang on to the status quo.

The first telling observation is that these pockets of resistance are not condominium owners themselves. If that strikes you as strange, it should. Ask any owner who has used electronic voting and they will tell you the inescapable truth – they love it. They get to cast their own vote, using an encrypted email link that connects with a secure online voting site. They vote at their convenience and in private. They participate in the voting process and express their personal preferences – free from the self-interested influence, or worse, interference, of others.

None of this should come as any surprise. Owners are no different than any other consumer – they expect the same seamless and easy-to-use digital experience in their condominium living as they experience in all other areas of their life. A proxy? The very notion that an owner should need to use a proxy – whether electronic or paper – to give someone else the right to cast their vote in this day and age of the internet must seem like a quaint holdover from the Victorian era.

It’s easy to see why electronic voting is now the norm in over half the states in the U.S. and spreading rapidly. It’s also easy to see why some states, like Arizona and Florida, have passed legislation which prohibits proxy voting, and other states are in the process of doing the same. More on that in a moment.

Condominium owners are not the only ones who love electronic voting. High performing condominium directors, boards and managers who are motivated by the best interests of their unit owners also love it. Electronic voting dramatically increases unit owner participation – frequently up to levels of 90% or more. Unit owners engage in the voting process and express their opinion, because it’s easy to do – “click”, and they’ve voted. Boards have clear mandates as a result. The increased participation also ensures that quorum is easily obtained, often
weeks, and at least days, in advance of a meeting. Electronic voting translates into owner participation, and owner participation translates into accountability. High-performing directors, boards and managers welcome this kind of accountability – for them, it means affirmation and recognition of a job well done. It’s only poor performers, or worse, those taking advantage of their position for personal gain or conducting themselves inappropriately, who fear the loss of control that occurs when electronic voting makes proxies irrelevant.

Back to Arizona, Florida and the U.S. experience, where electronic voting is steadily leading to the extinction of the proxy. Arizona, the sunny retirement state with one of the highest densities of condominiums in the U.S., prohibits proxy voting after the developer’s control of the condominium has ended (which is to say, for most of the condominium’s life). Similarly, Florida, another high-density condominium state, prohibits proxy voting for the election of directors. Illinois provides that once a condominium adopts electronic voting rules and regulations, proxy voting is no longer allowed for board elections. New Jersey recently allowed condominiums to use electronic voting and at the same time, passed a law which prohibits condominiums from offering proxies to owners unless they also allow owners to cast absentee ballots, effectively rendering proxies meaningless.

Why are these states passing laws to prohibit or severely curtail the use of proxies? The answer is simple. Experience has shown that proxies may entrench incumbent directors to the detriment of the condominium – concentrating power and decision-making in the hands of a few, resulting in low director turnover, minimal accountability, and conflicts of interest that favour the few at the expense of the many.

The danger lurking in proxies is such that U.S. states are now discussing whether the ban on proxies should be extended from the election of directors to include votes of any type the condominium conducts. There’s a reason proxies have been banned in political elections in most advanced democracies – if the goal is to ensure the integrity of the electoral process, allowing someone else to vote on your behalf makes no sense.

Canadians have historically been slow adopters. That’s not a bad thing. We are a cautious lot by nature, we encourage consultation, and we seek consensus – all of which takes some time. In the case of electronic voting, its widespread acceptance is inevitable – for all the right reasons. It’s a matter of when, not if. Those seeking to resist the tides of change and hang on to the antiquated and inherently flawed system of proxy voting, whether by electronic or paper means, may have their own self-interested reasons for doing so, but at some point they’ll be forced to concede that electronic voting is both the present and the future, and in the best interests of the unit owners they serve.

Denise Lash is the principal of Lash Condo Law www.lashcondolaw.com and principal of CondoVoter, a firm which specializes in providing electronic voting services to condominiums. She has been the leading voice in support of bringing electronic voting for condominiums to Canada and the first to make it available to condominiums in Ontario. For information on electronic voting visit www.condovoter.com.

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There’s an app for that?

The holidays are upon us and that means packages, packages and more packages. In 2018, the average 350-unit condominium in the GTA received approximately 1,500 packages in December alone! According to Emarketer.com that number will jump another 20% in 2019! Manual registration and recipient notification methods average about 2.1 minutes per package, which translates to over 62 hours spent this December processing packages and notifying recipients. This could mean up to 75 hours for larger buildings. Not to worry because ‘there’s an app for that’.

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**Nicholas Gill**
Director of Marketing and Sales
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**Nicholas Chirametli, RCM**
Vice President
City Sites Property Management

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Benefits of Modern Energy Management Platforms

By Brian MacLeod

Modern Energy Management Platforms leverage automation technology to provide centralized control for a building’s heating, ventilation and air conditioning (HVAC) system. The primary goals of this infrastructure are to improve system efficiency, reduce utility costs, guide preventive maintenance and increase resident comfort. In this article, I’ll outline these benefits for managers and suggest questions to ask when evaluating these solutions.

Before looking at the benefits, here’s a quick summary of how these platforms work. At a high level, a modern energy platform leverages automation technology by deploying key sensors (data) and controllers to optimize how the HVAC system operates in a building. The operation of the platform is visualized through an interface which is typically web-based. In terms of data, modern systems measure data and process it, in real time, to the cloud to send commands to controls (boiler sequencers, variable frequency drives, relays and other devices) that run the HVAC equipment. In other words, these systems turn analog buildings into connected digital buildings that use data to eliminate energy waste.

The benefits of these systems fall into four primary categories including improved system efficiency, reduced utility costs, streamlined preventive maintenance and increased resident comfort.

Benefit 1: Improved System Efficiency

By responding to resident demand (i.e., in-suite heating) and by adjusting to weather more accurately, the system can perform more efficiently to meet the needs of the building, and its residents, while improving equipment lifespan. Overall, equipment is not run as hard as it would be without the system helping to preserve its longevity. For managers working to ensure that their building is well maintained and properly equipped, this is an added benefit.

Benefit 2: Reduced Utility Costs

Typical condominium corporations spend 35–50% of their annual operating budget on utilities. And with the cost of energy projected to increase, utility costs are under even greater scrutiny. A modern energy management platform can lower utility spend by 20–25%. These savings are confirmed through clear ongoing reports which outline savings by HVAC process compared to historical benchmarks. And because a modern platform can work with existing equipment, low upfront capital costs mean that managers can evaluate these platforms within their existing operating budgets. On the whole, the financial benefit may be...
the strongest reason to adopt a modern energy management platform.

**Benefit 3: Providing Preventive Maintenance**

A modern energy management platform improves the way technicians look at long-term equipment performance through rich data logs and trend analysis on equipment performance and activity. As a result, technicians are better informed on exactly when and how to maintain equipment. This translates into a higher value service relationship between the existing mechanical partner for the building, the equipment they are servicing and the property manager.

**Benefit 4: Increased Resident Comfort**

Custom sensor networks allow modern platforms to accurately respond to resident demand and building conditions. Residents experience improved conditions in air quality and temperatures. Real-time alerting systems highlight mechanical faults that are resolved faster and minimize equipment downtime. For property managers this translates into reduced nuisance calls and resident issues. For example, a system can quickly recognize an issue with domestic hot water temperatures and notify managers in advance of resident complaints (i.e., no hot water for showers in three hours) and often avoids outages altogether. Armed with data, managers can quickly take action and better ensure issues are resolved immediately.

A final benefit of these platforms is the reduced environmental footprint that results from lowered energy use. We know that, according to the UN, buildings are responsible for 39% of energy-related carbon emissions globally\(^1\) – so any steps we can take to reduce their energy use is a step towards a more balanced and sustainably built environment. My experience is that many residents and building stakeholders feel good to know that their building (and management) is taking steps to reduce its environmental impact.

Now transitioning to how to evaluate these platforms; to do so, consider the eight questions below to help guide your search:

Does the platform provider offer an initial free building assessment?

Can the system be operated without a facility manager?

Does the system provide real-time trend data?

Is the system available through a web-based interface?

Is the system based on open, non-proprietary hardware (preventing lock-in)?

Is the expected payback period (ROI) for the system well understood (and short)?

Is the system able to track ongoing savings by process and utility (gas, electric) relative to baselines?

Is the performance of the system guaranteed and accompanied by ongoing support?

If you answer “no” to any of these questions when evaluating a new system, I’d recommend caution. It is critical that the system you select positions you for a great user experience. Also, ensure that you are not locked-in by proprietary equipment and that you have complete online visibility into your buildings’ performance. By starting with a building assessment, you can understand exactly how your building can benefit from such a platform.

Stepping back, it is clear that modern energy management platforms hold real promise for property managers and their communities. Internet-connected buildings, and real-time sensor data, allow modern platforms to leverage automation technology to improve system efficiency, reduce utility costs, improve preventive maintenance and increase resident comfort. Armed with a list of key considerations, professional managers can begin to evaluate energy management platforms for their building and work towards a more sustainable and balanced built environment.\(^1\)

[1](https://www.worldbc.org/sites/default/files/UNEP%20188_GABC_en%2028web%29.pdf)

**Brian MacLeod** is the co-founder and Head of HVAC Systems and Data Innovation at Parity. Brian is the architect of Parity’s approach to intelligent data-driven control systems for buildings. He has 20+ years of experience in applying measurement-based control technologies to industrial processes, including the last 6 years developing directly for building automation. paritygo.com
The Condominium Authority Tribunal ("CAT") has released some instructive decisions in the late summer/early fall of 2019 to further clarify records request matters and the CAT’s own procedures.

Management Reports
In the case of Smith v. MTCC 773, Mr. Smith (a former director of the condo) sought copies of the management reports which MTCC 773’s property manager prepared for its board of directors; he wanted to see “what management recommended...that was not acted upon”. The CAT reviewed the arguments made and concluded that the management reports themselves were “drafts or notes” and not records of the condo except for the parts of the reports which were incorporated into the minuted decisions of the board and became part of the minutes of the board meetings. The CAT has re-affirmed the “drafts or notes” status of management reports but the CAT member commented that “It may be helpful going forward, for the board to append or fully include the agenda and other items approved by the board, as segments in the board minutes.”

Business of a Board and “Informal Meetings”
Mr. Smith had sought notes of any “informal meetings” which the directors had held and which meeting notes were referred to in later board minutes. The board had resolved, in meeting minutes, to keep these notes in the condo’s minute book. The condo’s witness (a director) testified that all decisions were made at properly called and held board meetings, that no decisions were made during informal meetings, and the condo’s lawyer argued that there was “no obligation to maintain minutes of personal conversations between board members or staff...outside the owner’s meetings and board meetings” and that any notes were personal notes of the individual directors and not records of the condo. The CAT reviewed the evidence and arguments and found, that since the board had resolved to incorporate the notes into the minutes of the board, the notes referred to in the board resolutions were kept as records and must be produced. However, the CAT stated that, generally, notes are not a record.

In light of the decision on both board notes and management reports, boards must pay careful attention to what they have formally resolved to keep as a record and must be ready to produce any document that they have formally treated as a record. The CAT also affirmed (and reminded every condo) that the business of a board of directors can only be done in accordance with section 32 of the Condominium Act, 1998, at a properly called meeting where a quorum of the board is present.
Redacting Board Minutes
Mr. Smith also sought copies of the condo’s in-camera board minutes, the minutes which address the “exempt” business described in subsection 55(4) of the Act, including matters dealing with specific units and owners. The condo argued that due to how small the condo is (42 units) and because Mr. Smith had a detailed knowledge of the happenings at the condo, redacting only names and unit numbers from the in-camera minutes would not be sufficient to protect the privacy expectations of unit owners. The CAT agreed with the assertion on the basis of the evidence, declined to order production of any in-camera minutes (redacted or otherwise), and stated that the way to protect unit owner privacy expectations was simply to withhold, in whole, the in-camera minutes.

This would suggest that boards must now consider what any redacted minutes they provide to a records requestor may reveal and boards may wish to consider withholding the complete in-camera minutes if they have similar concerns as in the Smith case. Finally, always remember that a unit owner must be given minutes which deal with them and/or their unit (subsection 55(5) of the Act).

Legal Costs
If you have been following the CAT, you know that parties will not be awarded their legal costs except in the rarest of circumstances. This is because the CAT’s Rule 33.1 requires “exceptional circumstances” before it will award legal costs. In the Bossio v. MTCC 965 case the CAT defined “exceptional reasons” as evidence that a party “had been grossly unreasonable, or had taken positions that unduly complicated or had acted in bad faith or with malice, or took some other step beyond being unsuccessful and unreasonable.” While the CAT defined these “exceptional circumstances” it had not yet found that they existed and had not awarded any legal costs.

This changed in August of 2019 as the CAT has found exceptional circumstances in the 1507451 Ontario Ltd. v. YRSCC 1302 case. The unit owner applied to the CAT to enforce the terms of Settlement Agreement (which it had reached with the condo during an earlier CAT phase) on the basis that the condo had breached the terms of the agreement. The CAT awarded the Applicant its legal costs ($5,600) as: 1) the Settlement Agreement between the parties required the condo to pay the unit owner’s legal costs; and 2) breaching a Settlement Agreement is an exceptional circumstance for the purpose of Rules 32.1 and 33.1. What this means for condos is be cautious when agreeing to pay a unit owner any legal costs in any Settlement Agreement and always follow any Settlement Agreements!

In the Smith case, the CAT declined to award Smith the “legal” costs he sought (approximately $67,000 for his time at $400/hour) as there was “no basis” for Mr. Smith to “have any expectation of compensation at the level he is claiming” as 1) he was not a legal representative; and 2) there were not “exceptional circumstances” in this case as both parties were responsive to the CAT process. The CAT also termed his submission “excessive and unsupportable”.

As any condo that has been involved in the CAT process knows, there is a significant time commitment for the condo’s representative, especially where there is a need to log in and respond to every message (or additional request) in the CAT-ODR system; a condo’s legal costs can quickly add up. This was discussed in Smith where the CAT declined to award the condo its legal costs of almost $15,000. The condo argued that, in this case, the volume of correspondence and records requests received from Mr. Smith ought to be “exceptional circumstances” which lead to the condo’s lawyers needing a lot of time to review, process and respond to all the requests/ correspondence. The CAT stated that volume of correspondence and extra time needed to respond was “not a basis upon which to award costs under Rule 33. This Tribunal is designed for self-represented parties to file their applications and represent themselves as both applicants and respondents. That means that some extra time is granted while the hearing process is explained or unfolds.”

Anonymous Decisions
The CAT has also weighed in on its procedures for “anonymizing” its decisions, that is removing names of the applicant and the condo from the public record of the decision. Under the provisions of section 1.48 of the Act and section 2 of the regulation to the Act regarding the CAT, the CAT is required to make any order it issues available to
the public without charge on the internet in a searchable database.

In the Aquilina v Middlesex SCC 823 decision (a follow-up to an earlier CAT decision) the Applicant unsuccessfully sought to have the earlier decision anonymized on the basis of the risk of violence and/or abusive behaviour. The CAT found that the grounds asserted are an important interest but that the apprehension of violence of abuse must be "reasonable". On the basis of the evidence presented, including that the applicant's address was not disclosed, this apprehension was not reasonable. Further, the CAT noted that the Applicant had not asked for anonymization at the outset of the earlier case and that the reasons to remove names from a published decision must outweigh the principle that the public should have full access to decisions of the Tribunal, including the names of the parties. In Smith, Mr. Smith also sought to have his decision anonymized for reasons of "professional reputation and livelihood" but the CAT found that he did not raise any safety or security issues that would give rise to the need to anonymize this decision. Thus, if any party wants an anonymous decision, they must follow the CAT's rules, ask at the first opportunity to do so, and have a convincing argument to rebut the presumption of open proceedings.

Amount of Penalty – Actions of Condo and Applicant

The Verjee v. York CC No. 43 decision (where my colleague Rachel Fielding ably represented the condo) looked at how the amount of a penalty accepted by the actions of both the condo and the unit owner. The CAT ultimately awarded the unit owner a significantly reduced or "nominal" penalty of only $75.00 for one instance of the condo's non-compliance with the Act. This amount is less than the filing fees the unit owner paid.

Indeed, the CAT stated that condo "quickly replied" to other records requests and, in the case of the "late" response, the condo provided the record voluntarily during the mediation stage. The CAT member also took the unit owner’s actions into account stating that "The large volume of record requests made by the Applicant could reasonably "backlog" the Respondent and delay it addressing certain requests. In light of the Respondent's provision of the [late record] at Stage 2 – Mediation and the actions of the Applicant contributing to the delayed response, I find that a nominal penalty is appropriate in this case."

The CAT gave regard to its own objective of promoting healthy condominium communities and the CAT has made a statement that “actions matter” in this objective and for all of the parties to a CAT proceeding: that condos should produce any records they are required to before the Tribunal stage and unit owners should be mindful of their conduct and the impact is has on their condo.

This article first appeared in the Fogler Rubinoff newsletter and has been updated by the author for inclusion in CM magazine.

Gareth Stackhouse is a member of Fogler, Rubinoff LLP’s Condominium Law Group and he has a broad-based condominium law practice including all facets of the Condominium Act, 1998, corporate governance, real property matters, and commercial contracting.
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Photography Guidelines
A picture tells a thousand words. And with more and more hobby photographers, iPhones, Androids and tablets, DSLRs and point and shoots, there should be no shortage of great story-telling images. Here are some guidelines to help you submit the best author’s head shot, condo balcony, lobby or interior image to support your article.

Specs
Images should be in colour and in jpeg format. Resolution should be 300 dpi and image size should be approximately 8X10 in real size [2400X3000 pixels]. If you must use a cellphone, please ensure that there is sufficient light to take the photo. Steady yourself and your camera to minimize camera shake.

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Mohammad Sheeraz Pathan, RCM
Larlyn Property Management Ltd.
Year entered the profession: 2012
Year RCM obtained: 2015

Other education: B.Comm
Mentor(s) in the industry: Mr. Khalid Ahmed

What path brought you to a career as a condominium manager? How has your membership in ACMO helped you in your career? I was originally working in an automotive industry when we were hit with the recession in 2009. I was forced to make a change in career and that is when my wife's uncle advised me to join the condominium management industry. After the very first course I attended at the Humber College, I realized that it’s for me. My RCM designation has helped me to get jobs as most employers prefer to hire a candidate with their RCM.

What is one must-have skill for a condominium manager? Why? Listening. If you have an ability to listen to someone with full attention, with calmness, it gives that person the impression that someone cares, you are professional, and it makes them feel that you are trustworthy and care about their issues.

Tell us about a personal success story on the job. I have been a successful property manager only when I developed listening skills and other great skills like how to juggle various things at the same time.

There are many success stories but one of them recently happened when one of the condominiums was not able to have an AGM for the past two years due to no one showing up at the meeting. I introduced to them an electronic way of getting proxies. We had achieved quorum after the very first course I attended at the Humber College, I realized that it’s for me. My RCM designation has helped me to get jobs as most employers prefer to hire a candidate with their RCM.

After the very first course I attended at the Humber College, I realized that it’s for me. My RCM designation has helped me to get jobs as most employers prefer to hire a candidate with their RCM.

Favourite part – It’s challenging.
Best business advice you ever received. Just listen when someone is venting. Trust me, it’s not personal.
Answer this statement – I am an RCM because … I want to climb up the stair.
Where do you see yourself in five years? Regional Manager or owning my own property management company.
What recent project that you completed can we highlight? I completed an LED retrofit for the entire complex. Water sub-metering was also very challenging and required lots of pre-work but I completed this successfully without any issues.

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Genta McVeigh, RCM
Crossbridge Condominium Services Ltd.
Year entered the profession: 2015
Year RCM obtained: 2018

Other education: Business Management

Mentor(s) in the industry: I have had the privilege to start my career and continue my career growth with two of the most reputable companies in the condo industry. But most importantly to work with people in the industry that have impacted and shaped my career.

The first person that comes to my mind is Devis Cekani, RCM, Regional Manager with Crossbridge Condominium Services. He made a real difference in my career with his distinguished professionalism, guidance, incredible encouragement and constant support.

What path brought you to a career as a condominium manager? How has your membership in ACMO helped you in your career? I fell into the industry by accident. My husband and I bought a condominium, and at the time I was looking for a career change. We both got actively involved with the board in an effort to improve our community. Through this process I got to know managers in the industry who easily pursuaded me that this could be the career change I was looking for. Within months I found myself in the ACMO Condominium Law class at Humber College.

Being an ACMO member, attending the ACMO courses, the numerous educational sessions and ACMO social events, helped me expand my network and build my career.

What is one must-have skill for a condominium manager? Why? Definitely the ability to multitask and prioritize are necessary. But the ability to communicate and work with others is the most important skill set that a manager can possess.

Tell us about a personal success story on the job. That was my first position as a condominium manager. The company I worked for at the time had acquired a condominium with financial, maintenance and administration issues. During the first four months, I successfully navigated through two requisition meetings back to back, a special assessment, AGM and budget preparation. We turned a large deficit into an outstanding surplus position, and, in the process, gained the support of owners and the board. It was a trial by fire, but by far the best experience I could have ever had.

What’s your biggest challenge as a manager? What’s your favourite part of the job? My favourite part of this job is that there’s never a dull moment. That being said it can be challenging sometimes to balance family time with the obligations that come with the job.

Best business advice you ever received. I was taught 18 years ago that “for every problem there are at least two solutions.”

Answer this statement – I am an RCM because ... I want to represent knowledge, professionalism and integrity with the boards I serve, condominium owners and my peers within the industry.

Where do you see yourself in five years? I’d like to be a regional manager and earn the respect of a team the same way I gained appreciation for the regional managers I had the opportunity to work with.
The President’s Award is determined at the discretion of the ACMO President. It was last awarded in 2014. This year ACMO President Audrey McGuire, RCM along with ACMO’s board of directors felt that outgoing Executive Director Amanda Curtis, CAE was an overwhelmingly deserving recipient.

Amanda has been ACMO’s Executive Director since 2004 having taken over the reins from BBandC business partner Don Braden. Since that time, Amanda helped to guide ACMO’s board through numerous significant changes within the industry including updates to the Condominium Act, 1998 and especially licensing of managers and management companies.

“Amanda has worked with us to help shape the Association no matter the obstacle faced,” said Audrey McGuire. Other members – Harold Cipin, RCM, Allan Rosenberg, RCM, Robert Weinberg, RCM and Richard Pearlstein, RCM – were also eager to share their experiences in working with her over the years calling her “dedicated and efficient”, “the driving force”, “the consummate professional”, and praising her “insight, tenacity and understanding.” These comments were read out by Audrey.

In closing, Audrey praised “the transformational impact Amanda has had on ACMO.” Congratulations, thank you and happy retirement!
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