



## Message from the President

BY BILL THOMPSON, BA, RCM, ACCI, FCCI  
CCI NATIONAL PRESIDENT

As I listen to the latest news about all of the hungry people in the world, I am reminded of a childhood memory that I have never been able to shake.

When I was in grade three, a new boy came into our class, and I almost immediately became friends with him. I will call him Jim. We were about the same height, both had four sisters, and we were the only boys in our households. We were brothers in no time. We played at recess together, and became unbeatable in team handball. We were inseparable!

Inevitably, there came a time when our friendship expanded beyond the school grounds. I asked my mom whether I could have Jim come over for lunch, since our condominium townhouse that we lived in was only a block from school. Our family was "tight" in those days with five children under 10 and only one income, so my Mom had to think about it a while, and I offered to only eat half of my lunch that day, and share the other half with Jim. I remember my Mom's face, which was weird, and her eyes filled up with water. She made up her mind and said that Jim was welcome at our house any time.

Jim came home for lunch with me the very next day. Could he ever eat! He ate like he hadn't ever tasted a peanut butter and jelly sandwich before. In those days, peanut butter was a staple of all families, and nobody would have even thought to ask

about allergies. How the world changes. But I digress. We went back to school with full bellies and a great smile.

The next day, Jim asked me if I would come over to his house for dinner. I ran home and asked my Mom, and she agreed, but I had to be home before the streetlights came on. Street lights were the very thing that every child was measured by back then. So that day after school I went to Jim's house. When we went in, there was nobody home yet. He was the youngest in his family as all his sisters were older, and his Mom was at work. We went into the living room, and it was really cool. There were wide open spaces to play, and just a simple mattress to jump on and wrestle on! This place was designed for 8 year old boys. When his sisters got home, I

got some strange looks and they took Jim aside and whispered to him. When his mom got home, she did the same. After she whispered with Jim, she came over to me, and her eyes were wet just like my Mom's were. She shook my hand and welcomed me to their home. Then she told Jim and I to go play until dinner was ready.

Soon after Jim and I were called for dinner. The whole family sat on the stairs, because they didn't have a kitchen table or chairs. They passed a pot of kraft dinner from the bottom of the stairs to the top, and each person took a small scoop out and put it into their bowl. By the time the pot got to the sister on the top stair, it was virtually empty. Jim's mom handed her bowl to Jim's sister and said

*continued...*



### *Season's Greetings*

The CCI Executive Board, National Council, and staff wish to extend warm  
Holiday Wishes to all CCI members, Associates and Friends.

Kindly note that the CCI National Office will be closed for the Holidays,  
from 5:00 pm on December 23rd and will re-open on January 4th at 9:00 am.

## Message from the President Cont'd.

that she wasn't hungry right now anyway. I sat there not knowing how to react. I was eight, and I was devastated. I didn't eat my dinner. I asked to be excused, and I ran home crying. It was impossible for my young mind to fathom that reality.

When I got home, my face was a mess and my mom asked what happened. I couldn't tell her. I didn't know how to express the feelings that were overwhelming me. I went straight to bed, and did not eat dinner at all.

I decided to do what I could, within my limited sphere of influence, and I brought lunch to school every day after that, and shared it with my friend Jim. I noticed his winter coat was torn and tattered, and I brought him my "old" coat so he could keep warm during recess. A short time after that Jim just stopped coming to school, and the teacher said that his family had moved. I now understand that they had been evicted for rent arrears. I never saw Jim again. I could have done more.

This memory reminds me, many, many times throughout my life, that there is no chance to do things over. Humanity needs people who act when the opportunity shows itself. Nobody is going to ask you to do it, because the opportunity is yours, and yours alone. Every small act of kindness changes the world. This year, my family bought gifts for a financially challenged family to give to their young children, instead of my family buying for each other. There will be more joy in that family, and mine, for the simple act, and my family will learn the gift of caring and charity.

As volunteers in the CCI world, I know that you understand this basic principal of action, because you give freely of yourself all year long. At this time of year, especially, let's give thanks for the people in our lives who care enough to make a difference.

Thank you for everything that you do.



## EXECUTIVE PROFILE



### Sonja Hodis, B.A. (Hons.), LLB

Hodis Law

National Executive Member-at-Large

Sonja has been involved with condominiums for over 10 years as a condominium lawyer and has been a member of CCI for just as long. Although for most of those years Sonja has focused her involvement in CCI at the chapter level as a board member and more recently as President of CCI Huronia she has also been involved in the education, communication and special events committees. Sonja expanded her involvement with CCI to the National level in the last 4 years. Prior to being elected to the Executive, she held the position of National Membership Chair and Council representative for CCI Huronia.

As one of CCI's mandates is education, CCI was a great match for Sonja. Coming from an educational background, Sonja has always been passionate about educating directors and owners about condominiums and has been a frequent speaker and writer on condominium issues for CCI and other organizations. Sonja also enjoys organizing seminar events and conferences for CCI Huronia. This year, Sonja is excited about helping organize the Fall 2016 Leader's Forum which will be hosted by CCI Huronia and promises to be an entertaining and educational event.

Professionally, Sonja advises boards and owners of condominiums on their rights and responsibilities as well as assists boards in enforcing their governing documents. Sonja has developed a specialty in dealing with human rights issues in the condominium context and as represented condominiums in leading human rights cases.

For fun, Sonja loves to cook, entertain and play with her one year old son Sebastian. 🍁

## Congratulations to the following 2015 CCI National Award Recipients



*Ron Danks National Volunteer Leadership Award*

**Patrick Cassidy, Q.C., B.COMM, LLB, M.T.S., ACCI, FCCI**



*Hall of Fame*

**John D. Peart, LL.B, ACCI, FCCI**



*Distinguished Service Award*  
**Doreen Kerr, Manitoba Chapter**



*Distinguished Service Award*  
**Carol Conrad, Nova Scotia Chapter**

# Condo Cases Across Canada

BY JAMES DAVIDSON, LL.B., ACCI, FCCI  
NELLIGAN O'BRIEN PAYNE, OTTAWA



*It is my pleasure to provide these brief summaries of recent condominium Court decisions across Canada. I don't provide summaries of every decision rendered. I select a handful of decisions that I hope readers will find interesting. I hope readers enjoy this regular column of the CCI Review.*

*Note to readers: In B.C., condominium corporations are "strata corporations" and in Quebec, condominium corporations are "syndicates".*

*Note: This publication contains only a handful of this quarter's summaries. CCI members who would like to see the rest of this quarter's summaries can find them at the Condo Cases Across Canada website: [www.condocases.ca](http://www.condocases.ca) The current password is "condocases".*

*James Davidson LLB, ACCI, FCCI, Nelligan O'Brien Payne, Ottawa*

## THE HOT TOPIC – Procedures When Owner Responsible for Deductible

**A recent B.C. decision provides a nice description of the procedures that may apply in a case where an owner is responsible for loss falling within the deductible on the corporation's insurance policy. Here's my summary of the case:**

[Louie v. The Owners of Strata Plan VR-1323 \(B.C. Supreme Court\) October 8, 2015](#)

### **Owner responsible for damage due to fire caused by owner's tenant**

The plaintiff owned a unit in the strata corporation. Damage was caused from a fire in the unit. The fire resulted from an illegal drug laboratory, operated by the owner's tenant.

The strata corporation's insurance covered damage to the unit and common property, but subject to a \$50,000 deductible. The Court held that the damage fell within the deductible, and that the owner was responsible for the deductible loss under the corporation's by-laws. The Court also said that the corporation was not obligated to carry out the necessary repairs and to then seek recovery of the deductible portion of the loss from the owner. The Court said that it was reasonable for the corporation to insist that the owner pay the \$50,000 deductible in advance, before

undertaking any repairs, or otherwise to leave the repairs up to the owner. The Court said:

*In my view, s. 158 does not require the Strata to pay the amount of the deductible.*

...

*In this case the damage clearly was caused by Ms. Louie's tenant and occurred to her Unit. I find that the Strata did not breach the SPA (Strata Property Act) by not paying the deductible and by not commencing work on the unit in this case.*

*I conclude the Strata had the right to insist Ms. Louie pay for remediation up to the amount of the deductible and that given what was known at the time about the cost of remediation the demand for payment of the full \$50,000 was a reasonable one.*

The Court also held that the owner had no claim for lost rent, because the failure to reinstate the unit was the owner's fault. The Court said: "The plaintiff has had years to mitigate her loss but has chosen to leave the Unit in a damaged condition. In my view this conduct falls well short of her legal obligation to take reasonable steps to avoid her losses."

Finally, the Court granted the strata corporation's claim for \$4,292.79 (claimed against the owner) for costs incurred by the corporation for investigation of the fire and for remediation of some of the damage.

## BC Case – Mathews v. The Owners, Strata Plan VR 90 (B.C. Supreme Court) October 5, 2015

### **Strata corporation entitled to refuse rental request**

The petitioners had made a request to the strata corporation to rent their unit, on the basis of hardship. Pursuant to the corporation's by-laws, the strata counsel refused the request on the basis that there was no disclosed hardship. The petitioners then challenged the by-laws, arguing that the by-laws improperly restricted owners' rental rights.

The petition was dismissed. The Court said:

*In all the circumstances, I find that the Bylaws of the Strata Corporation in the present case comply with the requirements of s. 141 of the (Strata Property Act), in that they contain a sufficiently clear and detailed procedure for administering the rental limit.*

*continued...*

## Condo Cases Across Canada Cont'd.

### Alberta Case – *Ho v. Security National Insurance Company* (Alberta Small Claims Court) September 23, 2015

#### Owner not responsible for deductible portion of loss under corporation's insurance

Water leaked from the owner's refrigerator, causing damage to the owner's unit and to an adjacent unit. There was no evidence of negligence. The damage to the owner's unit was estimated at \$5,846.62, but had not been carried out. The condominium corporation repaired the adjacent unit, at a cost of \$19,642.62, and demanded that the owner reimburse the corporation in that amount. The owner paid, but then sued the condominium corporation.

The damage in question was insured damage under the corporation's insurance policy, but fell within the \$35,000 deductible on the policy. The condominium corporation claimed that the owner was responsible for that deductible loss.

The Court held that the owner had no duty to indemnify the corporation or to pay the deductible under the corporation's by-laws. The Court said:

*As stated, (the condominium corporation's) by-laws are silent relating to insurance deductibles. As (the condominium corporation) had a contractual and legislative obligation to insure, the owners have impliedly accepted a mode of "self-insurance" for expenses incurred to the deductible level to be shared by all owners and not the sole responsibility of a unit owner.*

The Court also held that the deductible was unreasonably high, in the particular circumstances.

The Court accordingly held that the condominium corporation was obligated to pay the amounts of \$19,642.62 (which had been paid by the owner) and \$5,846.62 (estimated for repairs to the owner's unit); and granted judgment in favour of the owner in the amount of \$25,000, being the monetary limit of the Small Claims Court.

### Saskatchewan Case – *Hallmark Place Condominium Corporation v. McKenzie* (Saskatchewan Court of Queen's Bench) August 31, 2015

#### Court determines cost award in relation to condominium arrears

The condominium corporation was granted judgment for arrears of common expenses. The dispute was protracted because the owner had claimed set-off for alleged damages due to a water seepage issue.

The Court said:

*The CPA (Condominium Property Act) is clear that owners may not withhold condominium fees even if they are engaged in litigation with the condominium corporation.*

...

*In my view, in the face of an owner defaulting on a CPA statutory duty or a bylaw obligation in a condominium corporation context, the condominium corporation should, prima facie, be entitled to a complete indemnity. Of course, that is a rebuttable presumption which will turn on the facts in each case.*

Given the particular facts of this case, the Court reduced the cost award (in favour of the condominium corporation) to 80% of the corporation's actual costs. In doing so, the Court made reference to the principle of "proportionality" (ie. the idea that the costs should be reasonable in light of the amount of the arrears).

### Ontario Case – *Metropolitan Toronto Condominium Corp. No. 659 v. Truman* (Ontario Small Claims Court) August 28, 2015

#### Owner responsible for excessive water consumption

The owner used his unit for a legal marijuana grow operation (for medical purposes). This use resulted in an excessive consumption of water. The condominium corporation billed the owner for this excessive water consumption, calculated with the assistance of a meter installed to help determine the extra water consumed in the unit. The Court said:

*I accept, without hesitation, that Mr. Truman's use of water was disproportionate to the allotted 5.13% share of common expenses and in the result, inequitable and unfair, not only to the plaintiff, but to the other nineteen unit owners. In effect his cultivation of medical marijuana was being subsidized.*

Therefore, the Court granted judgement in favour of the condominium corporation for the cost of the excessive water consumed by the owner. ❁





**October 22-23, 2015**  
**TORONTO, ONTARIO**  
**Chelsea Hotel, Toronto**  
 33 Gerrard St. W., Toronto

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**BY CHAPTERS FOR CHAPTERS**

## CCI Fall Leaders' Forum, Annual General Meeting and Awards

Over 75 CCI Chapter leaders joined us in Toronto from October 22-23, 2015 to learn, share and have fun, celebrating CCI. Topics included marketing, media, and webinars. The Round Tables and Solutions Session returned and as always, the ideas generated was inspiring. All in all, chapter leaders left refreshed and recharged with new ideas to kick start the New Year in your chapter!

We also celebrated CCI at our annual Awards Dinner. Chapter of the Year and Newsletter of the Year awards were given out, as were Distinguished Service Awards. Lastly, we honoured two long-time contributors to CCI: Pat Cassidy (Nova Scotia) was honoured with the Ron Danks Volunteer Leadership Award, and John Peart (Eastern Ontario) was inducted into the CCI Hall of Fame. Congratulations to All!



A full Session Room



Ideas flowing at the tables!



Enjoying the Banquet

Peter Harris receiving his Service Award for 15 years tenure on the CCI National Council.

## CCI Fall 2015 Leaders' Forum, AGM and Awards Banquet Cont'd.



Guest speaker Terry Scott and Sonja Harris



Jazz trio at the Banquet



Ideas Board

### Congratulations to H. Penman Smith Chapter Newsletter of the Year Winners



Tier 1 – CCI Nova Scotia Chapter



Tier 2 – CCI Toronto & Area Chapter

### Congratulations to This Year's Lorne Young Chapter of the Year Winners



Tier 1 – CCI South Saskatchewan Chapter



Tier 2 – CCI Eastern Ontario Chapter

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# CHAPTER CHATTER



**London & Area Chapter** – Every day is one of learning in the condominium community. The London & Area Chapter and its members have been in learning mode since we kick started in full gear in September with our AGM when our special presentation on London's "Growing Condo Market" by Anthony Passarelli, Senior Market Analyst at the Canada Mortgage and Housing Corporation (CMHC) was of great interest.

Immediately following the AGM, attention was put into the organization and commencement of our 2-day Condominium Course that took place on November 7th and 14th. The course was well attended by 58 registrants eager to learn and take back a wealth of information to share and to assist them in their respective condominium communities.

We thank each of our speakers for their expertise and support to the chapter and to education in condominiums. Donations to charities of their choice were made in their honour for their generosity and commitment.

We thank all who have provided suggestions toward that end. Learning never stops! Our next seminar is scheduled for January 19th, 2016 and will address an increasing cause for concern in condominiums, both of the high rise and townhouse variety of condominiums which encouraged us to present a seminar on "The burning issue: smoking in Condominiums – What should boards do? What can they do?" And even though we are still some months away from spring – the seminar on maintenance will take place in the evening on March 22nd, 2016, the focus of it to be announced shortly.

The London & Area Chapter Board of Directors wish you, one and all, a very joyous season and only the very best of health and all things good in 2016. Be safe in your travels!

*Trish Kaplan, Administrative Coordinator  
CCI London and Area Chapter*



**Nova Scotia Chapter** – CCI Nova Scotia began Fall of 2015 by welcoming two new Directors to the Board and saying goodbye to two long-term members. Rod MacDougall and Stephen Beaufoy were elected as Directors at our AGM in September. Both are first time Directors and new to CCI as well. We look forward to the new ideas they will bring to the table. Carol Conrad and Jim Fletcher both stepped down from the Board this year. They are missed but as often happens in CCI Nova Scotia, only an email or phone call away when we require their help and knowledge.

In keeping with the mandate of CCI to provide education to our members, we began our 2015/2016 education programme by having a representative from Smoke Free Nova Scotia attending our AGM. Our members were presented about the risks associated with tobacco use in a residential condominium as well as the steps which a Board can take should there be an interest among owners to move towards a smoke free building.

In October we held the CM 200 session and were very pleased with the turn out as well as the level of engagement among our members with the Lecturers and each other.

As a Board of Directors we are extremely pleased and excited to have launched our new website this fall. The new website was the product of almost a year of work by our Communications Committee and Board. We hope the new look and functionality is of benefit to our members and serves to attract new members to CCI Nova Scotia.

At the CCI National Conference two of our CCI Nova Scotia past Presidents were honored. Carol Conrad was the recipient of the Distinguished Service Award in recognition of her many years of work with CCI Nova Scotia and CCI National. Patrick Cassidy, QC, our only life time member, received the Ron Danks National Volunteer Leadership Award in recognition of his excellence in volunteer leadership. Our Newsletter was also recognized and awarded the H. Penman Smith Award. We were very excited and proud to see CCI Nova Scotia and the work our Board, both past and present, do for the Condominium Industry in Nova Scotia, recognized at the National level.

As we look towards 2016 our chapter is looking towards continuing our work appealing to our Municipal Government to review the tax structure to reflect fairer taxation for Condominiums, looking towards the possibility of a new construction insurance product similar to Tarion and continuing to bring interesting, informative and topical education to our members.

As we wait for the snow to hit our Eastern coast, we want to wish everyone a very Happy Holiday and an exciting New Year

*Devon Cassidy, President  
CCI Nova Scotia Chapter*

*continued...*

## Chapter Chatter Cont'd.

**South Alberta Chapter** – It's beginning to look a lot like Christmas here in Calgary. As I type this, snow is falling in droves outside. It will hopefully be a white Christmas here!

At the South Alberta Chapter things have been quite busy! Our new President, Andrew Fulcher is keeping us all very motivated. We have some very exciting initiatives on the go including expanding our course offerings to more of South Alberta including Banff, Canmore, Lethbridge and Medicine Hat. Seeing as we are the South Alberta Chapter, we are more than just Calgary and expanding our geological offerings is necessary. We are hoping these initiatives will increase our membership and help to fulfil our mandate to educate more of our region.



*Andrew Fulcher and Cheryl Bernard*

Back in October we held our 3rd Annual Joint Conference with ACMA (Association of Condominium Managers of Alberta) and REIC (Real Estate Council of Canada – South Alberta Chapter).

We are very proud to report this was our best conference yet! Some absolutely fantastic presenters and breakout sessions filled the day and the attendees were very impressed. Cheryl Bernard was the Keynote Speaker and brought most of the room to tears with her emotional and motivating speech.

We continue to bring in engaging and energetic speakers for our monthly luncheons. In November, Murray Johnson made the trek to Calgary and delighted us with his fantastic presentation on Board Governance for our membership. We are very much looking forward to welcoming Paul Saum from the South Saskatchewan Chapter in January who will speak on Volunteerism in Condominiums.

From all of us at the South Alberta Chapter, we wish you a wonderful Holiday Season and the best of New Years.

*Melanie Bennet, Administrator  
CCI South Alberta Chapter*

## UPCOMING EVENTS

### Golden Horseshoe Chapter

January 16, 2016 – Level 300: Mediation and Dispute Resolution - Milton

February 26, 2016 – Lunch Seminar: From the Bedroom to the War Room – Stoney Creek

### Manitoba Chapter

January 21, 2016 – Seminar: Reserve Funds: Fail to Plan, Plan to Fail – Winnipeg

February 18, 2016 – Seminar: Bare Land Condos: What's the Difference? – Winnipeg

March 17 – Seminar: Self Managed Boards: The DIY Approach - Winnipeg

### North Alberta Chapter

January 16, 2016 – CM100 Course – Lloydminster

January 20, 2016 – Seminar: Improving Condominium Communication (Edmonton)

February 20/21, 2016 – CM100 Course – Edmonton

March 19/20, 2016 – CM200 Course - Edmonton

### North Saskatchewan Chapter

February 10, 2016 – President's Club – Saskatoon

### South Alberta Chapter

January 23, 2016 – CM100 Course - Calgary

February 6 & 22 – CM200 Course – Calgary

March 24 – Lunch N Learn - Calgary

### Toronto & Area Chapter

January 12 & 19, 2016 – Level 101 Course – Webinar

January 20, 2016 – CondoSTRENGTH Networking Event – Toronto

March 31, 2016 – Seminar: Smoking in Condos - Toronto

### Vancouver & Area Chapter

January 21, 2016 – Seminar: Who Does What? Responsibilities and the Strata Council's Role – Vancouver

February 20, 2016 – Seminar – Financial Management for Strata Councils – Vancouver

March 10, 2016 – Nomination and Elections in Strata Corporations - Vancouver

**Chapters are adding new events all the time, check back with your local chapter to get an updated list of events in your area!**

[www.cci.ca](http://www.cci.ca)

## MARK YOUR CALENDARS!

The Spring 2016 Leaders Forum will be held May 25-28, 2016 in Vancouver, BC. If you are a chapter Board member, you'll want to make sure you attend this conference. More information to follow in the new year, but rest assured...you'll want to be there!