



Brant Condominium Corporations' Association

www.mybcca.ca

info@mybcca.ca

To Educate and Advocate

Board of Directors Meeting

May 1, 2019

MINUTES

1. Meeting roll call and declaration that the meeting is in session: 1:01 p.m.

Present: Erle George, Anne Buchanan, Shirley Byron, Richard Carpenter, Chevy Cheveldayoff, Michelle Droogendyk, John Gilson

Guest Speakers:

Bell Canada representatives:

David Penney, Project Manager, FTTH Brownfield

Eric Paul, Network Specialist, FTTH Brownfield

Peter Ibrahim, Network Specialist, FTTH Brownfield

Guests: George Chami, BCC# 99

Don Crow, BSCC #71

Sandee Crow, BSCC #71

Gary Heath, BCC# 43

Allen Henry, BCC #54

Marv Larson, BCC# 78

Frances Richardson

Sam Sheardown, BCC #99

Ed Weeden, BCC #72

Steve Wegg, BCC #54

2. Minutes of the April 3, 2019 meeting approved: moved: Chevy, seconded: Anne, passed.
3. Bank information: \$1137.22 on hand, 41 condo corporations are members.
4. Guest presentation: Bell Canada representatives, HTTF Brownfield (presentation follows the minutes)

5. John Gilson reporting on Court Cases:

a) *MTCC 3723 v. Reino concerning Status Certificates*

Mr. Reino purchased his unit in 2013 from his mother who had owned the unit since 2004. Both purchasers received a “clean” Status Certificate from the corporation when they purchased the unit. When Mr. Reino decided to sell the unit in 2016 he asked for a Status Certificate. When it arrived it stated he was in breach for unauthorized alterations to the layout of the unit. Neither he nor his mother had made any changes so he commenced an Application seeking a clean Status Certificate.

The Application was successful and the Court found that section 76 of the Condominium Act bound the corporation to the previous clean Status Certificates.

The corporation appealed and the appeal was successful. The Court notes that if a corporation becomes aware, after issuing a clean Status Certificate, of a circumstance that has not been disclosed it must include this information when it next issues a Certificate.

The Court also noted that if the corporation has mistakenly issued a clean Status Certificate to Mr. Reino, he has a remedy of suing the corporation for any loss of value as a result of the improper disclosure in his 2013 Certificate. (Source: CM Spring 2019 magazine)

Lesson to be learned: A corporation must be aware of changes to a unit before it issues a Status Certificate. When owners make changes they must notify the corporation either through the Board or through the Property Manager. Several condo Boards now insist that one or two Board members must do a walk-through of a unit before a Status Certificate is issued.

b) *Privacy concerns*

The CAT (Condominium Authority Tribunal) released a decision confirming that owners are not entitled to be given the email addresses provided to the corporation by owners and mortgagees. Email addresses do not form part of the record or owners and mortgagees that must be maintained according to Section 46.1 of the Condo Act. (Source: Robson Carpenter LLB condo blog, Michelle Kelly)

Reasoning: Owners and mortgagees who communicate with the corporation by email might choose not to receive electronic communication from their corporation if they think that other owners could access their email addresses.

6. Correspondence:

a) none

7. Business arising:

- a) Chevy has arranged for guest speakers to discuss Reserve Funds at the September 4, 2019 meeting. Jason Truman of Edison Engineering and Robert Mullin of Smith Valeriotte will discuss Reserve Funds, the structure and uses plus legal implications.
- b) BCCA banner – 24”x60” vinyl banner with grommets for \$116.00.
Motion to purchase: John, seconded by Erle, passed.
- c) At this time we will not request that another fibre provider (e.g. Rogers) make a presentation. While there could be minor differences we feel that in general, the information would likely be redundant.
- d) Visitor question

Q: A corporation has a new Property Manager. This new Manager told Board they were not allowed to deal with contractors, service providers; that owners were not to contact Board members with concerns, etc. and the Board was warned not to try to look for another Property Manager because they are hard to find and that large American HOAs (Home Owners’ Associations) are buying up Canadian property management companies. At this owner’s complex these changes and the arrogant attitude resulted in the resignation of several Board members. Is it true that it is hard to find Property Managers and that it is appropriate for the Property Manager to be the sole decision maker?

A: The Board of Directors is legally responsible for conducting the business of the corporation. By leaving all decisions to the Property Manager they (individually and collectively) are abdicating their responsibility. In the event of any problems, they will be held legally responsible whether the poor decisions or inappropriate actions were made by the Board or the Property Manager. It is time to fire the Property Manager and hire one who understands that the Board of Directors *directs* the Property Manager.

- e) A new development has been proposed for the 2.5 hectare vacant property (6.2 acres) immediately north of the Madison Park condo complex at 655 Park Road. There is a concern that there will not be sufficient parking. Here are the details of the proposed development as provided by one of their Board members:
 - 98 back-to-back townhouses - each with 2 parking spaces (garage & driveway)
 - 56 stacked townhouses – each with one parking space
 - 9 mixed use units (= ground floor commercial units below second and third storey residential units) with 1 parking space for the residence and 1 parking space for the commercial unit
 - Total of 172 units with 20 visitor parking spaces for the entire complex
 - This proposal assumes that none of the 56 stacked and multi-use units would have more than 1 vehicle.

- The only access to the entire complex will be on Park Road with no access to Powerline Road (north border of complex)
- This is likely to end up with overflow cars parking on both sides of Park Road.

To accommodate this development *a complete rezoning of the existing By-law is required and has been prepared by the developer* for Council approval.

Madison Park has objected strenuously to the mixed use units, the potential traffic safety issues and other negative impacts on nearby communities.

They have met with Planning Department staff four times, three times with the developer and once with City Council. A petition to Council was signed by 78 neighbours who opposed the inclusion of mixed units and who have traffic safety concerns. They are not opposing the development itself, just the mixed use units.

Madison Park is asking for the support of BCCA to advocate for changes to the parking provisions of a proposed new By-law that will significantly impact condo corporations and the ability of a Board of Directors to control parking and related issues (snow removal, visitor parking, second vehicle ownership).

John Gilson put forth a motion that BCCA support Madison Park's efforts; attend an upcoming meeting with the Planning Department and be prepared to make a presentation. The motion was seconded by Chevy; passed.

8. 2019 Planning Follow-up

- a) Ongoing ...All condo corporations need to understand the importance of putting Section 98s in place to document all changes. This is linked with the importance of having a Standard Unit Bylaw and its impact on insurance, both as provided by the corporation and as needed by owners. Erle to arrange for a speaker to discuss Section 98s, Standard Unit Bylaws and impact on insurance.
- b) Ongoing ...Real estate agents need to understand the differences between purchasing a condo versus purchasing a traditional house. Incorrect and/or incomplete information is being relayed to purchasers. Try to set a meeting with BRREA (Brantford Regional Real Estate Association)
- c) Ongoing ... In view of the Human Rights Code redefining the term "family", what impact will this have on condos that have been presented as "single family units"? This topic will be pursued at a later date, possibly in the autumn.

9. The meeting was adjourned at 3:00 p.m.

BCCA is looking for condo owners or Board members in the St. George area to join our Board of Directors. There are significant development plans for this area and your input would be very valuable. Please contact Erle George (erle@karengorge.com) for more information.

2019 Meeting Dates:

June 5, July 3, August 7, September 4, October 2, November 6, December 4.

Please see our website (www.mybccca.ca) for information and guest speakers.

Guests are welcome to attend BCCA meetings. Our current meeting location is the Tim Horton/Community Room at the Visitor & Tourism building located in the southwest corner of the Lynden Park Mall property.

Those wishing to attend a meeting are asked to contact Erle George (226-387-3352 or erle@karengorge.com) prior to the meeting to ensure that adequate space is available and that Fire Code limits are not exceeded.

If you no longer wish to receive these emails, please notify us by email at info@mybccca.ca

GUEST PRESENTATION: Bell Canada, FTTH Brownfield Brantford Project

Frequently used terms and abbreviations:

- Brownfield (putting fibre cable into existing residential areas)
- Greenfield (putting fibre into a new development before or during the construction)
- FTTH = Fibre To The Home
- DSA = Distribution Service Area (manageable projects, like a neighbourhood or several neighbourhoods)
- MDU = Multiple Dwelling Unit (apartment, townhouse development)
- GLB = Ground Level Box (the box on the property where everything comes in and from which fibre distributes to units)
- Aerial = above ground in areas where there are above-ground hydro lines, etc.
- Underground = fibre installed by drilling down and then horizontally

Benefits of fibre (i.e.: glass, not copper wire):

- Significantly higher bandwidth to subscriber
- No sharing
- No drops in speed at high traffic times
- Includes Fibe TV, internet, voice over internet protocol (VOIP), in-home networking
- Fibre allows for technology to grow
- Attracts big business, influencer on home value

Bell has a four year vision in Brantford in terms of deployment. This is a 100% private investment by Bell Canada. Installation began in 2018 and service has now been provided to approximately 9,000 homes in Brantford.

- At this time there is no plan to end satellite TV. Providers cannot force a customer to transition to fibre at this time.
- Fibre installation in St George – no firm plan yet but definitely in future planning

There are multiple service providers installing cable. Find out which one is going to be installing in your area (Bell, Rogers, Silo, Solo etc.) and get them to meet with your Board regarding plans.

Due to competition there should be some good pricing, some new bundling options.

Design & Construction

1. The first step is to reach out to a condo corporation

- a. Propose the design for the fibre conduit installation
 - b. Outline construction and delivery timelines
 - c. Obtain a signed access agreement providing Bell the right to place and maintain facilities on private property
2. There are several vendors who do the actual work:
 - a. Inside wire work is done by Total Install who will meet, agree, obtain signature approval. This is generally done by a telephone call but a condo Board can ask for a face-to-face meeting with Bell.
 - b. Vendors who do outside work:
 - i. Cable placement:
 1. Valard Telecom
 2. Avertex Utility Solutions
 - c. For Aerial/Underground cable placement/splicing: Expertech Network Installation
3. In a multiple dwelling units application (MDU) there is generally one central location (e.g. utility room) for facility installation in apt type buildings. In a townhouse complex, there will be ground level boxes (GLB) throughout the complex.
4. The current project is bringing in fibre, not using existing copper wire, working in one or more DSAs (Distribution Service Areas).
 - a. Fibre comes in to the property from the easement by the road to various junction points (GLBs) which are buried underground with only the top visible.
 - b. Fibre is then run underground from a GLB to each block of units.
 - c. A box is put on one outside wall of a block of units (similar to where the electric meters are placed for each unit in the block).
 - d. Fibre is then run from the box to each unit (if the resident subscribes) via a clear curve (in the eaves, under the soffit, etc.). This is one step where Board input is recommended – ensure that the run to each unit is very unobtrusive.
5. Once the signed access agreement is complete, the contractor will
 - a. have the locates (underground hydro, water, gas, irrigation, etc.) done
 - b. advise residents (method of construction, duration, restoration)
 - c. deliver door hangers with telephone numbers to call with all questions and/or concerns.
6. During the construction process Bell inspectors are on site. They also do a post-construction inspection. Restoration (repairing grass, sidewalks) will be done within 2 weeks of construction and there will be a follow up inspection later to ensure topsoil and seed are ok. There is a one-year warranty on the work done during construction and restoration.
7. Fibre usually becomes available for subscribers within 60-90 days post construction.