

**OTTAWA-CARLETON STANDARD CONDOMINIUM CORPORATION NO. 709**  
**ANNUAL GENERAL MEETING**  
**Music Room, Shenkman Arts Centre**  
**245 Centrum Blvd., Orleans**  
**Wednesday, July 4, 2018**  
**7:00 p.m.**

<b>PRESENT:</b>	Nicole Gorham	President
	Christine Brazeau	
	Marcel Brazeau	
	Rob Gardiner	Director
	Darren Elder	
	Cheryll Wood	Legal Counsel, Davidson Houle Allen
	Maziar Babaei	Auditor, Ouseley Hanvey Clipsham Deep
	Barb Ravanelli	Property Manager,
		Capital Integral Property Management
	Carol Slack	Recording Secretary

**1. CALL TO ORDER AND OPENING REMARKS; INTRODUCTIONS**

Cheryll Wood (Legal Counsel) called the meeting to order at 7:01 p.m. She had been invited to Chair the meeting, and could only do so with owners' permission.

Deborah Parsons (223) moved, seconded by Denis Seguin (115) that Cheryll Wood (Legal Counsel) chair the meeting. Motion carried.

The Chair introduced the Head Table, as set out above.

**2. CERTIFICATION OF QUORUM AND PROXIES**

Quorum requirements (13) were met, as 19 units were represented; 17 in person and 2 by proxy.

**3. CONFIRMATION OF NOTICE OF MEETING**

The President confirmed that the Notice of Meeting was sent to owners on June 19, 2018, in accordance with the requirements of the *Condominium Act, 1998*.

**4. REVIEW OF AUDITED FINANCIALS FOR YEAR ENDING 2017 DECEMBER 31**

Maziar Babaei (Auditor) presented the Audited Financial Statements that were included in the owners' AGM package, noting a clean opinion. He reviewed and explained the Auditor's Report, the Statements of Financial Position, General Fund Operations, Reserve Fund Operations and Cash Flows. He noted that it was a clean opinion and that the financial statements present fairly the position of the corporation. There was \$88,587 owing from the operating fund to the reserve fund

as at December 31, 2017. He noted that the year-end operating fund balance was a deficit of \$64,522 and the year-end reserve fund balance was \$420,076.

Gaelle Nkuipou (216) asked what the difference was between the unaudited budget column and the “2017” column. The Auditor explained that they did not audit the budget, as it was a document generated by the Board.

Olusola Womiloju (116) referred to the \$88,587 that was owing to the reserve fund and asked if it related to the \$64,522 operating deficit. The Auditor confirmed that these were two different amounts; that is, at the end of the fiscal year, the operating fund owed the reserve fund \$88,587 and there was an operating deficit of \$64,522 (they were two unrelated figures).

Denis Seguin (115) moved, seconded by Francois Girard (117) to accept the financial statements, as presented. Motion carried.

## **5. APPOINTMENT OF AUDITOR**

Barbara Ravanalli (Property Manager) noted that the Board will have a Reserve Fund Study Update carried out in order to determine how much of the deficit and amount owing to the reserve fund, if any, had to be paid back. There had been significant work carried out recently and there was more major work planned. The Board wanted to be sure that the reserve fund was properly funded. She recommended that the corporation remain with the current auditor while this Update was carried out.

Denis Seguin (115) noted that they paid \$7,500 last year for the audit, which was significantly higher than the year before (\$2,500). He asked if this large increase would repeat this year. The Property Manager said that \$7,500 was the average rate for a similar sized condominium. She added that OHCD caught an expenditure that was previously expensed to the operating fund, which should have been a reserve fund expense.

Francois Girard (117) moved, seconded by Tom Crowley (109) that the Ouseley Hanvey Clipsham Deep be re-appointed for the current fiscal year, with remuneration of the Auditor to be determined by the Board. Motion carried.

## **6. APPROVAL OF PREVIOUS ANNUAL GENERAL MINUTES**

Claude Duguay (221) moved, seconded by Francois Girard (117) to accept the minutes as presented. Motion carried.

## **7. PRESIDENT’S REPORT**

Nicole Gorham (President) thanked owners for attending. The Board’s goal was to get the corporation back on track, but noted that it was a work in progress.

The President thanked Pierre Landriault (224) for stepping down from the Board in order to commit to the Courtyard landscaping. He was compensated for this work and for transparency, agreed to focus only on that.

The President set out the following work that was carried out during the past year:

- The garage was painted, as it was showing rust;
- An anti-slip material was applied to the steps (\$9,000), as there were a number of slip and falls during the past winter;
- The anti-slip material didn't seem to need salt, as it was effective even in freezing rain;
- Cleaning the parking garage was delayed, as the company that was hired had an axle snap in one of their new vehicles (and would be cleaned soon);
- Window cleaning was also delayed due to extreme heat, but would also be carried out soon (with proper notice);
- The parking control company was working well and owners were asked to remind their guests to register vehicles between 2:00 a.m. and 7:00 a.m. (owners should communicate with the Property Manager and assure that management had up-to-date contact information);
- The corporation did not recover any of the funds from the fines;
- The President clarified that the "Visitor cards" were no longer being used, as it had become very inconsistent (some owners had them, some did not); and
- The parking company attended the property 20 times per month.

A unit owner said that he was unaware of the change, as he had been using the Visitor Parking cards (and had for the past ten years). He received a ticket thinking that the card was still valid. It was noted that notices were provided to owners, along with new signage (including the phone number to call to leave information about visiting vehicles).

## **8. APPOINTMENT OF SCRUTINEERS**

Tom Crowley (109) and Denis Seguin (115) were appointed as scrutineers and there were no objections from the floor.

## **9. ELECTION OF BOARD OF DIRECTORS**

The Chair noted that there were new disclosure requirements with respect to candidates for the Board. In accordance with the amendments to the *Condominium Act, 1998* (in November 2017), candidates must disclose the following:

- Are they involved in any legal proceedings with the corporation?
- If they (or their family, unit occupier, etc.) are party to any legal proceedings against the corporation?
- Have they had any offences against them under the *Condominium Act, 1998* in the past ten years?
- Did they have interest in contracts or transactions with the corporation or declarant?
- Are there any condominium fee arrears later than 60 days?
- Are they an owner or an occupier of a unit?

There were three positions available on the Board and three candidates put their names forward (and included their disclosure forms in the meeting package). The Chair asked if there were any further nominations from the floor and there were none.

Denis Seguin (115) moved, seconded by Tom Crowley (109) that the floor be closed to nominations. Motion carried.

It was noted that Box #3 on Darren Elder's disclosure form had not been checked off and Mr. Elder confirmed that the answer should have been "No".

Gaelle Nkuipou (216) moved, seconded by Francois Girard (117) that Nicole Gorham (113) and Darren Elder (113) be acclaimed for the two, two-year positions and that Rob Gardiner (219) be elected to the two-year, owner-occupied position. Motion carried.

## **10. CORPORATION BUSINESS DISCUSSION**

Tom Crowley (109) thought that Pierre Landriault did a great job on the grounds, noting that it was a great improvement. He asked that the Board pass along his appreciation.

The President said that owners may have noticed shingles blown from the roof during high winds. A company would be attending the property to inspect the roof. This would be considered as part of the Reserve Fund Study Update. She added that they would be cleaning the parking lot and the lines would be repainted.

Denis Seguin (115) asked if the condominium fees would be increasing due to the \$16,000 deficit. It was confirmed that lighting on stairs and landings would be postponed to assure that condominium fees wouldn't increase. Rob Gardiner added that they were considering changing lighting in the garage to LED; however, this would be postponed.

Deborah Parsons (223) said that her outside light stayed on all of the time. It was confirmed that her outside light was next on the list to be replaced.

The President asked if anyone had issues with their mailbox lock and there were no indications from the floor.

Denis Seguin (115) asked if the water expense increase of \$3,000 was due to the car wash. It was confirmed that the car wash was not used very often. The City was going into unit 3265 to replace a meter, as they were currently receiving estimates.

Deborah Parsons (223) found the car wash hose running with leaks in the hose. Rob Gardiner said that he would purchase a new hose.

Gaelle Nkuipou (216) thought that the smoking rule was a bit confusing. The Chair said that she had recently prepared a number of rules. She explained that grandfathering provided owners (and their guests) an extension that would allow them to smoke in their unit until they moved

(smokers had to register with the Board to qualify for grandfathering). The draft rule set out that there was no smoking on exclusive-use common elements (balconies) but was aware that there had been discussion about permitting grandfathered smokers to smoke on the balconies. The rule was currently in force and the same process would be followed if an amendment was presented. It was also confirmed that owners who wished to dispute the amendment could provide a requisition with the support of 15% of owners to call a meeting to discuss the issue. The Chair said that the Board could also call a meeting of owners to discuss the amendment. If the Board received a complaint about smoking on the balconies, the complainant should be advised that there might be an amendment to allow smoking on the balconies.

A unit owner asked why this was being changed now. The Chair noted that it was likely because of cannabis legislation that would be passed in the coming months.

Tom Crowley (109) asked if guests could smoke in their units if the owners did not smoke. The Chair said that the current rule set out that smokers had to register, which would allow guests to smoke in the unit.

It was confirmed that the main complaint about smoking on the balconies was its impact on other unit owners. Cigarette butts had also been littered in front of several units.

The Chair clarified that grandfathered smokers were still bound to assure that smoke did not transfer from their unit.

In response to a question it was confirmed that owners who provided a medical certificate that they had to smoke marijuana, would be exempt from the smoking rule. The Chair clarified that this would be an accommodation issue; that is, when they receive the request for accommodation, the Board had the right to obtain confirmation that the owner needed to smoke marijuana as a medical need. The Board was obligated to keep information confidential. The Chair added that they did not grandfather marijuana, as it was currently illegal. Owners were asked to contact the Property Manager if they wished to discuss next steps for these situations.

Miguel Weber (208) asked why children could not play in the courtyard. It was confirmed that the rules set out that the courtyard was only to be used for ingress and egress. A unit owner said that dogs should not be able to be on it either. The Chair agreed and noted that the Board would make note of this.

In response to a question, notices to owners were distributed by a Board member and the Property Manager confirmed this would not happen again, as the Property Manager should be delivering notices. The Property Manager was aware of a unit specific situation and would address this outside of the meeting. There was further discussion with respect to newsletters and notices. The President asked owners to provide their current contact information to the Property Manager to assure that they receive all Board communications and added that there were owners who were not responding to very important communications. The Property Manager should also have contact information for tenants. The Chair said that an upcoming change to Section 83 of the *Condominium Act, 1998*, would mandate landlords to provide leasing information to the corporation within 10 days (from 30 days).

Gaelle Nkuipou (216) asked when the rule about children not playing in the courtyard was put into effect. There was extensive discussion with respect to rules and the following points were made:

- The courtyard use restriction was in the original rules;
- The Board was guilty of what commonly happens when they only focus on the corporation's financial information; that is, they don't review the rules in detail;
- A request was made as to whether the rule could be re-considered;
- The Property Manager cautioned that the wording might be in the Declaration, where changes would require a vote of owners;
- The rule protected the corporation against liability for injuries;
- Enforcement was complaint-driven;
- The Chair set out the enforcement process:
  - once the Board received a complaint, they had an obligation to review and address it;
  - the next step would be a warning from the Board;
  - if the violation was not addressed, a letter from Legal Counsel would be sent to the owner (at a cost of \$500);
  - if the legal fees were not paid, they would be added to the owner's common expenses;
- Rules could be amended by the Board passing a resolution and sending owners notice;
- If there was no dispute to the rule (by 15% requisitioners), the amendment would take effect;
- Section 46 of the *Condominium Act* permitted owners to initiate a meeting separate and apart from the Board (by gathering 15% support);
- The President empathized, noting that a park was being developed nearby, but it was not built yet;
- The Chair said that amending the Declaration could require 80-90% of owners' written consent; that is, a rule was much simpler to pass;
- Josee Guevremont (214) was frustrated that she wasn't aware of the requisition process;
- The Chair clarified that there wasn't a "form", but advised that owners simply make the request in writing setting out the subject of the meeting and provide 15% of owners' signatures listing the names, unit numbers, and signatures; and
- The Condominium Authority of Ontario was recently established to provide information to owners about various procedures.

Deborah Parsons (223) referred to a notice that was distributed for a BBQ that was only provided to owners; that is, should renters not be included? It was confirmed that the Board agreed that this was a mistake. Only owners could attend the AGM; however, a barbeque should include all members of the community.

Miguel Weber (208) said that the walkways were an issue during the winter. The Board had discussed this and part of the problem was the interlock. The President said that the Board was considering replacing all of the interlock with asphalt. The contractor was asked to scrape as much ice as possible to get close to the interlock. Mr. Weber (208) said that he slipped and broke his back. The Board has also been advised by paramedics that it was a hazard.

Christine Valois (209) said that there was sheer ice in front of her unit on the highway side (in the middle).

Francois Girard (117) said that a great deal of ice accumulated over the winter and fell onto his porch. He asked why there were no gutters. The President said that one icicle fell and went through a deck. An engineer assessed the roofs and clarified that gutters would not prevent the ice accumulation. The President confirmed that the problem will definitely be reviewed as part of the upcoming Reserve Fund Study Update. The Board considered heating coils but it was very expensive. The Property Manager confirmed that \$175,000 was set aside for roof replacement in 2020 (and would likely accommodate heat trays). It was noted that gutters would likely be blown off due to the wind gusts in the area.

## **11. ADJOURNMENT**

Denis Seguin (115) moved, seconded by Deborah Parsons (223) to adjourn the meeting. Motion carried.

The meeting ended at 8:17 p.m.