

Wilson, Blanchard Management Inc. – *Condominium Management with Experience and Integrity*

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The WB Condo Connection highlights Ontario condominium related articles and educational items that may be of interest to Boards of Directors and condo owners. It is published online and available on our website (www.wilsonblanchard.com) as well as in hard copy format to each of the members of our Boards of Directors.

We hope you enjoy this edition and we welcome your comments, suggestions, or article topic requests by email to newsletter.editor@wilsonblanchard.com or by mail to:

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Can You Reach It? A Guide to Electronic Quorum.

By Sarah Farr, Property Administrator, Hamilton

Imagine if you will, a room filled with empty chairs; a length of table lines one of the stark, bare walls. At the table sits a Property Manager, a volunteer team of Board of Directors, an Auditor and a Recording Secretary, ready to take notes. Collectively they shuffle papers and steal glances towards the open door, expecting the sound of footsteps.

The date for the Annual General Meeting was set over a month ago; a hall rented; a Directors' Call Notice and AGM package prepared and mailed, each taking time, consideration, and cost to put together. And yet, no one is here.

Attracting people to the annual condo meeting can be challenging for all involved, and also a costly expedition in relation to professional fees and mailing costs.

It's also the night when the owners are supposed to elect their Board of Directors - the people responsible for managing the affairs of the Corporation and upholding the Rules and Regulations.

One of the most frustrating things about not reaching quorum is that it tends to happen repeatedly, while the requirements to reach it require a relatively simple thing: adequate representation.

Wilson Blanchard Management Waterloo Regional Office Wins 2016 Consumer Choice Award

Congratulations to our Waterloo Regional Office who were recently presented with the 2016 Consumer Choice Award for Top Service Provider of Property Management Services, Waterloo. Wilson, Blanchard Management President, Ray Wilson, was on hand to accept the award along with property managers Melissa Kirkaldie, Courtney Cartmill, and Director of Property Management, Brad Wells.



Consumer Choice Award (CCA) was established in 1987 and is considered to be the most distinguished award for business excellence in Canada.

Typically, adequate representation surmounts to 25% of all units represented at the meeting by their owners, either in person or through the provision of a proxy. The proxy is simply a form which, when completed, counts as representation from the unit owner even when they are unable to be physically present at the meeting. Basically, it's a piece of paper - but both management and Board members still struggle convincing owners of the need to send these forms in, or for them to be provided to someone who is able to be at the meeting, such as a Board member.

This situation is further exacerbated in circumstances when the Board needs the unit owners to vote in favour of a bylaw for the Corporation; an action that requires a majority vote of unit owners (50% + 1) to approve.

“When I get home from work, I prefer to spend my spare time in sweatpants binge watching Netflix.” - JJ Hiew, Co-Founder, GetQuorum

Two Directors of a Toronto condominium, Ben Zelikovitz and JJ Hiew, decided enough is enough. Both were already established in the software industry when the idea of electronic voting and proxy struck them; Ben had worked for over 10 years in software sales and service, and JJ had over 10 years' experience in the software engineering field. As directors on the same Toronto condominium Board, they shared their frustrations regarding their upcoming AGM and the potential of having to reschedule the meeting if it failed to reach quorum. Equally as unappealing was the prospect of going door-to-door to try and collect proxies.

With the idea sparked, the pair teamed up with Trevor Zeyl, a Corporate M & A lawyer specializing in Proxy Law. After the development of a user-friendly platform for both Property Managers and unit owners, GetQuorum was formed.

Are Electronic Proxies Valid?

The Condominium Act, 1998, requires that: To count towards the quorum, an owner must have been entitled to receive notice of the meeting, must be entitled to vote at a meeting and shall be present at the meeting **or represented by proxy.** (s. 50(2)); and that an 'instrument appointing a proxy **shall be in writing under the hand** of the appointer or the appointer's attorney and shall be for a particular meeting of owners' (s. 52(4)).

The Electronic Commerce Act, 2000 provides the following in relation to meeting the legal requirement to provide information or document in writing: A legal requirement that a person provide information or a document in writing to another person is satisfied by the provision of the information or document in an electronic form that is, (a) accessible by the other person so as to be usable for subsequent reference; and (b) capable of being retained by the other person (s. 6 (1)).



“With an electronic proxy, as long as both the owner and corporation have the signed copies, then the requirement of ‘in writing’ is satisfied.”

- Patrick Greco, Partner at Miller Thomson LLP

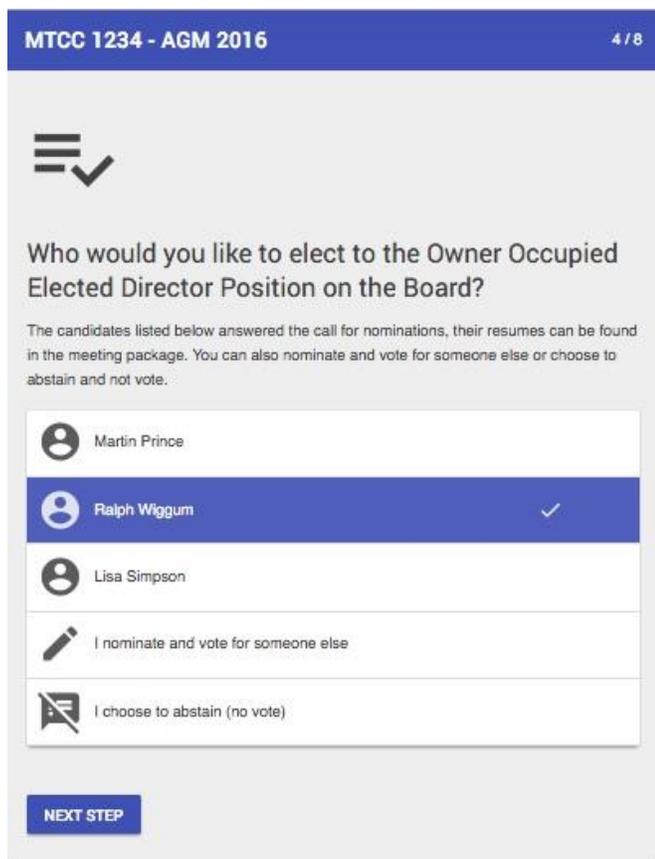
Don't We Need a Signature?

The Electronic Commerce Act also provides the following in regards to the need for a signature: Subject to subsections (3) and (4), a legal requirement that a document be signed is satisfied by an electronic signature (s. 11(1)). “An electronic signature doesn't have to be an actual signature. It could be tracing your signature on an electronic device using a mouse or finger, or clicking a button saying, ‘I, the above named signed this document electronically,’” explained Patrick

Greco, Partner at Miller Thomson LLP, in the summer 2016 edition of CCI's CondoVoice.

Ease of Use and Privacy

This seals the deal on two things; firstly, it allows the user to electronically submit a response at their leisure and removes the need for someone to be physically present at the meeting itself; secondly, it allows people to vote without the added pressure of aggressive canvassers, which many owners may find significantly more appealing.



GetQuorum's technology-focus also extends to electronic distribution of the AGM packages themselves along with real-time tracking of proxy provision, and email reminders to owners who are tardy on returning their proxy forms.

Security

The GetQuorum platform incorporates IP address tracking and the provision of unique access codes, along with other security measures.

Bill 106

The proposed amendments to the Condominium Act, 1998, under Bill 106 focus on increased accessibility and communication between all parties within a condominium corporation. Included in this is recognition of 'telephonic or electronic' means for transmitting information or data, and

electronic voting options for owners. It is likely that proposed revisions to the condo act as a result of Bill 106 - the substitution of the verb 'may' to the more persuasive 'shall', for instance - will require proxy forms to be in a prescribed form, but it is expected that e-proxy software will be able to fully adapt to changing needs.

Cost Savings

When you add up the costs of mailing of the Directors' Call and AGM Notice, the rental of a room to hold the meeting, the auditor and recording secretary fee, and the time involved for all parties, the savings could be significant.

Citing the passing of Standard Unit Bylaws as the most common use of the GetQuorum platform to date, JJ encourages Boards of Directors to educate and engage with the condominium owners before asking them to place their votes. "We've done enough of them now to know that attempting to enact a Standard Unit Bylaw doesn't need to be a daunting task. Condo corporations need to take the time to educate owners on the benefits of the new bylaw, and provide enough time leading up to the vote so that their community has a chance to engage in a discussion about the proposed bylaw."

To see what all the fuss is about, visit www.GetQuorum.ca and try the demo.

Are you looking for an easy way to stay up-to-date on news from Wilson, Blanchard Management and information related to Condominiums in Ontario? It's simple – follow us on social media! There are lots of options to fit your social media preferences.

Welcome to our latest managed properties:

- | | | |
|---------------------|-----------------------|----------|
| BSCC92 | HCC179 | MTCC1355 |
| TSCC1518 | WSCC311 | WSCC335 |
| Ivy 1 Towns | Sage II | Sage V |
| WSCC530 | YRSCC1130 | DCC2 |
| Fairwood Place East | HCC61 | HCC242 |
| HSCC660 | The Claridge Building | |

Safety Reminder – The Dangers of Careless Smoking on Balconies

By: Debbie Anderson, Property Manager, Toronto

All residents who choose to smoke need to make safe choices when extinguishing smoking materials. In multi-residential buildings, many people are at risk when a smoker fails to properly extinguish something that so obviously can start a fire. In condominiums where one unit is above another, it is unacceptable and dangerous to allow hot embers and cigarette butts to land on balconies below and be a potential fire hazard.

Residents need to be reminded if smoking on their balcony, it is their responsibility to make sure their cigarette butts are put out properly and not to leave ashtrays with ashes and cigarette ends on the balcony. Many residents may not know that potted plants are not a suitable ashtray as they can catch fire.

Balcony fires in highrises can be damaging, dangerous and deadly. A study of multi-residential buildings in British Columbia found that fires on exterior balconies are significantly more dangerous than those that occur inside the building:

- these types of fires are 5.5 times less likely to activate a smoke alarm
- due to delays in detection, damages are 2.4 times greater.

The Wellesley Street fire in Toronto in 2010 affected more than 600 residents and caused in excess of \$1 million in damages. The fire started after a discarded cigarette landed on a balcony.

How can a Board and Management deal with careless smoking on balconies? In the interests of building safety, residents should be encouraged to immediately report any incidents of careless smoking they witness. Offenders can be held responsible for the replacement cost of damaged items. The Fire Department can also be contacted to take appropriate action. Criminal charges can be laid under the “Fire Prevention and Protection Act” as well as the “Ontario Fire Code” for improper disposal of cigarettes. Boards and Management may consider having a “Fire Safety Information Night” for their residents and invite a member of the local Fire Prevention Department to speak.

Some Condominium Developers now include a “No Smoking” provision in the Declaration to ban smoking in the building in general. Some condominium Boards have chosen to deal with the issue of careless balcony smoking by implementing a Building Rule prohibiting smoking on all balconies. In British Columbia, numerous balcony fires have prompted them to review their Building Code to consider if balconies should be included in the sprinkler system.

What smokers do with their cigarettes is a choice; they need to be responsible when disposing of cigarettes – they are literally playing with fire.

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