



THE ALBERTA CONDO ACT TEAM (ACAT) CONDOMINIUM LEGISLATION IMPROVEMENT IDEAS

PLEASE NOTE: OUR “IMPROVEMENT IDEAS” CONTINUALLY EVOLVE AND EXPAND

AS WE RECEIVE INFORMATION FROM SERVICE ALBERTA AND IDEAS FROM ALBERTA CONDOMINIUM OWNERS.

THE FOLLOWING IS OUR LIST OF “IMPROVEMENT IDEAS” as of DECEMBER 1, 2017.

WE RESERVE THE RIGHT TO UPDATE AND EXPAND THESE IDEAS IN THE FUTURE.

PLEASE DELETE ALL PREVIOUS EDITIONS OF OUR ACAT IMPROVEMENT IDEAS.

THIS IS OUR MOST RECENT, UPDATED AND EXPANDED VERSION

NOW NUMBERING 26 “IMPROVEMENT IDEAS” AS WE HAVE NOW INCLUDED

BANNING THE “REDACTING” CONDO INFORMATION FROM OUR RECORDS.

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As you read this information, please consider that the Alberta Condominium Property Amendment Act, 2014, and any other forthcoming Alberta condominium legislation proclaimed, will be in place for years, if not decades.

The legislation will affect approximately one third (1/3) of all homeowners in Alberta: it will affect them, their families and their finances. Alberta condominium legislation must:

- reflect current condominium management practices, ownership realities, and related challenges.
- be proactive, progressive, and future focused.

The following Alberta Condo Act Team (ACAT) “Improvement Ideas” meet that criteria. *Statistic provided by Service Alberta.



Alberta Condo Act Team (ACAT) List of Alberta Condominium Property Amendment Act, 2014

Improvement Ideas as of September 2017

1. Condo board member training, Code of Ethics and Conduct
2. Condo board responses to Condo Owner GENERAL and SALE/LEASE/RENTAL Requests
3. Proxies
4. Bylaws
5. Board generated "Rules"
6. Condo owner voting
7. AGM notice and legal, condo manager/condo "consultant" involvement
8. Condo board meeting minutes
9. Pets
10. Condominium Dispute Tribunal
11. Electronic transfer of condo documents to condo owners
12. Document costs
13. Condo manager document screening of condo owner correspondence to condo board
14. Third party sale of condo corporation documents/copyright ownership
15. Condo manager "Preferred Supplier" fees/commissions/upcharges disclosure
16. Condo manager "Errors and Negligence" downloads to condo corporations
17. Inspection reports
18. Privacy Act clarification
19. Tenants on condo boards
20. Owner deposits for tenant behaviour
21. "Problem Owner" branding
22. Real Estate Council of Alberta (RECA) condominium manager licensing, regulation and education
23. English or French
24. Government imposed financial/legal penalty for condo boards/industry service providers breaking laws
25. Alberta Government notice to condominium owners of future condominium legislation changes/updates
26. Ban redaction of condo corporation events, issues, actions, and decisions from OUR condo documents

1. CONDO BOARD MEMBER TRAINING, CODE OF ETHICS AND CONDUCT:

At present, anyone who wants to, regardless of their background, skills, or training, and without a criminal record check, can be on an Alberta condominium board. They can collect, and spend, our condo owner fees while profoundly influencing the management of our multimillion dollar condominium complexes, known as “condominium corporations”.

These unlicensed, unregulated, untrained in condo board governance, sometimes ill-informed individuals have an excessive amount of power and control over our property values, quality of life and financial stability.

The imbalance of power between condo boards, and their managers, against condo owners is often disproportionate, financially devastating and emotionally punishing to those of us who:

- pay all the condominium complex bills.
- contribute to the salaries of condo managers, lawyers and other condo industry service providers.
- are the economic engine behind condo industry successes AND
- are the single largest stakeholder group of all condo related stakeholder groups in Alberta.

Mandate that all condo board members complete an on-line training program that includes their signature to agree to Government of Alberta established condo board governance standards, protocols, and expectations.

Mandate that all condo board members sign off, within 30 days, of being appointed to a condo board, that they agree to adhere to a Government of Alberta Province wide Code of Ethics and Conduct.

These ideas would reinforce the fact that being on a condominium board is a significant legal and moral responsibility and that certain ethical standards; condominium governance knowledge; demonstrations of accountable, fair and transparent performance; and respectful behaviour to each other, and to owners, is required in the position.

These expectations must be entrenched in Alberta’s forthcoming legislation to lessen the many instances of corporation mismanagement and various forms of abuse of power.

2. CONDO BOARD RESPONSES TO CONDO OWNER GENERAL and SALE/LEASE/RENTAL REQUESTS:

Currently there is no requirement for a condo board to respond to a **GENERAL** condo owner request. A “General Request” or a “Sale/Lease/Rental Request” are not specifically addressed in Section 16.1 in the forthcoming legislation.

At present, the condo board only has to respond if the owner requests specific documents such as the board meeting minutes, the AGM minutes, the financial documents, the insurance certificate, etc. Even at that, if the condo board ignores the owner request for these documents, there is no penalty for doing so.

GENERAL requests are (real life) questions such as:

“where’s the missing \$40,000 term deposit that was on last year’s financials but not on this years?”

OR “why was the condo board president hired to be our security, handyman and landscaper and how much are we paying them?”

OR “how much did we pay owner of unit 123 for their third flood damage claim?”

OR “who did we pay \$100,000.00 to for ‘paving and cement work’ as I haven’t seen any repair work being done and I’ve been here all year?”

OR “my basement has flooded X times in the past year, when will the condo board fix the downspouts and exterior of the building to prevent this from happening again?”

EQUALLY, IF NOT MORE, UNSETTLING IS ... there is no requirement for a condo board to respond to a **SALE, LEASE OR RENTAL** request: requests that are often time sensitive, and where the owner is heavily dependent on receiving rapid written condo board approval should a pet, parking, storage, etc., issue be foundational to the transaction being successful.

Mandate that a written condo owner **GENERAL** request is responded to within ten (10) days of the date of the request.

Mandate that a written condo owner **SALE, LEASE OR RENTAL** the condo board approval request is responded to within forty-eight (48) hours of the date of the request.

These ideas would increase openness, transparency and disclosure to owners on decisions that are made by an unlicensed; unregulated; unmonitored, untrained in condo board governance and often ill-informed group of VOLUNTEERS responsible for managing our multimillion dollar complexes.

These ideas would also lessen the potential of a condo board, as identified above, holding the success of a sale, lease or rental in the palm of their hand by being able to ignore and/or unmercifully question, defer to others on the condo board, second guess, and demonstrate an abuse of power time delay to where the pending transaction fails.

(If you would like three personal examples of such abusive and costly behaviour, please contact me).

3. **PROXIES:** Ban proxies.

Proxies feed owner apathy, entitlement, fear, manipulation and abuse. Proxies enable unscrupulous condo board members, or other self-serving individuals, to encourage and/or facilitate owners abdicating their democratic condo ownership rights. All levels of Government do not allow proxy voting. Condominium corporations must follow that lead.

Mandate the elimination of proxies meaning owners must vote or abdicate their democratic right and privilege.

This idea reinforces and encourages condo owners to claim and exercise their democratic rights and related condo owner responsibilities. It holds condo owners to account on issues that affect their property values, health and wellness, quality of life, and overall financial stability.

4. **BYLAWS: THREE issues: “One vote for all”; Bylaw Restrictions; Thirty-day (30) notice.**

A. Ban “one vote for all” vote processes applied to bylaw changes, additions or deletions.

Condo bylaws being grouped together in one large package and owners being given only ONE vote to either vote for ALL the bylaws or vote AGAINST ALL the bylaws is unacceptable.

Mandate all bylaw changes, additions, and deletions be individually described in point form, in all condo bylaw revision packages, with **75% ownership vote agreement in place.**

This idea lessens the potential of condo owners being overwhelmed by the complexity and length of legally written, large amounts of bylaw correspondence. Bylaws are intended to protect and maintain owner property values; quality of life; financial stability; and owner’s rights. They must be abundantly clear and can only be made that way by individual attention.

B. Address bylaw restrictions by providing clarity on conditions that could negatively affect the condo owner purchase, after they have made the purchase, and when they are vulnerable to arbitrary condo board decisions.

Potential purchasers should clearly know their exposures in any condo board approval provided to them regarding pets, parking, storage, etc. Owners should not be taken by surprise by the arbitrary application of bylaws that state, in the middle of the bylaw, “which approval the Board may arbitrarily withhold and may, if given, be withdrawn anytime on fifteen (15) day’s notice to that effect”

Mandate all restrictions, exceptions, limitations, be clearly stated at the END of the pertinent bylaw, not WITHIN the bylaw.

This idea ensures potential condo purchasers can easily see the unique conditions and realize how fragile their approval might be, and how vulnerable they are, when relying on the condo board approvals.

C. Currently, condo boards/managers are not required to give condo owners advance notice of bylaw changes where the 75% vote approval is required.

That means condo owners might have a very short period of time to review, clarify, questions and/or discuss proposed condo bylaw changes.

Mandate copies of proposed bylaw changes/amendments and advance notice of motions be distributed to all owners thirty (30) days before the vote deadline.

This idea gives condo owners time to read, reflect, initiate discussion, ask questions, clarify, confirm and receive answers on legislation that will affect their property values, quality of condominium ownership and life, and financial stability.

5. **BOARD GENERATED “Rules”.**

According to current Amendments (Section 32.1), unlicensed, unregulated, untrained in condo board governance, sometimes ill informed or self-serving condo board VOLUNTEERS

“may by resolution make, amend, or repeal Rules respecting procedures used in the administration of the corporation”.

This means volunteer board members, with no input, consultation, or approval from the condo ownership, can randomly, and arbitrarily, make, amend, or repeal Rules at their discretion.

This is excessive and potentially damaging power to bestow upon to a group of volunteers who are unmonitored, uncensored and seldom held to account for any of their behaviours, statements or action towards condominium owners.

Mandate that Service Alberta must define “Rules” in forthcoming legislation.

Mandate that Service Alberta must clearly state the purpose of the “Rules” in forthcoming legislation.

Mandate that Service Alberta must clearly state the difference between “Rules” and “Bylaws” in forthcoming legislation.

Mandate that condo boards must gain 75% approval of their “Rules” prior to the Rules being implemented.

Mandate that condo boards must gain 75% approval of their “Fines” prior to the Fines being implemented.

Mandate that condo boards publish “Rules” and related “Fines” and that information is kept current with changes published within fourteen (14) days of any updates.

Mandate that condo boards must obtain the same 75% approval on the “Fines” often associated with “Rules”.

These ideas eliminate condo boards, as described above, haphazardly and erratically creating Rules and Fines to fit personal or malicious agendas or the needs of “friends of the board”. It also ensures the condo community is involved, informed, involved and in agreement with the fairness and reasonableness of the Rules and Fines.

6. **CONDO OWNER VOTING: Ban “show of hands” voting.**

This process violates one’s privacy and subjects owners to potential gossip, bullying, intimidation, and fear of condo board/neighbour/manager/lawyer retaliation.

Mandate paper and/or electronic votes with copies retained for twelve (12) months from the date of vote.

Mandate written disclosure to Owners, within ten (10) days of the vote, of the YES, NO, and NO VOTE/ABSTAINED responses along with the final decision/outcome (a tellers’ report).

These ideas protect one's privacy and lessens the potential for condo owner abuses identified above. They also ensure vote outcomes and final decisions are disclosed to all owners, at the same time, in a timely manner.

7. AGM NOTICE AND LEGAL, CONDO MANAGER/CONDO "CONSULTANT" INVOLVEMENT:

Current, unpredictable, 14-day AGM notice is unacceptable. Equally unacceptable is receiving the DRAFT AGM minutes approximately one year AFTER the AGM AND the quiet hiring of external representatives (condo managers, lawyers, condo "consultants", etc.,) to conduct AGM's and other types of meetings.

Mandate sixty (60) days "Save the Date and Time" notice to Owners.

Mandate fourteen (14) days prior to the meeting the agenda, financials and other related documents are sent to Owners.

Mandate that fourteen (14) days after the AGM, or any other type of condo related meeting organized by the condo board, the DRAFT meeting minutes are released to the ownership for their review. This helps ensure topics are more easily remembered by attendees and therefore more easily corrected should there be an error in the minutes.

Mandate condo boards advise the ownership in the "Save the Date and Time" notice if they are hiring lawyers, condo managers, condo consultants, etc., to organize, attend, conduct, and record meeting minutes and what the associated cost will be.

These ideas ensure condo owners, who are busy people, have ample notice to schedule attendance at their AGM. Second, they will have ample time to register issues on the agenda that require ownership vote. Third, they will know, in advance, who is attending their meeting; why that is the case; and how much of their condo fee money is being paid to an outsider.

8. CONDO BOARD MEETING MINUTES:

Random, irregular, undocumented board meetings are unacceptable as are incomplete, inaccurate, difficult to understand condominium board meeting minutes created by some condo boards.

Service Alberta must set the standard on how meeting minutes are to be recorded to ensure accuracy, clarity and consistency of information recorded on our multimillion dollar condominium complexes.

Mandate a minimum of at least one (1) condo board meeting is held each quarter. If a meeting is not required, the condominium board president documents the reason the meeting is not required and the condo board members who supported the decision in the meeting minute book.

Mandate all condo related meetings are written according to Service Alberta meeting minute templates (For example: make Roberts Rules of Order the standard meeting minute protocol).

These ideas would record board meetings that are intended, and required, to document court admissible condo complex history. They would minimize condo decisions being privately, and randomly, made by condo board "insiders" and/or "friends of the board".

9. PETS:

Currently, a condo purchaser can purchase in a “pet friendly” building only to learn later in their ownership that the ownership decided to make the building “non-pet friendly”.

In some cases, existing pets are “grandfathered”. This means that when the pet dies, or moves from the building, the owner may NOT obtain another pet even if they have been a perfect pet owner. This happens because the “grandfathering” is applied to the pet, not to the owner. Grandfathering should be applied to the owner so the owner can obtain another pet.

The “grandfathering” should apply to both owners who currently live in the building AND those who might be renting their units anticipating that they will move into the building at a later date (i.e. when they retire, downsize, etc.).

Mandate that if a condo owner originally purchases in a pet friendly building, as long as they own the condo unit, they are entitled to have a pet in their unit according to the grandfathering bylaw described above.

This idea ensures that, should the pet bylaw change, condo owners who buy in a pet friendly building, and often pay a premium to do so, end up owning what they purchased ... which was the right to have a pet in the building.

10. CONDOMINIUM DISPUTE TRIBUNAL.

At present, when an Alberta condominium owner has a condo owner challenge, and they are in conflict with the condo board and/or condo manager, no one has their back. There is nowhere for condo owners to go to be heard and helped.

Service Alberta recommends obtaining legal advice which to the vast majority of condo owners is unaffordable on many fronts. Realistically, the only recourse a distressed and disgruntled condo owner has is to “shut up” or sell out and move.

British Columbia (BC) has created an internationally recognized condo dispute mechanism known as the “Civil Resolution Tribunal”. BC has been consulted by entities from England, Ireland, Australia, Singapore, Utah and Ontario as organizations have learned of their model and wish to know more.

BC’s Tribunal has a proven track record of being cost, time and remedy effective for disputants. Particularly significant is they provide early conflict resolution remedies which help disputants prevent situations from evolving into costly and broken relationships that will never be repaired.

Recently the Tribunal was expanded to address strata title and small claims disputes. It continues to grow in scope, depth, credibility, and “teeth” to where financial and legal penalties are applied.

There is no need to spend taxpayer money reinventing the wheel when the BC Tribunal is the first of its kind in Canada; receives international recognition; has successfully evolved since 2012.

Why wouldn’t the Government of Alberta take a fiscally responsible position and model the Alberta Conflict Resolution Tribunal after British Columbia’s proven and progressive conflict resolution approach?

Mandate Service Alberta model the Alberta Condominium Conflict Tribunal after the British Columbia Civil Resolution Tribunal (CRT).

11. ELECTRONIC TRANSFER OF CONDO DOCUMENTS TO CONDO OWNERS:

Condo owners, like billions of people around the world, rely on their electronic devices for their communications.

At present, even if a condo owner requests all condo documents be sent to them via electronic transmission, condo boards, managers and other service providers are not required to adhere or respond to that request.

They can, and often do, ignore the owner request and documents are sent by regular mail often resulting in dated information, missed deadlines, miscommunication, fines, etc.

Mandate that if a condo owner requests, in writing, all condo documents be delivered to them via electronic transfer (i.e. email or whatever method evolves in the future) their request is adhered to by the condo board and/or condo manager or anyone else involved in the condo owner request.

This idea ensures condo owners are provided with timely condo information despite what their volunteer, travel, health or work schedule might be.

12. DOCUMENT COSTS: Ban billing condo owners' fees for obtaining their condominium documents.

Currently condominium management companies or condominium document "sellers" charge a range of fees for condominium documents (i.e. a recent case: \$30.00 for a two page electronically transmitted document).

Mandate condominium documents are provided free of charge to registered on title condo owners. It is a cost of doing business that should not be absorbed by condo owners.

This idea increases the accessibility of condo owner documents AND reduces owner costs of obtaining documents that are their documents in the first place. Further, not having to pay for condo documents will encourage condo owners to obtain relevant documents and be consistently aware of condo board decisions affecting their investment.

13. CONDO MANAGER DOCUMENT SCREENING of CONDO OWNER CORRESPONDENCE TO CONDO BOARDS:

Presently some condo boards abdicate their responsibility to condo owners by having dictating that all condo owner requests intended for the condo board, are routed through the condo manager.

Condo owners have no guarantee their correspondence reaches the condo board and/or that ALL board members are made aware of the condo owner request or issue.

Mandate all condo owner correspondence sent by a condo owner to a condo board, that requires routing through a condo manager, is delivered to the condo board contact, by the manager, within forty-eight (48) hours after receipt.

Mandate that the condo manager confirm, to the condo owner sender, that their document has been forwarded to the condo board contact within forty-eight (48) hours after condo manager receipt.

Mandate that the condo board contact must deliver ALL correspondence to ALL other board members within forty-eight (48) hours after receipt.

These ideas minimize a condo manager restricting information that is intended for condo board knowledge. It also reduces the potential for collusion between the condo manager and a condo board president. It is against the law for a person to intercept mail directed to another person. Why is it permissible for a condo manager to intercept mail from an owner that is directed to their condominium board? The same legality should apply to condo mail as it does to regular mail.

It also ensures all condo owner generated correspondence is not blocked/screened by the condo manager thereby putting condo board members at a disadvantage by the entire board not knowing of owner or community issues. This process would ensure greater openness, transparency and disclosure to ALL condo board members, at the same time, so they are informed of ALL condo owner concerns.

14. **THIRD PARTY SALE OF CONDO CORPORATION DOCUMENTS/COPYRIGHT OWNERSHIP:**

Separate to some condominium management companies who sell condominium documents, there are other third party condo document sale companies that sell condo corporation documents for various fees; documents that are provided to them by condo management companies who represent condo corporations.

We believe there are condo corporations who don't realize that their condo documents are being sold by the third party condo document sale company,

AND that the third party might be involved in a financial arrangement with the condo management company representing the condo corporation,

AND where the condo corporation receives no financial benefit from the arrangement between the third-party document seller and the condo management company who provided them with the documents.

We also believe that many condo corporations affected by such activity are not aware that the condo document sale company often claims to "own" the copyright of the condo corporation's documents when in fact, they might not have originated the document(s) nor do they appear to have a license agreement with the document originator that enables them to claim copyright ownership.

Mandate that organizations who sell on line condo documents are required to disclose who provided them with the condo documents they are selling.

Mandate that, upon written request by a condo owner or condo board, the condo document seller must disclose, within 14 days, the financial and/or contractual arrangement they have with the condo management company or document provider who provided them with the condo corporation's documents.

These ideas disclose, upon written request from a condo owner or board, the financial and contractual arrangements between the condo document sale company and the condo management company who provided the documents.

They also increase openness and transparency from organizations who sell condo documents (and who do not own or license the document copyrights), from claiming they do own the copyrights and threatening legal action against condo owners who purchase the condo documents should they copy or distribute the purchased document(s).

15. CONDO MANAGER “Preferred Supplier” FEES/COMMISSIONS/UPCHARGE DISCLOSURE:

At present, condo management companies can ask suppliers to pay them a certain amount should the supplier wish to be on their “Preferred Supplier” list (or a similar name).

This means that if a condo owner needs a job done, if the condo management company refers a “Preferred Supplier” to do the job, the owner could, unknowingly, be billed for the job itself AND the “Preferred Supplier” fee the supplier is required pay the management company.

Mandate that all condo owner invoices be itemized in accordance with products, services, extra fees/commissions, etc., and taxes.

Mandate that upon a written request by a condo board and/or condo owner, any “preferred supplier” fees must be disclosed to those making a written request fourteen (14) days.

These ideas clearly identify to condo owners and condo boards what the actual product, service or repair cost is AND what additional fees, commissions or upcharges are added to the invoice.

16. CONDO MANAGER “Errors and Negligence” DOWNLOADS TO CONDO CORPORATIONS:

Condominium management companies can download their staff errors and negligence onto condo corporations. This means, if a condo manager makes an error, or causes damage to a condo corporation, they are not liable for the loss or damage. The condo corporation must accept responsibility for the situation.

Mandate that condominium management companies cannot download/offload their errors/negligence to condominium corporations.

This idea makes condo management companies responsible for their employee and/or contractor errors or negligence. Such situations are the condo management company cost of doing business.

17. INSPECTION REPORTS:

At present, if a qualified inspector provides an inspection report that identifies a property/maintenance issue that could result in a “cash call” – “special assessment” there is no requirement for the condo board to either act on the Inspection Report requirements OR advise the ownership that property/maintenance deficiencies have been identified.

Mandate that condominium boards advise the ownership, within fourteen (14) days of receiving an Inspection Report from a qualified, licensed Inspector, of Inspection Report deficiencies.

18. PRIVACY ACT CLARIFICATION:

Condo boards and condo managers often refuse to identify who is on the condo board and/or to provide board contact information to condo owners. We understand condo board members would not want condo owners contacting them directly, however, the refusal to disclose who is on the condo board results in owners not knowing who is making maintenance, financial, legal and administrative decisions on their behalf.

It also leads to an imbalance of power and lack of condo board accountability. As well, the condo manager could potentially manipulate and/or misconstrue owner information to and from the condominium board.

Condo board members have voluntarily committed to this public office. As such, they should be prepared to have basic contact information available to those who voted them to their positions.

While some basic information is available through Land Titles, there is no guarantee that all condo boards register the names of condo board members so it is possible Land Titles would not know condo board member contact information. Further, why should a condo owner be required to spend the time and money to deal with Land Titles, when this information is readily available in condo management company files?

Mandate disclosure, within fourteen (14) days, in accordance with the Privacy Act, condo board member identity and contact information that should be available to individuals making a written request for that information.

Mandate, in accordance with the Privacy Act, a clear line of communication between condo owners and their condo board.

These ideas increase condo board openness, transparency and accountability. They increase owner awareness of who is on their condo board and how to reach them.

These ideas lessen the possibility of unethical and/or illegal activities taking place by putting ill-informed and unsuspecting individuals at a disadvantage by not knowing who is legally responsible for representing their community.

19. TENANTS ON CONDO BOARDS:

Tenants can now, with no requirement to inform the unit owner, let their name stand, and be elected, to a condo board position.

Mandate banning tenants being on a condo board **OR** (worst case) mandate that the unit owner must give written permission to the condo board and/or condo manager 14 days prior to the AGM stating their tenant can represent the owner on the condo board.

These ideas lessen the potential of a tenant becoming a condo board member, without the owner's knowledge, or the knowledge of other owners, and then influencing financial, maintenance, property repairs, legal, reserve fund, administrative, owner treatment decisions ... only to move out in thirty (30) days leaving owners to deal with the fall out.

20. OWNER DEPOSITS FOR TENANT BEHAVIOUR:

Condo boards can dictate that a condo owner, who rents out their condo, must make a tenant deposit equal to a month's rent. When a tenant is alleged to have broken the bylaws the condo board, without any proof of the allegation, or any "warning" notice to the owner, can arbitrarily "fine" the condo owner for the behaviour of their condo tenant.

This results in condo boards removing money from the condo owner deposit and the condo owner having no voice or recourse.

Mandate that prior to a "fine" being levied against a condo owner, where money is arbitrarily taken from the condo owner tenant account, the condo board and/or manager must provide documented proof (witnesses, videos, audios, pictures, etc.) of the alleged bylaw violation.

Mandate that condo boards must pay interest to condo owners who pay a tenant deposit.

21. "PROBLEM OWNER" BRANDING:

Condo boards who do not like a condo owner, or who do not want to answer sensitive condo owner questions, can confer with the condo manager and/or condo lawyer and arbitrarily allege and label a condo owner as a "problem owner".

Condo boards can seek legal advice on how to deal with an alleged "problem owner" and by doing so they use the alleged "problem owner's" condo fee money to pay the legal bill to seek legal advice against the alleged "problem owner".

Mandate that prior to a condo board seeking legal advice, or paying condo manager consulting fees, about an alleged "problem owner", the condo board must advise, in writing, the owner of what the issues are ten (10) days before seeking such legal or consulting advice.

Mandate that any legal fees arising from the situation, for both the condo board and the alleged "problem owner" are paid by the condominium corporation.

This idea will lessen instances of condo boards unnecessarily branding, legally abusing, OR damaging the reputation of a condo owner.

22. REAL ESTATE COUNCIL OF ALBERTA (RECA) CONDOMINIUM MANAGER LICENSING, REGULATION AND EDUCATION.

We do not want RECA given this responsibility, however, it appears the Government of Alberta is non-negotiable on having RECA provide this product.

That being the case:

FIRST, we want Alberta condominium owners (who will be financing the RECA licensing project through increased condominium fees) permitted to launch a condominium manager complaint **DIRECTLY** to RECA where it will receive unbiased, professional, timely attention and resolution.

Currently, that is not the case. According to RECA's Condominium Manager Regulation Consultation paper, Page 3, Col. 1), RECA wants condo owners to route their complaint through their condo board: a condo board the condo owner might not like, trust or believe to be competent AND/OR a condo board who might be behaving badly with the condo manager who is the subject of the complaint.

Condo owners should not be required to have their privacy violated, or subject themselves to condo board and or condo neighbour gossip, harassment or bullying by having to present their case in this manner.

SECOND, we want self-managed condominium boards subject to licensing, regulation and education: not exempted as is currently proposed.

THIRD, we want, to varying degrees, ALL Alberta condominium managers licensed, regulated and educated. At present RECA exempts certain managers, however, they do not publish their exemption criteria. That lack of disclosure can lead to cronyism, favouritism, confidentiality and privacy breaches, unequal treatment of others, conflict of interest and abuse of power.

Mandate the three topics identified above be addressed as requested.

23. ENGLISH OR FRENCH:

Prevent language challenges (as happened in British Columbia) from taking place in Alberta where condo owners experienced conflict, broken relationships and huge legal costs when their condo board held meetings in Mandarin.

Mandate ALL condo meetings be held in either one of Canada's official languages – English or French – and the ownership votes on their language of choice.

This idea ensures all condo related meetings are held in one of Canada's official languages. It also doesn't put condo complexes in a position where they spend inordinate money on legal fees to fight for something that is a fundamental Canadian law.

24. GOVERNMENT IMPOSED FINANCIAL/LEGAL PENALTY FOR CONDO BOARDS AND ALL OTHER CONDO INDUSTRY SERVICE PROVIDERS FOR BREAKING CONDOMINIUM LAWS:

At present, a condo board, manager, lawyer, developer, builder or any other condominium service provider can contravene the Act; violate legislation; and break the rules with little to nothing being done by Service Alberta to address the individual and their alleged violation.

Mandate that condominium owners are made aware, through the Service Alberta website and traditional media, within thirty (30) days of a conviction, of condominium board members who engage in proven illegal conduct and who will not be permitted to serve on any Canadian condominium board for a period of five (5) years from the date and time they received the Court judgement; have resigned with paperwork finalized by the condominium board and/or condominium manager on their resignation; or who have been removed from the Board.

25. GOVERNMENT NOTICE TO CONDOMINIUM OWNERS OF FUTURE CONDOMINIUM LEGISLATION CHANGES/UPDATES:

Presently, the Government of Alberta can make updates, additions and/or deletions to any and all Alberta condominium legislation without having to:

- advise, in advance, condominium owners of their intentions to updates, additions and/or deletions.
- solicit condominium owner feedback on their proposed updates, additions and/or deletions.
- disclose their implementation plan, or workplan, to Alberta condominium owners.
- disclose external resources working with Service Alberta on the above activities.

This means the Government of Alberta could agree to all of our Improvement Ideas and implement every one of our ideas in the "Regulations" in order to have the legislation proclaimed into law and to "get it behind them".

**Shortly after proclamation, when the spotlight is off this issue,
this Government (or any future Government) could,
behind closed doors, quickly, quietly, confidentially, and covertly, in a Cabinet meeting,
approve different updates, additions and/or deletions that would
negate, erode and/or override everything we thought
we had accomplished via our Improvement Ideas.
We, as condo owners, would be right back where we are now:
ignored, trivialized, and vulnerable.**

We cannot let this exposure exist.

We request the Government of Alberta commit to:

- advising, one hundred and twenty days (120) in advance, on their website and in all major media, Government plans to make changes and or additions to the Alberta Condominium Property Amendment Act, 2014.
- soliciting condominium owner feedback on their proposed updates, additions and/or deletions.
- disclosing their implementation plan, or workplan, to Alberta condominium owners.
- disclosing external resources involved with the above activities.

These ideas would instill and/or restore faith in Government practices that in fact the Government of Alberta does want to be open, transparent, accountable and act in the best interests of Albertans.

26. (Added to the Improvement Ideas, December 1, 2017)

REDACTION OF CONDOMINIUM CORPORATION EVENTS, ISSUES, ACTIONS, AND DECISIONS IN OUR CONDOMINIUM DOCUMENTATION BY CONDO BOARDS, MANAGERS, LAWYERS AND OTHERS

At present, condo boards, managers, and lawyers arbitrarily, at will, with no permission from condo owners, or approval from anyone to do so, can selectively and subjectively “redact” (remove, eliminate, sanitize “doctor” not disclose) information related to condominium corporation events, issues, actions, and decisions.

They can redact, or remove, whatever information they wish in our corporation minutes and other condo related documents: documents meant to reflect a **TRUTHFUL** and **COMPLETE** history of our condominium corporations/homes.

This redaction ability is **COMPLETELY UNACCEPTABLE** to both new and existing condominium owners.

Mandate

1. Through clear legislation proclaimed by the NDP Government, as soon as possible, the BAN of any form of redaction and/or removal of condominium events, issues, actions, and decisions from ANY condominium corporation documentation

This decisive action would ensure full and complete disclosure, openness, and transparency on ALL condominium corporation events, issues, actions, and decisions to both NEW condominium purchasers, and EXISTING condominium owners, at any time that they request such condominium documentation.

(A detailed discussion of this unacceptable situation is presented in our Alberta Condo Act Team (ACAT) newsletter, number 31. If you wish a copy, please send an email to info@albertacondominiums.ca)

In closing, we know our Improvement Ideas are reasonable, workable, best practices that are easy to implement if the political will existed to act on them.

We also firmly believe that implementation of our Improvement Ideas will help not only Alberta condo owners, their families and their finances in a wide variety of ways but they will also help maintain condominium industry successes.

As well, we also believe that if improvements, as we propose in this document, are not responsibly acted on by this NDP Government condominium ownership and living in Alberta will evolve down a path of:

- condominium board abandonment by condominium owners
- condominium corporation bankruptcies, and
- many condominium corporation complexes becoming the new slums of Alberta.

If I have misunderstood anything related to condominium legislation or if you have questions on this, or any aspect of my condominium work, I welcome your thoughts. Please contact me at Info@albertacondominiums.ca, versus regular mail, and we can arrange a discussion time.

Thank you for your consideration, and action, to support condominium owners in your riding via our “Improvement Ideas”.

June Donaldson

June A. Donaldson (MBA, EdD, Mediator, Arbitrator)

Volunteer, Unpaid Condo Owner Advocate and Founder of the Alberta Condo Act Team (ACAT).