

Newsworthy



From Elevators to Deductibles

The condominium industry is moving at a fast pace. Here are some newsworthy items that ACO is watching and will report on from time to time to keep members and CM readers up to speed.

Reliable Elevators Act

Proposed legislation will seek to address what many see as reliability issues with elevator maintenance and repair in multi-residential buildings, including condominiums. The legislation would look into what causes the high rate of elevator outages, and improve servicing through workable solutions that include set time limits for carrying out repairs.

The legislation also calls for changes to the provincial building code that would make service levels part of the permit process.

To that end, the Ministry of Government and Consumer Services has ordered the Technical Standards and Safety Authority (TSSA) to commission the necessary research. The TSSA is now calling for bids to do the research and report on potential solutions by mid-October.

The private member's bill on unreliable elevators was introduced in March by Liberal MPP Han Dong.

Tarion to be Replaced by Impartial Regulator

Further to Justice Douglas Cunningham's comprehensive review and report of Tarion Warranty Corporation, the Ministry of Government and Consumer Services will establish a separate and standalone regulator to oversee the province's home builders.

The 40-year-old Tarion will effectively be divided into two components: a new impartial regulator whose chief responsibility will be regulating homebuilders; and an office to continue to administer the province's new home warranties.

Today's lesson: Saving Energy = Saving Money



Upgrading to more energy efficient equipment with Union Gas is easy – and cost effective. Here's one successful example of how we're already working with schools across Ontario to earn a return on investment and reduce their natural gas bill through our incentive programs.

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Accelerated Payback From

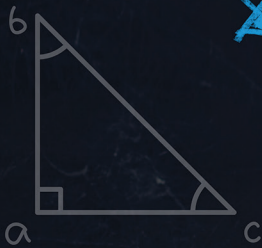
10 to 6
Years Years

$$\left(\frac{2}{3} \times 2x\right) a^2 = b^2$$

$$y = \sqrt[2]{3+1}$$

Union Gas Cash Incentives

\$8,000



$$= \sqrt[2]{3+1}$$

$$f(b) = 2^{-3} + 1 \cdot E = C00$$

$$(2 \times a^2 = b^2)$$



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*Union estimated savings based on a school in Southern Ontario; 58,000 sq ft, 2 stories and 24 classrooms. Savings may vary depending on location, model, time of use, operating conditions and other variables. Union Gas does not guarantee energy savings. Programs and incentives may be subject to change or cancellation without notice at any time.



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Insurance Deductible Bylaws – Clearing up some Misinformation

The *Protecting Condominium Owners Act*, 2015 (PCOA) introduces some important changes to condominium insurance coverage for owners.

Condominium corporations provide property insurance on common elements as required under the Act. They also provide coverage on the individual units up to the level of a standard unit bylaw.

The Act prior to the PCOA amendments provides that unit owners are responsible for the corporation's deductible if they have damaged their own unit. It also says that a condo may pass a bylaw, and many have, that owners will be responsible for the deductible if they damage the common elements or another owner's unit.

The revised *Condominium Act*, 1998, as amended by PCOA, fixes this gap and makes owners responsible for the deductible if they or residents of their unit cause damage to the common elements or to another unit – regardless of whether the condo has passed a bylaw or not. This is an important change and a positive one that puts responsibility for damage where it should rest, on owners to maintain their own units and appliances and be careful to prevent damage to other units.

The PCOA amendments shift the burden of proof so that the corporation must prove that the damage was caused by an act or omission of the unit owner or occupants of their unit in order to be responsible to pay the insurance deductible.

Although there are rumblings that bylaws passed before the revisions to the *Condominium Act* take effect will be “grandfathered”, the Government has not confirmed their intentions and we are still left wondering if condos should be scrambling to enshrine “strict liability” in their bylaws before the revision becomes law.

Here is what we do know – if you do not have a strict liability provision in your current bylaws your condominium corporation will definitely bear the burden of proof in any future claim that may have been caused by an act or omission of the unit owner or occupant. If you do have a strict liability clause in your current bylaws, or if you scramble like mad right now to draft one and get it passed in the coming 2–5 months then you may be grandfathered...we simply don't know. ■

Is your reserve fund low?
Are your common elements in disrepair?
Considering a green upgrade?
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