

Chat Discussion at the CondoVirus Webinar “Opening Toronto and Insurance in Condos” (June 24)

- E.L.: Rod has really matured over the 15 weeks!
- K. Gow: Welcome everyone!
- E.L.: From the meek leader at the first week, to now...
- L.: Hello from Lindsay
- M. E.: Hello from Port Stanley!
- C.: hello from Oakville!
- K. E.: thanks for the reminder David.
- J.H.: Hello from London!
- M.C.: That's a lot of grey, there, dude.
- E.L.: No, your commentary :)
- L.L.: Hello from Winnipeg, Manitoba
- S.S.: Will miss my regular pre dinner webinar on Wednesdays, thanks for the great info!
- E.L.: But the beard is cool also. Does it come off after today?
- G.: Good afternoon everyone!!
- K. E.: this program is going national.
- L.L.: Actually I've attended almost all of the episodes - I was always shy to write.
Louisa from Winnipeg

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- G.: awe :(
- K. Gow: Great to "see" you Louisa! (Live from Winnipeg)
- K. E.: can indoor pools in Ottawa condos open?
- D.B.: How many are leaving outdoor pools closed for the season regardless of Phase 2?
- E.L.: We only have an indoor pool. We'll discuss it at our Board meeting tomorrow, but given the demands on cleaning & sanitizing the locker rooms, I believe that we'll keep the pool closed.
- C.B.: Do travelers returning from another province in Canada have to self-isolate for 14 days?
- USER: Our indoor pool and Jacuzzi will remain closed but our outdoor pool will be open with 9 people plus one lifeguard for a total of 10 with online booking for one hour visit, 30 minutes closure for sanitizing furniture followed by reopening.
- J.: middle OCT not NOV
- G.: David, my friend's condo, in Toronto, the BOD is keeping their pool, gym, sauna closed for at least another month.
- J.: previous slide was wrong
- K. Gow: I'm SOOOO very pleased to see that all of the GOWLINGS troupers have been listening! "Just because you can, doesn't mean you should!"
- F.: It's Ottawans :)
- J.B.: Can you address gyms as well as the 4 listed?
- Y.D.: Hello from Collingwood
- M.G.: gyms cannot be opened yet or games rooms
- L. LAV.: A musician owner is offering to put on a jazz concert, with fellow musicians, in our condo courtyard. Organized gatherings are limited to 10. What to do?
- J.D.: intro Tricia??
- J.D.: 21 days after what, Jason?

- LES.: Just to mention that masks should not be worn in humid and hot weather. The moisture makes it difficult to breathe and creates a breeding ground for micro-organisms.
- D.C.M.: Hi Tricia!
- G.: Our Bod members and social committee group gather at some benches outside (not 6 feet) and at our gazebo area. Never see any cleaning of benches etc.
- G.: lost audio...anyone else?
- R.: masks need to be washed at least daily to prevent trouble. They should be worn in all weather!
- K. E.: audio good.
- FRA.: Yes, board of directors don't practice physical distancing where I live and are starting card nights this week and have opened up the library, all with no cleaning done prior to opening.
- D.: You should call the Board on this, they should be demonstrating leadership at this time not self interest
- FRA.: @Dwight - I'm just laughed at as being paranoid.
- FRA.: @Dwight - and most where I live are more than 80 years old.
- F.: We have only opened our Social Rm with max 2 people practicing 2 metre distance. Outdoors on patio, with spacing, max 10 people.
- USER: Leslie Levack: we have been told by Ottawa Bylaw and OPH not to proceed with our outdoor gathering.
- G.: Our board only cares about a small group of friends, they scoff at the rest of us...one member came back from FLA during the height and didn't quarantine. Dumb luck has been our saving grace.
- FRA.: @Gina - sounds like you live in the same building as me :)
- K. E.: sounds like different rules for BOD versus other owners.
- J.B.: "...not bleeding edge" great line!
- G.: Francine, it is a small world...you never know!
- G.: Kevin, I call it Animal Farm...

- L.P.L.: Documentation...my BOD does not keep any.
- D.: re waivers, residents generally hear what they want and ignore the rest/precautions
- LES.: To Reik both the World Health Organization and our medical Officer of Health for Canada have warned about them being worn in hot and humid weather or when exercising.
- J.B.: Waivers - same issue as informed consent. You can't establish that the person signing understands the risk.
- LES.: Reik, can't seem to bring the kink down but I have links on both of these items on masks.
- E.B.: The improvement angle is the one I don't always like - some condos have passed on anything about the cement slab as an improvement even if the flooring or other 'betterments' were installed by the developer. That shouldn't be allow, personally.
- D. Plotkin: Hi Jane Brackley - it's more than that, I would say. The condo corp is the occupier of the common elements and responsible at the end of the day for the health and safety of those amenities. In our view, the Corp cannot shift the legal liability to an owner by private agreement (waiver)
- W.G.: Do insurance companies challenge liability claims to help stem them or do they simply settle all the time?
- LES.: Is it a good idea for an owner to have the same insurance company as the condo corporation/
- J.B.: Thanks David
- R.: Lester. As a nurse I have had to wear masks and N95 masks in hot and humid conditions. Protection is most important. Yes, the advice is different for exercise.
- K. Gow: Self-insurance: don't make a claim unless it's at least 2x the deductible value (to protect your claims history)
- K. Gow: prepare: contingency budgeting
- K. Gow: Look at trends: mitigation of damages
- E.B.: Wil, insurance companies should challenge some liability claims, and if there are more than one or two liability claims per year from a specific condo then the insurance company should be automatically challenging

the claims - the Board is responsible for Health and Safety of the overall property.

- K. Gow: Risk management: regular inspections, repairs, procedures
- M.N.: With all due respect, what's the point of having insurance if we're paying a hefty, constantly increasing premium, our deductible is sky high and we're 'self-insuring'?
- K. Gow: educate owners: ideas for safety, suggestions from them
- B.: skipped the by-ls
- B.: skipped the by-law?
- E.B.: If you self-insure smaller amounts, then you are not making as many claims on the policy, thus you are less of a risk.
- K. Gow: Change to your deductible? You need an ICU (information certificate update)
- LES.: to Reik I understand that there may be times when they have to be worn in hot and humid weather but according to Dr. Tam they should be avoided if possible.
https://www.theweathernetwork.com/ca/news/article/health-experts-advise-against-wearing-a-mask-outside-in-the-heat-and-humidity?fbclid=IwAR2xylJRypRk4rCLZwfWVvdDn7KNAa8et-tvWSeY80TujZ8fQHJLpWtd_YM
- T.: Gina - with respect to volunteers, the wording of the policy would speak to that
- GEO.: Our condo was hit by a tornado in 2018 and two fires which rendered the 110 condo units virtually uninsurable. We had millions of dollars of damage and saw our premiums go up 10 -fold having to go to Lloyds of London. We need a change in the Condo Act to be able to shift the insurance responsibility to the owners of individual condo garden homes. This would save almost 2K per unit
- M.C.: The responsibility is to insure, not repair. The repair obligation depends on what is in the declaration.
- E.B.: The problem with the deductible by-law is that you have to prove that an owner did something wrong. Otherwise, the Board could be risky a libel lawsuit.

- T.: Wil Gonidis - the insurance company's responsibility, as noted in the insuring agreement (policy wording), is to defend the corporation
- M.C.: No, Edward. If you have the deductible by-law in place, you only have to demonstrate that the condo was *not* responsible, not that the owner was.
- GEO.: You cannot do a bare bone standard unit bylaw by removing ALL according to our lawyers
- M.C.: George, you can, but you are right that that is not what "bare bones" by-laws typically mean.
- E.B.: The 'standard unit' should be the unit as it was built by the developer, period. Anything above that is the owner's responsibility (for example, parquet flooring installed by the developer vs. hardware flooring installed later by an owner.
- D.D.: Are there changes contemplated to be coming to the Condo Act that would make a deductible bylaw moot?
- M.C.: Edward, that is also possible to do, but it is not a "should". The legislation deliberately gave condos the ability to control their obligations and costs.
- T.: Gina - Absolutely. As an owner of the property you are an "insured" and therefore entitled to a copy of the policy. Send a written request to your property management or Board
- GEO.: I need to move the entire unit box (structure roof and windows) to the unit owner to save premiums. If I have to insure even a part it won't save us costs
- M.C.: Changes to the Act do change things, but we will not know the full extent till the accompanying regs are made. For now, there is no change.
- G.: Thank you Tricia! I asked for a copy two weeks ago, I never heard back, I thought I wasn't entitled.
- T.: Agreed Michael.
- GEO.: Yes we are being double billed - the owner and the condo corp - there is a lot of overlap in coverage
- M.C.: In South Western Ontario, particularly around Kitchener-Waterloo, the bare bones has been a standard practice since 2001.
- GEO.: Bare box is not enough - I need to move the entire box

- D.C.M.: London is much more conservative with their standard unit by-laws (less bare-bones)
- M.C.: I've only ever seen one case of "entire box". It was a condo where units are single detached homes. It is not really suitable where the units are joined in any way.
- GEO.: The barebones concept here is tinkering - the structure, windows doors, exterior cladding roofing and windows still stay with the condo corp. We need to push this further but this needs a change to the Act
- GEO.: That is tinkering - it doesn't help us
- L.L.: Here in Winnipeg our condo corporation has had a standard unit bylaw since 2016. Owners are reminded they must list all their betterments with their own personal condo insurance company so that it is known what is covered by their own insurance company. For me, the standard unit is what I purchased - with no upgrades (that were available) at that time from the architect. Even the 5 appliances that were included with purchase - very basic appliances - were placed in the description of the standard unit. Louisa from Winnipeg
- M.C.: No change to the Act is needed, George. It is dependent on how the common elements and units are defined, and then subsequently how the condo chooses to define the standard vs improvements. The tools already exist to do virtually anything that is needed. What affects the decisions are considerations of risk and reasonableness.
- B.: we have a by-law which is about 7 years old, not bare-bones. How difficult to re-do it?
- M.C.: Under the future changes to the Act, it is no longer certain condos will always be responsible for the common elements. That's really going to make things fun.
- E.B.: But, the 'standard unit' still should be what the unit looked like when it was built by the developer. That was what was 'standard' on day one.
- K. E.: great webinar, thanks to everyone. Your information is greatly appreciated.
- GEO.: Legal advice says the foundation, structure, brickwork windows etc. is all common element and the Act says the Condo corp must insure the standard unit

- M.N.: Thank you all so much for weeks of insight, knowledge, support and great good humour! These webinars have really helped.
- E.L.: Thank you so very much, Rod, for assembling this great series!! And to all the panelists, thank you for your expertise, and guidance.
- M.C.: B.: It is about as difficult, procedurally, as any other by-law process. But the board will need to take time to become fully educated, so there can be a process for that.
- L.P.L.: Thank you. Enjoy your summer!
- J.B.: Sad to say goodbye - thanks so much. This has been so helpful.
- M.: Thanks so much for all the info and entertainment.
- F.K.: Standard unit didn't include energy efficiency...modern upgrades.
- B.: thanks Michael
- Y.D.: Thank you all from Collingwood
- P.: always informative and much appreciated
- M.C.: GEO.: The condo can make amendments to change what are common elements too. The tools are there. The will/desire might not be, though, once everything has been reasoned through.
- FRA.: Your team has saved many of us from pandemic panic - THANK YOU :)
- N.E.: Wishing you a lovely summer everyone. We will definitely miss this weekly gathering!
- M.C.: Well done guys, again. Rod, we will miss these seminars.
- DAV.: Thank you so much Rod and your fellow panelists. I have not missed a single session!
- USER: Thanks so much for hosting these 15 webinars. They have helped us a lot. Enjoy a well-deserved rest.
- M.M.: Looking forward to rejoining in a couple of months. Thank you, everyone and stay safe!
- G.: thanks for all the great info! Have a safe summer everyone!!!
- P.B.: Thank you so much for the webinars! They have been incredibly helpful.

- F.K.: Thank you!
- L.Z.: Thank you!
- D.K.: thanks for the great webinars!
- E.B.: Thank you everyone!
- K.S.: Many many thanks to all! Really great advice and information, often scary but important and ultimately helpful! In fact, often immediately helpful!
- T.: tricia_size@ajg.com
- D.B.: This webinar season has been extremely helpful for us in dealing with the shutdown. It might be a great idea to collect ongoing issues and maybe consider a "special" next month.
- M.C.: Francine's comment says it all: you have helped a lot of managers, directors and owners avoid panic during the pandemic. An admirable effort and great participation on the panel.
- DEN.: Thank you Rod and team. Very informative.
- E.L.: To all - have a good & SAFE summer. May we emerge better for our efforts, by the fall?
- O.D.: Thank you all for these webinars! It's very much appreciated and has been a great help for us.
- M.C.: Ah, now we know who to blame!
- LES.: Thank you all very informative series.
- C.A.C.: Thank you to all panelists for an informative and productive 15 days-great job!
- A.P.: thank you Rod and Gowling WLG for putting these together and for each panelist over the weeks. For me as a condo President this has been fabulous... have a safe healthy summer!
- J.: Rod, do you cycle a racing bike?
- R. Escayola: @John, I do cycle.... but only wine valleys
- J.: then it was someone else I spotted on a bike

- L. LAV.: Thank you so much. This series has been fabulous! Your guidance and expertise are truly appreciated.
- R. Escayola: I do cycle in Ottawa.... went out a couple of times this season
- D.C.M.: This was a great series.
- C.P.: Thank you for an enjoyable and enlightening webinar
- K. E.: well put together webinar series. Thanks everyone.
- S.S.: Thank you so much to all, it's been educational and also a little bit of fun! Stay safe!
- S.C.: Rod, panelists and the team behind you - thank you so much - this series of webinars has been a huge help!
- J.: thanks all
- S.CES: Great series thank you all! Stay safe!!!
- K. E.: Rob should enter politics.
- R.: Thanks so much! These have been so helpful! Have a good summer!