

Frequently Asked Questions – Condo 1002

What is a “Vacant Land Condominium Corporation?”

- A vacant land condominium is a plan in which Common Elements and units are created, but no buildings or structures have been constructed at the time the plan, description and Declaration are registered. It can consist only of bare land. This allows the developer to build the individual dwelling when the vacant land units are sold. The Declaration of a vacant land condominium will set out restrictions with respect to the type, design and maintenance requirements for the units. The vacant land corporation must maintain and repair the Common Elements while the owner of the unit must maintain the unit including the structures and repair it after damage. There is no ability in the Declaration to shift the responsibility for maintaining and repairing the units to the condominium corporation.

What does a “Condominium Corporation” do?

- The primary purpose of the Condominium Corporation is to manage the condominium’s property and business affairs by its Board of Directors. The members of the corporation are the Owners of the units. The Board of Directors manage the Common Elements and pay common expenses, prepare the annual budget, collect Owners' fees, insure the condominium assets, and must hold an Annual General Meeting of Owners.

What is meant by “Common Elements?”

- Common Elements in a condominium refer to all property within a condominium that has not been defined and set up by the Declaration and description as part of the units, but in which an indivisible interest is held by all unit Owners. Generally they include the common area gardens and walkways, curbs and roadways, street lighting and sewers just to name a few.

What is the “Declaration?”

- The Declaration essentially serves as “the constitution” of a condominium that describes in detail the function, powers and rights of the corporation, along with the obligations of the owners. The Declaration, which is provided to unit Owners upon buying the unit along with other documentation, outlines the division of ownership within the condominium corporation. It defines the units and Common Elements and specifies the interest each owner has in the Common Elements. Declarations are specific to each condo. The Declaration also establishes a legal relationship between Owners and the corporation to manage the collective affair, and to allow the condominium corporation to levy fees. Unfortunately, Declarations are not user friendly. They are not clear, are written in legalese, and very difficult to understand. Condo 1002 has put together the Owner’s Manual in an attempt to provide information in a clear and understandable manner. However, the Declaration remains the final authority on most matters. The Declaration cannot be changed unless 80% to 90% of unit Owners consent in writing, depending on the issue.

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What is the “Owner’s Manual” and where can I find it?

- The Owner’s Manual is a document put together by Condo 1002 to primarily assist the Owners/Residents with Condo life in our community. It is based on the Declaration, By-laws and Rules. The information therein outlines the Standards, Restrictions and Rules in a “non-legalese” language so that they can be followed without any problems. The Manual also includes other information, such as emergency and non-emergency phone numbers that you may find useful and a list of activities that take place in our community. The Owner’s Manual is posted on the Home on the Green Community Website on the Condo 1002 Webpage www.hotg.ca/Condo-2
- Please note that in the event of a dispute, the Declaration is the final authority on most matters.

Where can I find the Declaration, By-laws and Rules for Condo 1002?

- You can find all these documents posted on the Home on the Green Community Website on our Webpage www.hotg.ca/Condo-2. To view the documents, simply click on the Table of Content Tab for the specific document.

What are “By-laws?”

- By-laws are legally binding rules approved by a condo’s Board of Directors and Owners. The By-laws’ purpose is to complement what is missing or to clarify what is in the Declaration.

What are “Rules” for and who makes them?

- Rules are initially enacted by the developer and later on by the Board of the condo. Rules have to be reasonable and in accordance with the Condominium Act, 1998. Generally, a set of rules is drawn by a developer’s law firm and given to each new Owner along with the Declaration at the time of purchase. In Ontario, rules have a common core but vary by type of condo, the facilities that exist, and may even differ between similar condos. Rules basically exist to promote the safety, security or welfare of owners and to protect their property as well as the corporation’s assets. Rules also exist for the purpose of preventing unreasonable interference with Residents’ use and enjoyment of their units and Common Elements. Rules are helpful as they guide the behaviour of residents. People then know what to expect.

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What is the difference between "By-laws" and "Rules?"

- **Condo By-laws** set-out how the corporation will be run. They deal with the responsibilities and powers of the Owners and Board of Directors, how meetings will be run and the collection of condo fees. In other words the "By-laws" detail the scope and limitations of the corporation's governing, regulating and administering the condominium. The By-laws must be ratified by a majority of the Owners.
- **Condo Rules are designed to** govern day-to-day use of the Common Elements and units in order to promote the safety, security and welfare of the Owners and their units and to facilitate the use and enjoyment of the Common Elements. Rules can be added, revised, or eliminated more easily than the Declaration.

Are condominium corporations allowed to impose "fines?"

- The Condominium Act does not allow a condo corporation to "fine" a unit Owner. But keep in mind that a "fine" is not the same as the recovery of costs against a unit Owner. A condo corporation may be entitled to recover costs against a unit Owner depending on certain factors as defined in the Condominium Act, 1998 and the YRVLCC 1002 Declaration. These costs may include the cost to restore the unit back to its original condition. If the owner authorizes implements alterations and additions to his unit that contravene a Municipal By-law, the local authority may impose fines.

What legislation and regulations govern condominiums in Ontario?

- Condominium Act, 1998
- Description and Registration, O. Reg. 49/01
- General, O. Reg. 48/01
- The Ontario New Home Warranties Plan Act

What does a "Board of Directors" do?

- Boards of Directors are elected by Owners at the Annual General Meeting and run condo corporations on behalf of the Owners. They represent Owners. The members of the Board of Directors usually serve on a volunteer basis and for a specific term. As an entity, they are responsible for making all major decisions regarding the maintenance of buildings and grounds, condos' finances, and must uphold and enforce the Condominium Act, 1998, the Declaration, By-laws and Rules. The Boards of Directors plan and oversee the fiscal health of the corporation and are responsible for hiring a property management company to carry out the day-to-day management of the Common Elements and to enforce the Declaration, By-laws, and Rules. They oversee what is permissible within individual units and what is permissible with respect to the Common Elements.

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I'm interested in running for election to my Board. Is there any training available on how to run a condominium? What are the qualifications and commitment?

- The Ontario government has unveiled new legislation that introduced mandatory training for condo board members, given that increasingly complex rules around condo living and the rise in investor-owned rental units have often made it difficult for condo boards to find owners with the time and financial knowledge to manage multimillion-dollar assets, such as reserve funds and maintenance contracts.
- The Condominium Director Training Program is provided by the Condominium Authority of Ontario (CAO). The Condominium Authority of Ontario (CAO) is responsible for designating the training courses that directors who are appointed, elected, or re-elected on or after November 1, 2017 are required to complete **within six months** of their appointment, election or re-election must complete. This training will assist condo boards in understanding their obligations, establishing best practices for good governance and fostering a positive community culture.
- The CAO Director Training Program is provided online and free-of charge, and is also available to condominium owners, residents, managers and the broader condominium community.
- Directors must be unit Owners, at least 18 years of age, not bankrupt and of sound mind. A Director is elected for a three year term. Should a Director resign during his/her term, the Board may appoint a replacement Director to fulfil the term.

Can I speak to the Board of Directors directly?

- Absolutely! The Board respectfully requests that all Owners/Residents enquiries be addressed to FirstService Residential (FSR) our Property Manager. FSR will be sure to pass your concerns or comments on to the Board. If you have not received satisfaction from the Property Manager or your issue is with the Property Manager, you may communicate directly with the Board. Remember that the Board of Directors is part-time volunteers who, the majority of times are simply Homeowners just like you.

Who is Condo 1002's "Property Management Company?"

- FirstService Residential (FSR) is our Property Management Company. Olivia Claveau is the Property Manager (PM) as well as the Property Manager for Condo 1202, the Recreation Centre and can be reached at 647 258-3456 or by email at Olivia.Claveau@fsresidential.com. Adam Hassan is the onsite Recreation Centre Front Desk Administrator. Adam can be reached at 905 640-1055 (Mobile 416 847-1362) or by email at Adam.Hassan@fsresidential.com.

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What is a "Reserve Fund?"

- A Reserve Fund is like a savings account for major expenditures that may come up in the future. The Reserve Fund is levied by the corporation according to its By-laws to be used only for the major repair or replacement of common element assets such as common area gardens and walkways, curbs and roadways, street lighting and sewers. Reserve funds are part of the Common Element fees paid by the unit Owners. Reserve fund expenditures are restricted to expenditures stated in the Reserve Fund Study and cannot be used for other expenses such as routine maintenance. Reserve funds are subject to Provincial regulations that may require condominiums to conduct a comprehensive Reserve Fund Study every so many years.

What does the "Property Manager" do?

- The Board of Directors of condo corporations may hire a property management company to oversee day-to-day operations. In most cases, the property management company is empowered to act as a legally appointed agent for the Board of Directors. Every condominium has different management needs, depending on the size, age and nature of the property. A condo property manager may:
 - collect common expense fees;
 - keep records for the condo corporation;
 - respond to owner complaints;
 - ensure maintenance and repair of the property ;
 - hire and monitor service companies and oversee staff and contractors;
 - prepare draft annual budgets and oversee the reserve fund use;
 - implement an emergency management plan and respond to emergencies;
 - prepare status certificates;
 - issue meeting notices, report on the affairs of the corporation at regular board meetings and oversee administration of all owners' meetings;
 - monitor the corporation's insurance;
 - prepare financial reports and arrange for audits;
 - advise the Board of Directors on how to comply with the Condominium Act; how to comply with legislated or mandatory repairs required by government; the financial responsibilities of the board, like contributions to the reserve fund and long-term reserve fund planning. The Property Manager is accountable to the Board of Directors.

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What does a "Reserve Fund Study" entail?

- The purpose of the study is to examine all of the Common Elements and give a reasonable expectation as to when they will need replacement or major repairs and how much this will cost at that projected time in the future. The Reserve Fund Study includes both a physical analysis of the condominium's components and systems, as well as a financial analysis of the corporation's current reserve fund balance, its income and expenses, and expected rate of inflation and rates of return on invested funds within the reserve fund. The study recommends a schedule for repair, maintenance and replacement of components and systems, and recommends what annual contributions will be needed during subsequent years of the study period. This study has to be undertaken by experts with a special designation, such as members of the Appraisal Institute of Canada or the Ontario Association of Certified Engineers.

What can I do about a loud or difficult Owner/Resident or one who does not follow the rules?

- Report the concern to the condo Property Manager, FSR or to the Board. FSR will take reasonable steps to make sure that Owners and Residents comply and with the Condominium Act, 1998 and our Declaration, By-laws and Rules. If necessary, the Board will take additional steps.

What happens in the case of a conflict?

- In the case of a conflict between the provisions of the Condominium Act, 1998 and any provision in the Declaration, By-laws or Rules, the Act shall prevail. In the case of a conflict between the provisions in the Declaration and any provision in the By-laws or Rules, the Declaration shall prevail. In the event the provisions of the Condominium Act, 1998 or in the Declaration are silent the provisions of the By-laws shall prevail.

Who should I contact when I have concerns, complaints or questions about the property maintenance contractor and the services that he provides?

- If you have any concerns, complaints, or questions pertaining to our Property Maintenance Contractor (Melfer), you should contact the Property Manager (PM), Olivia Claveau @ 647 258-3456 Olivia.Claveau@fsresidential.com.

Whom should I call if I'm having problems with the irrigation/sprinkler system?

- The Ballantrae Golf Club (BGC) owns and operates the irrigation system. The water used in the system comes from the ponds which are also owned by the BGC. Both the irrigation system and the ponds are managed and serviced by Porcupine Management Ltd. If you require any type of service relating to the irrigation system or have any pond related concerns, please call Porcupine Management at 905 640-6333 Ext. 351 or email at info@ballantraegolfclub.com.

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Whom should I call if I'm having problems with the security gates, enterphone & fobs?

- Condo 967 is responsible for the maintenance and repairs of the entry/exit gates and gate houses on Hwy 48 and at the Ninth Line. If you encounter any problems with the gates, fobs or entry system, please contact the Recreation Centre @ 905 640-1155.

As a unit and Homeowner, what repair and maintenance expenses am I responsible for?

- Generally speaking, Owners must maintain and repair their own units according to the Declaration and the Standards and Rules of Condo 1002, whereas the condo corporation uses the fees that are collected to operate the condominium and to maintain and repair Common Elements. Check the condominium Declaration for the definition of “unit boundaries and monuments” and to understand what you are responsible to maintain and repair.

What are the insurance requirements?

- Purchasers will require typical home insurance as the Condominium Act, 1998 provides that the owner of the unit has the obligation to insure the unit and any structures on the unit. This property insurance should cover the unit building and personal contents as well as provide liability coverage. The condo corporation will obtain insurance to protect all common elements.
- Loss Assessment insurance covers the owner for any unusual fees that may be passed down from the Condo 1002 Corporation. Owners should consider this type of coverage. The condo corporation maintains Loss Assessment coverage for any fees handed down from other condos - 967 (ring roads and wastewater treatment facility) and 1202 (Recreation Centre).

What is the “Standards & Rules Committee” and what does it do?

- The Standards & Rules Committee (SRC) is a group of volunteer Homeowners who provide guidance and support to the Board of Directors in the interpretation of the Condo 1002 Declaration and Rules. They review non-compliant Alteration Requests (AR) and make recommendations to the Board for its decision. Compliant ARs are handled by FSR and reviewed by the Board. The SRC also periodically reviews the Rules and may recommend rule changes and additions to the Board. After Board approval is received, these revisions and additions are communicated to the Owners/Residents via email and posted on the Condo 1002 Webpage on the Ballantrae Community Website. The SRC is not responsible for enforcement. This responsibility rests with FSR and the Board. To change the 1002 Declaration is a major undertaking in both time and cost. Declaration changes are considered very carefully and are undertaken only when absolutely necessary as they require 80% to 90% approval by the Owners. The SRC will investigate and make recommendations on these changes.

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When should I put out my garbage/recycling?

- Our Owner's Manual states that garbage must be placed at the curb outside your home in acceptable garbage containers and/or properly tied plastic garbage bags not exceeding 22 kg (50 lb) per bag no earlier than 6:00 pm the night before and no later than 7:00 am the day of garbage pick-up. However, in order to encourage raccoons to look elsewhere for their meals and to help prevent raccoon damage to our lawns and homes, you should place your garbage at the curb side on the morning of the garbage pick-up before 7:00 am. Containers must be removed no later than 8.00 pm on the day of collection. For more information residents should consult the literature issued by the Town of Whitchurch-Stouffville or visit www.townofws.ca or call 1 866 421-5625.

Who owns the Recreation Centre?

- The Recreation Centre is owned and operated by York Region Vacant Land Condominium Corporation 1202. Condo 1202 consists of 5 Units. One Unit is owned by each of the five (5) residential condo corporations 968, 1002, 1066, 1079 and 1193. The Board of Directors of Condo 1202 consists of one (1) designated Director from each of the 5 residential condominium corporations. At each annual meeting five (5) Directors shall be elected to hold office for a term of one (1) year. Condo 1202 is responsible to its Owners, the 5 residential condo corps 968, 1002, 1066, 1079 and 1193. The Board conducts its affairs under Roberts Rules of Order but a quorum to approve business requires four (4) Directors to agree. If you require more information on the Roberts Rule please click on [Robert's Rules of Order](#).

Whom do I speak to about issues at the Recreation Centre?

- The Recreation Centre is managed by FirstService Residential (FSR). All issues should be directed to Olivia Claveau @ 647 258-3456 Olivia.Claveau@fsresidential.com. There is also a receptionist on duty Monday to Friday who will direct your inquiry to the appropriate management person for all day-to-day operational details.

How does the Recreation Centre operate?

- Each of the five (5) Condo Corps contributes their proportionate share of the Recreation Centre costs via the annual assessment. The assessment is included in the fees collected from you monthly. In addition, the Recreation Centre collects some revenue from Room Rentals, various Programmes it conducts and Investment Interest. Day-to-day operations are managed by the contracted Property Manager and the Wellness Director who report to the Board of Directors. There is an annual budget recommended by Management to the Board and approved by the Owners. The Budget includes an annual contribution to a Reserve Fund under the terms of a Reserve Fund Study which is conducted every three years.

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How do I find out what goes on at the Recreation Centre?

- The Recreation Centre has its own Webpage on the Ballantrae Community Website. The quarterly Lifestyle Guide contains a wealth of information about the Recreation Centre and the programs and activities it offers. Simply click on www.hotg.ca/Rec Centre to access the Recreation Centre's Webpage. You may also call or email the Recreation Centre's contacts listed on the Webpage who will be pleased to answer any questions you may have.

What is the "Welcoming Committee" and what does it do?

- The Welcoming Committee is comprised of a small group of dedicated Resident volunteers of Condo 1002 who visit new Homeowners when they first arrive to welcome them to their new home in our condo and to the Ballantrae Golf & Country Club community. It has been in existence since 2007 and reports annually to the Board of Directors of Condo 1002. The Committee members provide information and guidance to the new Residents that will help them adjust to condo living.

What is a "Status Certificate" and why is it so important?

- The status certificate is a document, as per Section 76 of the Ontario *Condo Act* that provides basic and **essential information** concerning the financial status of a unit and of the condo corporation. Its main focus is to inform a prospective owner of the fees, of any large increase that is going to come into effect, of any special assessment that is being contemplated by the board and any arrears or lien that a particular suite might have.
- In addition, it contains the condo declaration, by-laws, budget, reserve fund, insurance, management contract, rules, minutes of the last annual general meeting, and mention of any lawsuit involving the corporation.
- The purpose of status certificates is to allow potential buyers of condo units to have as much information as possible about their unit as well as the physical and fiscal situation of a building. Certificates also allow prospective owners to find out what the rules are, including whether pets are allowed.