

June 2014

LPMAnews



London Property Management Association

President's Message

A local community group in London is lobbying city councillors, and specifically the Community and Protective Services Committee (CAPS), to amend the zoning bylaw to impose a limit of three unrelated tenants in properties rented to students in areas near Western and Fanshawe.



LPMA recently attended a CAPS committee meeting where I made a written submission and an oral presentation in opposition to the proposed amendment. I have been advised by the CAPS committee chair, Councillor Matt Brown, that this proposal has been sent to city staff for consideration and review. If you are a landlord renting to students, please ensure that you watch for our updates on this issue. If this amendment is considered by city staff, there will be public participation meetings and we will need your support to voice opposition to it.

Emma Sims

1st Vice President's Message

Forty-eight LPMA members attended our Fire Code seminar on May 6. Our presenters Mike Howe and Joe Hoffer provided everyone with informative and valuable information. LPMA seminars are a great way for members to stay up to date on the latest legislation and learn best



Shirley Griger

2nd Vice President's Message

The sun is finally shining and everyone can come out of hibernation. One of the first nice days this year was April 15 and many of us attended the annual LPMA trade show. More than 200 visitors attended the event which featured 60 vendor displays. What a fantastic evening for members of the property management industry to get together and view new ideas and products. Thank you to all our sponsors for helping to make this event so successful. We look forward to the 2015 trade show.



Don't forget to sign up for the annual LPMA charity golf tournament on September 8. Print a registration form from the LPMA website or contact the LPMA office to register today. This tournament sells out quickly and we don't want you to miss out!

Lisa Smith

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LPMA Golf Tournament Supports Salvation Army Centre of Hope

The centre strives to help Londoners get back on their feet

When members hit the links at the 15th annual LPMA fall golf tournament, they'll be doing their part to help Londoners in need find permanent housing.

This year's proceeds will benefit The Salvation Army Centre of Hope, a downtown shelter that provides emergency beds and a variety of other support services to men, women and youth in our community.

Brenda Trineer, chair of the golf tournament and director of the board, says the annual fundraiser has always focussed on supporting local charities that rely on donations to fulfill their mission.

"The Salvation Army Centre of Hope is one of the larger charities we have supported so far," says Trineer, "but they are really tied in with our interest in housing and they have a substantial need."

Funds raised by this year's tournament will directly support the centre's housing-related programs.

Trineer toured the downtown facility with LPMA administrator Brenda Davidson and was impressed by the variety of services available and the range of



Joe Hoffer of Cohen Highley attempts to chip a ball into a hockey net at last year's tournament.

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LPMA Golf Tournament (Continued)

people served. "I always thought it was a place to pick up food or find a bed, but there is so much more there," she says. "We saw teenagers and middle-aged mothers and even criminals. They give everyone another opportunity."

Centre of Hope executive director Nancy Powers says the shelter supports about 2,000 individual men and women aged 16 and older every year. "We've noticed over the past few years that we have many elderly clients who can't manage and who have nowhere else to go," she says.

As well as providing 175 emergency beds, the centre offers 92 private rooms available for up to one year on a pay-to-stay basis. "They give people somewhere to stay while they get connected, look for a job and work towards permanent housing," explains Powers.

In addition, the Community and Family Services Department runs a Food Bank, Back to School Program and Summer Camp for low-income individuals and families. The department's annual Christmas Hamper initiative also helps about 5,000 households with food and toys over the holiday season.

Individuals struggling with substance abuse can access the Withdrawal Management Centre, while those involved with the criminal justice system can receive counselling and support through Corrections and Justice Services.

The Centre of Hope also houses the London Intercommunity Health Centre, which provides medical care for people without a family doctor, and a computer resource room run in partnership with the Canadian Mental Health Association.

"We know that the emergency services we provide here are good, but people need a sense of dignity and respect," Powers says. "Living in their own place is where people should be." With that goal in mind, the centre offers Housing Support Services and a Housing Stability Fund to help individuals and families secure suitable long-term housing.

This year's LPMA golf tournament, which takes place September 8 at FireRock Golf Club, should raise about \$15,000 for the centre. "It's always a sold-out event," says Trineer. "The support we get from members is amazing."

Powers is looking forward to volunteering at the tournament. "I'm very appreciative that LPMA has recognized the work that we do," she says. "I look forward to further conversations about how we can work together to help people get into a permanent home and stay there."



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Landlords Helping Others

BlueStone Properties' semi-annual yard sales are aiding those in need

BlueStone Properties is doing much more than diverting unwanted furniture from the landfill through its massive yard sales. It's donating the proceeds to charities and, in the process, showing tenants it cares about the community.

The property management company began encouraging tenants to donate furniture and household items two years ago instead of throwing them away. The concept has taken off and the results are two-fold: fewer items are going to the landfill and a number of charities and individuals are benefitting.

"Our two main goals were to reduce the amount of garbage and to give back to the community," says

Jaclyn Pisarczyk, who works in marketing and corporate administration for BlueStone.

BlueStone co-ordinates the enterprise through its Storage Worx facility in the Meadowbrook Business Campus. Staff thought it would be ideal to hold yard sales inside the units, similar to an indoor mall.

"It all started because we wanted to have community events at the facility," recalls Pisarczyk. "We thought, 'What better way to be able to include all of our BlueStone tenants as well.'"

The yard sales, which include a barbecue, are held in late spring and fall and benefit a different charity. Each sale draws about 500 people.

"We wanted to be able to provide donations to a variety of charities. We try to get involved with as many different charities as we can," Pisarczyk says. BlueStone encourages staff members to work at the yard sales and to participate in other charity events, as well, including Walk a Mile in Her Shoes.

The first yard sale took place in the fall of 2012 and the next sale is scheduled for June 21. Crimestoppers, Braz for the Cause and the Parkinson SuperWalk have benefitted from the sales, which bring in about \$500 in donations.

Many charities already store their contents at Storage Worx and they can rent a booth for the yard sale free of charge. At the fall Christmas sale, vendors not associated with a charity are invited to rent booths for a small fee that is then donated to a charity. "That way we get more people in to browse through the more traditional yard-sale items or new items that could be used for Christmas gifts," Pisarczyk says.

The donated items aren't priced in order to derive as much money as possible from them. However, customers can purchase items for the amount they can afford. In fact, one person purchased an entire bedroom



Visitors to BlueStone's yard sale stop for lunch at the Parkinson SuperWalk booth.

Continued next page

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Landlords Helping Others (Continued)



A volunteer from Crimestoppers stands in front of items donated by BlueStone's residents.

suite for \$20.

"You can see how excited the people who come to the yard sales are to get such a great deal," Pisarczyk says. "We have a 'donations are welcome' jar so they know they can get an item for whatever they can afford and they're really happy about that."

Tenants are also happy to help a good cause. Many tenants approach staff to see how they can get rid of their belongings or if there is a charitable organization that will pick them up. At that point, building managers tell tenants about the program.

"It's the perfect chance to have that conversation," Pisarczyk says. "Moving is difficult for anyone so having one less thing that our residents need to worry about helps them and they can feel comfortable knowing that their furniture is

going to someone who will use it."

Tenants can move their unwanted items into a locked room in BlueStone's apartment buildings. Once a month, staff transport the items to Storage Worx. The families of residents who have passed away or moved to nursing homes have also donated furniture.

In addition to its yard sales, BlueStone donates items directly to people in need, such as newcomers to Canada who are moving into their buildings or those leaving a shelter. Storage Worx advertises its sales in Kijiji and by erecting signs in south London on the day of a sale. That publicity enables staff at shelters to contact the facility if they know of individuals or families who need household items.

Pisarczyk believes it's important for landlords to set an example for tenants by initiating community events of their own or by participating in existing causes, such as the Spring Hope Food Drive, which donates food collected from apartment buildings every April to food banks. She says small landlords could collect food from tenants and even match them with donations of their own.

"Sometimes it's hard to establish your own charity event, but if you're aware of what's already going on in the community, you can involve yourself with others who are trying to accomplish the same goal." Being involved in a charitable event also shows tenants their landlord cares, she adds.



A \$500 cheque is presented to Braz for the Cause, the recipient of the yard sale's proceeds.

Spring Hope Food Drive

The 11th annual Spring Hope Food Drive was held in London and other communities throughout Ontario on April 8. The largest single one-day food drive in Canada, this event wouldn't have been possible without the cooperation of property managers, building managers, management company staff, volunteers, and especially the generosity of tenants.

All of the food collected in London stays in London to help those in need. More than 24,000 lbs. of food was collected for the London Food Bank. It will go a long way to help the less fortunate.

On behalf of the Food Drive Committee for the London Property Management Association, we would like to express our gratitude to the following companies:

- BlueStone Properties Inc.
- Boardwalk Rental Communities
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- Drewlo Holdings
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New Legislation Will Require Carbon Monoxide Alarms In All Residential Units

Changes to the law coming by year-end

Carbon monoxide alarms will soon be required in all Ontario residences with a fuel-burning appliance, heating system, fireplace or attached garage.

The law, named the Hawkins-Gignac Act after Windsor, Ontario Provincial Police Constable Laurie Hawkins (née Gignac), will make Ontario the second province in Canada to make CO alarms mandatory.

The same legislation will also require landlords to maintain all CO and smoke alarms in operating condition.

Hawkins, her husband Richard, and their two children died of carbon monoxide poisoning from a gas fireplace in November 2008.

"Carbon monoxide is colourless, odourless and tasteless, and if you don't have a CO alarm in your home or apartment it can kill you," says Hawkins' uncle John Gignac, co-chair of the Hawkins-Gignac Foundation for CO Education.

The private member's bill regulating CO alarms was passed late last year and the regulations should be proclaimed this November, says London lawyer Joe Hoffer.

"There is a compliance period of a few months. I recommend that landlords put the expense into their budgets for 2015," Hoffer notes.

Rental properties with one to six units will need to be in compliance with the new law by January 1, 2015, while those with seven or more units will have until July 1, 2015 to comply.

The legislation will require the installation of CO alarms in any



Carbon monoxide alarms will soon be required in all Ontario residences with a fuel-burning appliance, heating system, fireplace or attached garage.

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Carbon Monoxide Alarms (Continued)

garage unit – including underground garages and homes with an attached garage -- as well as any unit with gas appliances, fireplaces, and water heaters, and the surrounding units.

“If you’ve got an apartment building that is hot-water heated, typically you’re going to have CO detectors on the ground floor and one floor above. If it’s a 10-storey building, there would usually be nothing above that because typically there are no fuel-burning appliances,” Hoffer explains.

Regulations surrounding roof-mounted fuel-burning HVAC systems are still unclear, he adds.

The legislation also covers smoke alarms and will affect a landlord’s obligation towards the installation and maintenance of the life-saving devices.

Under the new law, the landlord will be responsible for installing and maintaining all smoke and CO alarms in operating condition. “If one is inoperable, it’s the landlord who will get fined even if the tenant disabled it,” says Hoffer.

This means that all smoke and CO alarms must be tested, not just annually, but after every change in tenancy, after the battery is replaced or, in the case of alarms connected directly to an electrical circuit, after any change is made to that circuit.

The CO or smoke alarm test button must be used to comply with the law. “A lot of landlords test by burning a piece of string and sending up some smoke,” says Hoffer. “That won’t do it.”

Landlords should develop a unit checklist for both smoke and CO alarms and follow the required procedures, he advises. (A smoke alarm maintenance checklist is available at www.lpma.ca under Helpful Links).

Landlords will also be required to give tenants a copy of the smoke and CO alarm manufacturer’s maintenance instructions, or approved alternative maintenance instructions.

Tenants should be informed, in writing, that it is an offence for them to disconnect or impair the operation of the smoke or CO alarm, and that they have an obligation to notify the landlord if the smoke or CO alarm is not working. Hoffer suggests including the information as part of the lease-up package. He says it is important for landlords to provide written notice so they have some protection if a tenant disables an alarm.

“An inspector will still charge the landlord even if the tenant is responsible, but at least the landlord will be in a position to terminate the tenancy or seek reimbursement of the cost of the fine from the tenant.”

Rick Jefferson, public information co-ordinator with the London Fire Department, believes the Hawkins-Gignac Act will help save lives. While a large dose of carbon monoxide results in a quick death or brain damage, exposure to smaller amounts over time can be equally fatal.

Jefferson says the symptoms of carbon monoxide poisoning are often mistaken for the flu.

“That’s what happened to the Hawkins family. Over the course of a few days they took in enough carbon monoxide to make them feel sick, but not enough to let them know their lives were in danger. Eventually they went to bed and no one woke up.

“People get fooled by it,” he continues. “That’s why alarms are imperative.”



Symptoms of Carbon Monoxide Poisoning

Renting to the Wrong Tenant Can Have Serious Consequences for Landlords

Many small landlords are forced to accept 'tenuous' tenants due to the economy



The tenant often doesn't have the financial resources to pay.

A slow economy presents a distinct challenge to small landlords when they're looking for new tenants: maintain their standards and face the fact they'll have empty units or relax their screening criteria and rent to tenants with a dubious ability to pay the rent.

If landlords take the latter approach, they could be in for a rough ride, says one landlord-tenant expert.

"They (landlords) want to fill the units, so they're overly optimistic about anyone who may seem kind of tenuous," says London lawyer Joe Hoffer. "In some cases, it's simple greed and in others it's a certain degree of desperation."

He points to the visual proof of landlords competing with one another – a plethora of "for rent" signs in the areas near Western University – in an effort to get tenants in the door. "In the heat of that

competition, they let their good judgment fall by the wayside," Hoffer says.

Renting to the wrong tenant can have serious ramifications. In some cases, the tenant won't pay the rent and then drags out the eviction process for several months before being evicted. For example, if the Landlord and Tenant Board orders the eviction of a tenant, the tenant can file a Notice of Appeal to Divisional Court and the eviction order will be automatically stayed.

"That allows the tenant to remain for another few months until the landlord can either ask the Divisional Court to quash the appeal, because it's completely without merit, or the tenant can sit there for eight months if landlords go through the full process," Hoffer says.

In many cases, even when a landlord receives a judgment against the tenant, the tenant often doesn't have the financial resources to pay for the time he or she has lived in the unit rent-free.

Although renting to the wrong tenant is a problem that's common to small and large landlords alike, the impact on small landlords is much greater and can mean bankruptcy within a few months.

"Those are the kinds of consequences that flow (from accepting an unqualified tenant) and I've seen much worse," Hoffer notes. "I've seen the arrears in the range of \$50,000 for single-family homes where the rent might be \$2,000 a month."

Landlords can avoid problems by taking certain steps, Hoffer says. Once tenants complete a rental application, landlords should undertake a rental history and credit check, which reveals objective information, including whether the person has unpaid bills or accounts, outstanding nonpayment of rent judgments, and other financial problems. Landlords should also ask prospective tenants for income information, such as where they work, the length of time they've worked there and what their income is. (LPMA members can obtain combined credit and rental history reports for \$11 from Rent Check after paying a nominal administration fee.)

Hoffer says it's important for landlords to take a comprehensive approach to assessing a tenant's creditworthiness. For example, they can't deny a rental application on the basis that the rent exceeds 30 per cent of the tenant's income.

Not as much information is available for students, young people leaving home for the first time or immigrants. Landlords, however, can still assess their creditworthiness by conducting a credit check and accessing information about their employment and sources of income. If there are gaps, landlords can always ask for a guarantor.

Hoffer says one concern for landlords is the Personal Information Protection and Electronic Documents Act, which sets national standards for privacy practices in the private sector. The act restricts the ability of a landlord to give out personal information concerning a tenant, including the person's name, address and income. This can be an issue when a landlord contacts a prospective tenant's current or previous landlord to see if the

Continued next page

Renting to the Wrong Tenant (continued)

tenant is responsible when it comes to paying the rent.

The LPMA rental application protects landlords to some degree since it addresses privacy act issues. On the application, tenants sign an acknowledgment that a prospective landlord can use their information to assess the merits of that tenant's rental application.

Although landlords can avoid many problems with rent payment by properly researching tenants, issues sometimes arise. When they do, Hoffer says landlords need to act quickly. That involves serving an eviction notice if the landlord has decided that the tenant must leave. The other option is to serve an arrears application if the landlord knows the tenant has the ability to pay the rent and is simply choosing not to pay. Some tenants withhold rent in the hopes that their landlord will serve them with an eviction application so they can break their lease. "That happens quite often," Hoffer says. "To put it off is to delay the inevitable."

Landlords should also act quickly when there are problems with the tenant's conduct. Other tenants may begin to complain about the new tenant shortly after the individual moves in; the complaints might involve the traffic going in and out of the unit and the nature of that traffic, indicating that the tenant is either a drug dealer or a prostitute.

"You want to end that as quickly as possible because it's very disruptive for other tenants," Hoffer advises. "In the absence of clear evidence that the person is engaging in an illegal activity, then it's very hard to evict them."

If the landlord has evidence, he or she should serve an N5 notice (used to terminate a tenancy early) that requires the tenant to remedy the problem within seven days or an N6 (termination for an illegal act) if there is evidence of an illegal activity; if the problem isn't solved, the landlord can file an application to the Board to evict the tenant, Hoffer says.



Lawyer Joe Hoffer is an expert in landlord-tenant law.



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The Dangers of Micromanaging Tenants

Respectful communication is the key to a healthy landlord-tenant relationship

It's easy to see how landlords can go from taking exceptional care of their properties to interfering with their tenants' reasonable enjoyment of the premises: many landlords are concerned about protecting their investment and begin making unreasonable demands of their tenants – and jeopardize their relationship and their income in the process.

The problem of landlords micromanaging their tenants is primarily one of smaller landlords who aren't running their operations professionally, says London lawyer Joe Hoffer.

"They think they have more power and control than the law gives them. As a result, they run into direct personal conflict with tenants."

The problem is more likely to occur in situations where landlords share a duplex or triplex with another tenant or tenants, he says. Even when landlords live offsite, they may make a habit of driving by their properties weekly and knock on the door if they see something untoward, such as a car that's parked where it shouldn't be or garbage that is in the wrong location.

"That tends to lead to personal issues between the landlord and the tenant," Hoffer says.

Examples include leaving a bag of garbage on the front porch, instead of in a proper garbage container or in a designated outdoor area, or neglecting to put a garbage receptacle away after the garbage is collected.

"Garbage and parking are typically the main issues only because they're so visible from the curb," Hoffer says.

Partying is another issue if the tenants are students and younger people. Landlords may receive noise complaints from other residents, particularly if the party is being held outdoors.

Other sources of conflict centre on situations where landlords supply the heat and electricity and the bills are out of control. When the landlord drives by the rental unit, the windows are open even in the coldest winter weather and the tenant comes to the door dressed in shorts and a T-shirt – and a heated confrontation ensues.

Landlords can head off some problems in advance by installing a governor on the thermostat that prevents tenants from setting the heat too high, avoiding the problem of sky-high heating bills. They can also determine, at the time the lease is signed, who will shovel the walk.

If landlords don't want tenants to smoke in their building, they can insert a clause in the lease that prohibits smoking in the unit or in the building. Tenants sign that clause and understand that it applies to their guests, as well. Tenants also agree that failure to comply constitutes sufficient grounds for eviction.

When landlords become aware of a problem, Hoffer says the best practice is to flag the issue for the tenant in writing in a professional and respectful way. The letter should outline the problem and how the landlord wants to see it remedied.

"That document that you give that tenant, and keep a copy of, is going to be one of the documents that you may have to file when you go to the Landlord and Tenant Board. If you've written a nasty note, you won't want to use it. And if it does make its way into the material because the tenant has provided it, then right away your credibility is shot and the rest of your case falls," Hoffer cautions.

If the tenant doesn't remedy the problem, the landlord should follow up with an N5 form (used to terminate a tenancy early) and an application for eviction to the Board, if the issue signifies a breach of the lease or a breach of the Residential Tenancies Act. "If you give your evidence professionally, you should be fine," Hoffer notes.

If the problem is something more serious than garbage or parking or loud parties, such as the tenant threatening the neighbours, the landlord should start the eviction right away by serving the N5 form.

Communicating respectfully and as often as is needed helps to head off problems down the road, Hoffer says.

"That initial respectful notice, if it's done properly, cures the conduct and you never have a problem again because there's that respect and dignity between people. If it's a nasty demand, then the personal emotions get into it and then things start to get out of control."



Garbage and parking are typically the main issues.

LPMA Election Results

The LPMA board consists of 17 elected directors who serve two-year terms. The board elects the president, the 1st vice president and the 2nd vice president. They each serve two-year terms.

The current president is Emma Sims, the 1st vice president is Shirley Criger and the 2nd vice president is Lisa Smith. When the current president's term is up, the 1st vice president will become president, the 2nd vice president will become 1st vice president and a new 2nd vice president will be elected by the board. This system gives the 1st vice president and the 2nd vice president experience in chairing meetings, writing newsletter articles and making day-to-day operational decisions before they assume the presidency.

An election is held every year and either eight positions or nine positions are up for election.

An election of the board of directors was held on May 13 at the general meeting. This year, nine positions were up for election. The following people were elected by acclamation:

Brenda Trineer, Jody McKee, Laura Smith, Lisa Smith, Peter Neil, Shannon Kiekens, Shirley Criger, Kim Walker and Shane Haskell.

Congratulations to the new directors and to the returning directors.



Emma Sims is the current LPMA president.



Shirley Criger is the current LPMA 1st vice president.



Lisa Smith is the current LPMA 2nd vice president.

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Renting to Remain a Popular Lifestyle Choice

The growing economy is good news for London's rental market



Many couples and single parents simply don't want the added responsibilities of home ownership.

London landlords are expected to reap the benefits of a growing economy as better job prospects and increased immigration will ensure that the demand for rental units remains strong for the foreseeable future.

The Canada Mortgage and Housing Corporation (CMHC) London CMA 2014 Spring Housing Market Outlook predicts a growth in employment of 1.2 per cent and 2.0 per cent in 2014 and 2015 respectively.

Vacancy rates in London are also forecast to fall to 3.2 per cent in 2014 and 3.0 per cent in 2015, down from 3.3 per cent in October of 2013.

The report notes that London's manufacturing sector is well-positioned to benefit from the economic upswing south of the border where American consumers are once again purchasing vehicles and homes. London's service, high-tech and professional sectors are also expected to see job gains in 2014.

"We are seeing improving employment conditions for younger Londoners, which is always good for the rental market. They are not ready for home ownership yet," says CMHC regional economist Ted Tsiakopoulos.

A stronger job market will also slow migration to Western Canada and should draw more immigrants to the CMA – an area that includes London, St. Thomas, Strathroy-Caradoc and Middlesex Centre.

"We don't expect regions in Ontario to lose as many people to Western Canada as we have seen in the past decade. The people who stay will need housing, whether it's rental or home ownership," Tsiakopoulos explains. "And we know that immigrants tend to rent when they first arrive in Ontario. These are the big drivers moving through the next few months."

Demand for one- and two-bedroom units will remain particularly strong, reflecting a demographic shift towards smaller households.

"A lot of people today choose to live in an apartment because of the lifestyle," notes Bonnie Hoy, a multi-unit marketing and leasing professional. "There are lots of people in London who rent an apartment and own a cottage. They work during the week and want to spend the weekend by the water."

Many couples and single parents simply don't want the added responsibilities of home ownership, she adds.

Newer units with condo-style amenities are particularly popular and people are willing to pay a premium for their creature comforts.

According to CMHC's 2013 Fall Rental Market Report, the average rental unit built since 2000 rents for nearly \$1,300 in the London CMA – well above the \$848 average overall in the CMA.

"Our rental buildings are pretty close to our condominium buildings in terms of amenities and building features," notes The Tricar Group's residential property manager Craig McColl.

Tricar offers luxury rental living in apartment buildings throughout Southwestern Ontario, including at The Renaissance in downtown London.

Located across from Budweiser Gardens, each unit features an open-concept floorplan, a modern kitchen with granite countertops and stainless steel appliances, crown mouldings, upscale laminate flooring, a full-scale washer and dryer, a large balcony and individually controlled central air-conditioning. Building amenities include a large outdoor terrace, well-equipped workout room, lounge, guest suite and secured underground parking.

McColl says the building appeals to people of all ages looking for upscale living without the financial commitment of a mortgage. "One- and two-bedroom suites – some with a den – are really popular right now," he says. Tenants use the extra space as an office, computer room, TV room, or guest room. "It really makes the apartment feel like a home."

'Handy' Tenants Can Be a Landlord's Worst Nightmare

Landlords should steer clear of exchanging remodelling work for discounted rent

On the face of it, a tenant who is handy would seem to be a godsend to a landlord whose property has seen better days. Unfortunately, that's rarely the case.

London lawyer Joe Hoffer says it's not unusual for small landlords to enter into side agreements that give a prospective tenant a break on the rent in exchange for some renovation work. However, those arrangements rarely result in satisfaction for either the landlord or the tenant.

"Landlords are anxious to rent, the unit may not be in the best shape and the tenant says, 'Look, I can take care of these maintenance issues and I can look after these other things, but I want a break in the rent,'" Hoffer says.

When landlords enter into those side agreements, they often become the trigger for future disagreements. And when those agreements find their way in front of a member at the Landlord and Tenant Board, "they're typically so poorly worded and so poorly drafted that the tenant will always be given the benefit of the doubt in any dispute about what was intended or what the deal was," Hoffer says.

The landlord may allege he didn't say he would give the tenant as much of a discount on the rent as the tenant asserts. Or the landlord states that the tenant didn't do the job and that's why he didn't give the tenant a break on the rent, despite the tenant's contentions that he did a good job and that the landlord is being unreasonable.

"The tenant is going to win every time; by default, the tenant will get the benefit of the doubt," Hoffer says. "That's just the way it works at the Landlord and Tenant Board but also, as a matter of law, any agreement by two parties will be construed more strictly against the party who is viewed to be in a superior negotiating position, or a position of power. That's inevitably going to be the landlord."

Hoffer is dealing with a case currently where the landlord snapped up tenants who professed to have remodelling skills. When the tenants were eventually evicted, the entire house was gutted and the tenants never did make the improvements they promised to make. They also demanded a huge abatement of rent because of the work they did to gut the house.

"That's an extreme example, but it's fairly common with small landlords who think they're going to get some cheap work done and a tenant who thinks they're going to get cheap rent and neither one of them has identical expectations of what's going to occur," Hoffer says.

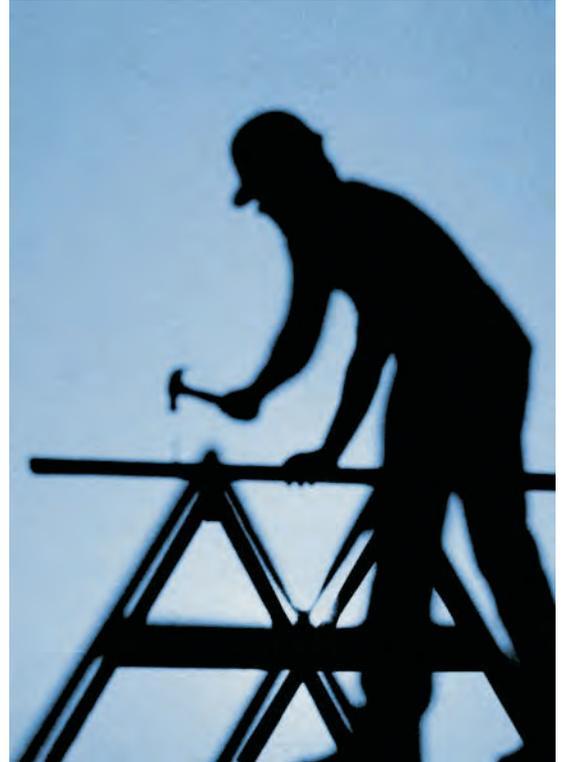
Smaller landlords are most vulnerable to the problems that occur as a result of their failure to properly screen tenants and run their rental operations in a professional way. "It's one reason why I've always encouraged landlords to join an organization like LPMA and become educated," Hoffer says. In fact, operating a business professionally saves a great deal of conflict during the landlord-tenant relationship.

As a rule, landlords should avoid making side agreements with tenants, Hoffer says. They should also conduct an inspection within a few months of a tenant moving in.

"That ensures that the new tenant isn't doing anything they shouldn't be doing such as running a grow-op or trashing the inside of the place or possibly hoarding. If you go in within a few months, you're going to know one way or the other what to expect from this tenant for the rest of the term of their tenancy."

Generally, landlords should check their rental units every six months if their portfolio of rental properties isn't that large and they have the staff to do it, Hoffer says. During the inspection, landlords should ensure that smoke alarms and carbon monoxide detectors are functioning properly.

Hoffer stresses that landlords need to have a clause in their lease, as the LPMA lease does, that indicates they can enter a rental unit for the purpose of checking on maintenance-related issues.



On the face of it, a tenant who is handy would seem to be a godsend to a landlord whose property has seen better days.

LPMA Trade Show a Huge Success

The annual LPMA trade show was held on April 15 in the Crystal Ballroom of the Best Western Lamplighter Inn. The event was well attended and guests enjoyed hors d'oeuvres, pizza and sandwiches while visiting the booths of 60 exhibitors. The highlight of the night was the draws for door prizes. In addition to prizes donated by the exhibitors, attendees had a chance to win one of two iPad minis.

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Upcoming Events

September 8, 2014
LPMA Annual Charity Golf Tournament
FireRock Golf Club
10345 Oxbow Drive, Komoka, Ontario
 Registration 11 AM with a shotgun start 12 PM

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Landlording 101

This feature includes answers to frequently asked questions. It is not intended as legal advice.

Question - I had a prospective tenant complete a rental application. What checks should I do before I decide whether to accept him as a tenant?

Answer - At the minimum, you should contact his current employer, his current landlord and his previous landlord. You should also conduct a credit check and a tenancy check. LPMA members receive a discount on credit checks and tenancy checks. For details, visit www.lpma.ca or contact the LPMA office at 519-672-6999.

If you have a question for Landlording 101, please email it to info@lpma.ca.



LPMAnews

LPMAnews is a quarterly publication of the London Property Management Association. All advertising enquiries should be directed to the LPMA office at (519) 672-6999.

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Any comments about LPMAnews or requests to submit articles may be made by email to info@lpma.ca.

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LPMA Office Closed for Vacation

The LPMA office will be closed for vacation from Monday, June 30 to Friday, July 4. It will reopen on Monday, July 7 at 8:30 am.

The LPMA office will be closed for vacation from Monday, July 28 to Monday, August 4. It will reopen at 8:30 am on Tuesday, August 5.

The LPMA office will be closed for vacation from Friday, August 22 to Monday, September 1. It will reopen on Tuesday, September 2.

Have a safe and wonderful summer!



Welcome New Members

Armoured Touch (Associate), Paula Barnes & Brian Cripps, Canadian Shield Pavement Preservation Products Ltd. (Associate), Clean Works London (Associate), Liisa & Frank Contardo, Michelle & George De Vlugt, E-Brothers-Jaclyn Johnston, Isabel Gomes, Ben Hutton, Jellous Corp., London City Project Ltd., Jeff McColl, Pinchin (Associate), SJMA On Site Group Inc., Speedpro London (Associate), Tyco Integrated Fire & Security (Associate), Scott Vannoord