

September 2015

# LPMAnews



## London Property Management Association

### President's Message

I would like to extend a warm welcome to all of our board members, landlord members and associate members. I hope everyone had a safe and enjoyable summer.



Shirley Criger

The golf tournament held on September 14 at FireRock Golf Club was well attended as always and sold out in 10 days this year. We remind everyone to sign up shortly after they receive the email notice for the tournament as each year it seems to fill up more quickly than the year before. Proceeds from the tournament's fund-raising efforts will fund extensive renovations to space occupied by St. Paul's Social Services, making their Daily Bread Food Bank and Fellowship Centre lunch program barrier-free. The organization was overwhelmed by the amount raised, as well as all the non-perishable food items donated by our members.

Rachel Henderson from Cohen Highley LLP was the winner of the WestJet raffle. Steve Hare from The Carpet Department won the Bobby Orr Jersey raffle.

Although fall isn't official until September 23, fall events are being planned for LPMA.

This year's first dinner and general meeting will be held on October 13. Dinner tickets can be purchased by members by October 1 for \$25 or \$45 for non-members. There is no cost or registration required to attend the general meeting that follows the dinner.

LPMA will again host the LPMA Night at the Knights. We have rented a box for the October 23 London Knights' game. Tickets can be purchased at [www.lpma.ca](http://www.lpma.ca) or by contacting the LPMA office. Only LPMA members may purchase tickets.

For further information (prices, dates, times and

locations), please visit our website at [www.lpma.ca](http://www.lpma.ca) and click on News and Events.

I would also like to remind our members and associate members that we deduct \$25 off the cost of their membership if they refer a new member to LPMA once that person signs up.

### 1st Vice President's Message

A motion was passed by the Community and Protective Services Committee at the July 21 meeting asking that the civic administration investigate posting on the City of London's website information pertaining to properties that don't comply with the Ontario Fire Code and municipal by-law regulations. The motion also requested that the report be given at a future meeting. The LPMA's Municipal Affairs Committee has contacted Councillor Mo Salih to discuss this matter and will continue to follow the report. Our committee will also follow up with the civic administration to provide our feedback.



Lisa Smith

### 2nd Vice President's Message

Education is one of the many services that LPMA strives to provide to ensure that members are up to date on issues that affect our industry. Back by popular demand, LPMA will once again will be offering Property Management 101 dinner seminars.

These seminars will be presented by experts in the industry who will discuss topics such as rent rules, maintenance and repairs, screening prospective tenants, enforcement of the lease, rental arrears, problem tenants and much more. These seminars are designed to provide you with valuable tips and changes to legislation, and to remind you of your rights and obligations.

Property Management Basics is scheduled for November 2. Maintaining Your Cash Flow will be held on November 12.

For both seminars, registration will take place from 5 pm to 5:30 pm, with dinner from 5:30 pm to 6:15 pm. The seminar will be presented from 6:15 pm to 9 pm.

Come out for one or both seminars. Not only will it be a night of valuable information, but it will also be an opportunity for you to mingle with colleagues and meet new people in our industry.

Space is limited, so register today.



Shannon Kiekens

### Inside This Issue

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## How Mid- and High-rise Apartment Buildings Waste Energy

*An effective heating control system can greatly reduce operating costs*

By Glen Doe



The output of baseboard heaters does not match the heat being lost and so they lose too much energy.

The energy used to heat multi-family residential buildings is wasted in several ways, some of which are visible while others are not as apparent.

Regardless, there are solutions that lower operating costs and result in a more valuable and profitable property.

Listed below are the issues that make it difficult to control temperatures in apartment buildings.

**What you see:** When air is heated, it rises. Duct and pipe shafts, elevator shafts and stairwells allow air to move upward inside a building. As heated air rises in a building, it creates a negative pressure that draws in outdoor air, particularly on lower floors.

Baseboard heaters are usually oversized for the required heating load since they have fixed increments of capacity and must have equal or greater capacity than what is required for heat loss. This overcapacity becomes even worse when the outdoor air temperature is not sub-freezing, which is most of the heating season.

Electric baseboard heaters are normally fully on or fully off. Their output does not match the heat being lost and so they lose too much energy.

Some occupants are accustomed to, or prefer, high thermostat settings. Interior walls and floors of apartment units are not insulated so that an adjacent overheated apartment may also cause adjoining apartments to overheat.

**What you don't see (heat escaping):** The usual reaction when one's apartment is too warm is to open a window. Cool air enters if the window faces the wind, but air may only exit on the other exposures. Open windows

**Continued next page**

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## Energy Waste (Continued)

on all but the lowest floors encourage more heated air to rise in the building, drawing in even more cold outdoor air at lower temperatures. Now, even more heat is needed to warm the bottom floors and it becomes a vicious cycle. This problem can also apply to buildings with gas heat, even when each unit has its own furnace.

**Solutions:** A heating control system should enable remote monitoring and control of temperature as well as the reduction of peak electrical demand in buildings that are electrically heated. It should be able to control gas boilers as well as the speed and temperature of the heating liquid through the building.

A heating control system should also be able to monitor outside temperature, wind and wind direction to provide more heat to the windward side and less to the leeward and sunny sides. As well, it should allow management to set the desired temperature in each apartment unit (or hot water riser) and control the amount of heat allocated to each unit as much as possible, limited only by the building's configuration and with a night time setback (if city bylaws permit).

The system should monitor outdoor temperature and turn heating off when not needed. Management should have full control of the system, turning heat on only during the heating season.

An effective heating control system should greatly reduce irresponsible heat usage and not provide additional heat should windows or balcony doors be opened. At the same time, the system should alert the operator if the temperature in an apartment drops below a certain threshold so that corrective measures can be taken before heating pipes freeze and burst.

It's important to note that baseboard heaters should always be warm.

Properly configured, an effective system should reduce heating costs by up to 40 per cent or even more.

**The payback:** Ideally, a heating control system should pay for itself in two to four years. Operating costs are then reduced and the property becomes more valuable and profitable. If the building is to be sold, the installation of a heating control system may provide an almost immediate payback with the improvement in its capitalization rate. Tenants are more comfortable and the building's carbon footprint is reduced, helping us to achieve a greener world.

As energy costs rise, having effective control of your heating makes good business sense. Incentives are available from electrical and gas utilities in Ontario to reduce system cost.

*Glen Doe is a sales representative with K3D Inc.*

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## London Landlords Benefit from Stable Rental Demand

*Units in the low- or mid-income range are leasing quickly*



Seniors considering a move to rental living are willing to pay a premium for the creature comforts of home.

London's vacancy rate is up slightly, but the good news is that it's due to the construction of new rental units and not to a shortage of renters.

The 2015 Spring Rental Market Report from the Canada Mortgage and Housing Corporation (CMHC) found that the vacancy rate in the London Census Metropolitan Area (CMA) rose slightly from 3.6 per cent in April 2014 to 3.8 per cent in April of this year. Anthony Passarelli, CMHC's senior market analyst, calls the increase not statistically significant.

"The important thing to take away from the vacancy rate is that the slight increase was due to new units added towards the end of the year rather than a decrease in renters," he says.

Population growth in the 25- to 34-year age group, a stronger job market and people moving into the London CMA are all contributing to stable rental demand throughout the survey area.

The London CMA includes London, Strathroy-Caradoc, Adelaide Metcalfe, Middlesex Centre, Thames Centre, Southwold, St. Thomas and Central Elgin.

Bonnie Hoy, a multi-unit marketing and leasing professional, agrees with Passarelli's observation about the impact of new construction on London's vacancy rate. She says that London has seen a great deal of new development in recent years, resulting in surplus product that still needs to be absorbed by the market.

"Units in the low- or mid-income range are virtually full or leasing extremely quickly," she says. "It's the

**Continued next page**

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## Stable Rental Demand (Continued)

higher-end units that are taking a bit longer to rent.”

Many of London's new apartment buildings are geared towards seniors and feature luxury units with plenty of onsite amenities such as common rooms, exercise rooms and underground parking. But with many support services available to help seniors age in place, they are not always eager to move out of their suburban homes.

“People have a lot of different options these days,” Hoy says. “They can move into independent living or assisted living or into a retirement home. There are a lot of retirement homes in London and that becomes your competition.”

Craig McColl, property manager for The Tricar Group, has found that seniors considering a move to rental living are willing to pay a premium for the creature comforts of home. Features including ensuite laundry and individually controlled central air conditioning, as well as granite countertops and laminate flooring are attractive to tenants looking to downsize.

“Many of the upgrades that you see in condos have spilled over into high-end rentals,” he notes. “It's a choice of finance at that stage, whether people want to rent or own. We find with the renters, once they move in they stay.”

Young people also play an important role in London's rental market, even though the 2011 census found that nearly one-quarter of 25- to 29-year-olds in London live with their parents.

It's a common trend right across Canada, says Passarelli, but steady employment growth from the second half of last year until now gives many young Londoners currently living at home the ability to enter the rental market for the first time.

“In a market like London where homeownership is fairly affordable, about 50 per cent of people leaving the parental home will rent,” he says. That fact, coupled with natural growth in the millennial generation (aged 25-34), should keep rental demand strong during the next few years.

Students also continue to add stability to the rental market. More than 50,000 students are enrolled at Western University, its affiliated colleges and Fanshawe College. Although both institutions continue to invest in student housing, Hoy says many young people prefer to live off-campus.

“Many students are not taking the housing option offered by the university because of the associated higher costs,” she says. “The trend in London is towards independent rental living.”

Regardless of the size or type of rental portfolio, Hoy says landlords should be willing to offer flexible lease terms in order to attract and retain good tenants.

“Shorter-term leases and longer,” she notes. “If you can get a stable resident to commit to stay with you for a few years, by all means do it.”

It's an approach that Tricar has been taking for years. “We always offer a one- or two-year term,” says McColl. “It's good for the landlord and good for the tenant.”

Looking ahead, Passarelli predicts that vacancy rates in the London CMA will decline slightly. “We see some forces that will bring it down, such as growth in the younger population who will enter the rental market before they buy.”

And as London house prices increase faster than rents, Passarelli says it will become more difficult for people already renting to make the leap into homeownership.

Hoy agrees. “I think renting will remain a popular option in London, probably more than ever before. The variety and quality of available product is very good.”



The 2011 census found that nearly one-quarter of 25- to 29-year-olds in London live with their parents.

## Shirley Criger

### *Bringing a lifetime of industry experience to lead LPMA*

Shirley Criger got into the rental housing industry the way many professionals do - by leasing her own home. The year was 1979, when Criger and her family made the move from Petawawa to Timmins.

"Some tenants were good, some were bad," she says of her 10-year adventure as a landlord. "Being a landlord is a very tough job. It's up to you to look after things."

The family sold their rental property shortly before relocating to London in 1989 where Criger took an administrative position with a local property management firm. "They also needed a building manager and I figured I could take on that role because I like a clean building," she recalls.

Criger enjoyed the challenge of juggling both roles until the company was sold in the late 1990s. She began working at ICORR Properties International less than a month later, remaining with the company until it sold its condo and some of its multi-family portfolio to Gateway Property Management Corporation on May 1, 2006.

Criger accepted a position as a property manager with Gateway and has been there ever since. She currently manages apartments and condominiums in Windsor, Chatham, Sarnia, London, Guelph and Burlington. Interestingly, she works closely with her daughter, Shelley Wittal, who is director of property management.

"There's no difference in our working relationship. We're both employees and we treat each other that way," Criger says.

While at ICORR, Criger met long-time LPMA member Richard Izawa. He was so impressed by her professional and personal skills that he persuaded her to become an LPMA member and later to join the board.

"Shirley was honest, hard-working and knowledgeable and I knew she would fit right in," Izawa says. Now a property manager with Skyline Apartment REIT, Izawa is delighted with Criger's appointment as LPMA president in May.

"Shirley is exceptional in helping with our community events like the golf tournament, the food drive and our Christmas party," he says. "She brings her enthusiasm, professionalism, and caring personality to everything she does."

Outgoing LPMA president Emma Sims agrees.

"Shirley brings years of property management experience to the table. She has a wealth of knowledge in every single area of property management and will be 100 per cent dedicated to her new role."

After almost 30 years in the rental housing industry, Criger says she still enjoys making tenants happy. "As much as it can be tough sometimes, I do believe you always have to treat people properly. As a landlord, you need to deal with whatever comes and handle it professionally."

The industry is much more regulated than it used to be, she notes, and landlords need to do their homework and follow the rules.

"I don't think that people intentionally get into the industry to become a bad landlord. I think some people don't know what they are getting into and then can't keep up with the costs of running a building," she says.

Being an active LPMA member can help avoid any pitfalls.

"Attending the meetings helps you stay up to date with everything you need to know and you make so many connections that if you run into an issue there is always someone you can call for advice," Criger says. "The LPMA is a fantastic resource for landlords. Everybody should be a part of it, even if they only have one house for rent."

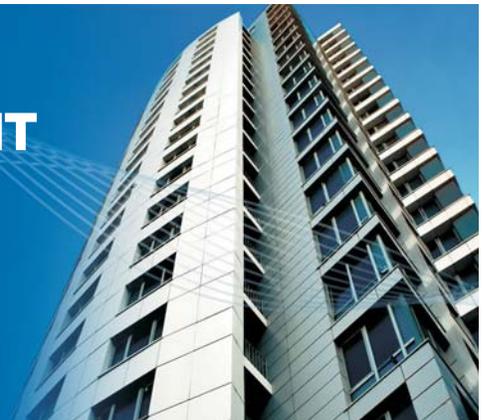


Shirley Criger has been in the rental housing industry for almost 30 years.

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## Recovering Rent Arrears

### Landlords have several options once they've evicted a tenant

When small landlords are forced to evict tenants for non-payment of rent, the prospect of recovering their money can seem daunting – particularly for those who lack in-depth knowledge of the legal system.

However, being proactive can help to head off problems even before the tenancy begins, experts say.

Laura Lee Smith, a licensed paralegal and owner of L.L. Smith Legal Services, says it's critical for landlords to obtain as much information as possible when a prospective tenant signs the rental application. The individual's birth date, Social Insurance Number, prior addresses and names of companies where they've worked can help in locating the individual if he or she later defaults on the rent.

**Background checks:** Performing thorough credit and reference checks helps to avoid the problem of approving a tenant who doesn't have any assets, she says. A credit report from either Equifax Canada or TransUnion Canada outlines individuals' payment history, credit rating score, debts, and orders from the Landlord and Tenant Board or Small Claims Court that would indicate they owe other landlords money.

Smith says when the vacancy rate is higher, some landlords may relax their background checks in order to fill their units. "When the economy is bad, they may be willing to be not quite as diligent in accepting tenants."

In some cases, Smith starts the process of recouping rent arrears by sending a letter that gives a former



When small landlords are forced to evict tenants for non-payment of rent, the prospect of recovering their money can seem daunting.

Continued next page

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## Recovering Rent Arrears (Continued)

tenant 15 days to pay, even though the letter isn't required by law. "Sometimes people will pay if they realize not paying their rent is going to affect their credit rating and that there is going to be another legal process. My experience is that most ignore the letters."

Some tenants live from paycheque to paycheque and don't have the income to pay money they owe, particularly if they're also paying rent to a new landlord, Smith says. Others are professional tenants who don't intend to pay their arrears.

**Small Claims Court:** The other option is to determine if there is an order in place from the Board that sets out the amount of money the former tenant owes. Landlords may have obtained an order from the Board at the time they evicted their tenants.

If Smith is acting on a landlord's behalf, she applies to the Board for a certified copy of the order. She then takes it to Small Claims Court where she pays \$25 to have the clerk open a file. She also obtains a file number, which allows her to enforce the order. Landlords can carry out this step on their own, Smith says, as long as the copy of the order is certified and not a photocopy.

Even if a landlord didn't obtain an order from the Board, he or she may still be able to commence an action in Small Claims Court.

Smith says many small landlords delay collecting rent arrears because they don't realize that all they need is an order from the Board and that the order is legal and binding and final. "A lot of them believe they have to start all over again in Small Claims Court, so they put it off because it's a daunting process."

Filing the order allows paralegals, or landlords, to garnish wages, put a lien on property, set up a court-ordered payment plan or have a notice of examination carried out in court.

The notice of examination is a good option if the landlord knows where the former tenant is living but doesn't know where he or she works, Smith says. Individuals are required to explain in court why they haven't paid their rent arrears and how they intend to pay them.

Income information, including where the individual works, provides a solid starting point in enforcing an order from the Board since it allows a landlord to garnish wages. As long as landlords know where the individual works, they are able to file the garnishment paperwork and take 20 per cent of the former tenant's paycheque. "That information is invaluable," Smith says.

Paralegals also monitor the enforcement process and the garnished wages, which are sent from the employer to a trust account before they're forwarded to the landlord.

If the landlord doesn't know where the former tenant lives and works, Smith performs a background check known as a skip trace.

**The role of paralegals:** Hiring a paralegal helps ensure landlords receive the money to which they're entitled, Smith says. Because paralegals complete the forms often, they're less likely to make mistakes. They know how to calculate interest, what costs can be added and how to carry out the procedure, including serving the documents, properly.

Another advantage is that landlords don't have to deal with their former tenant, Smith says. "If the tenant has any issues with the garnishment, they call my office directly and I deal with them. Landlords are quite happy to have that off their plate."

**Collection agencies:** Mike Taylor, account executive with Credifax Ontario Limited, says landlords normally contact his agency after they've evicted their tenant. As a first step, he speaks with landlords and assesses how far in arrears the individual is and if there are other issues, such as damage to the unit or garbage left behind.

Collectors then send a demand letter to the debtor's last known address for the purpose of collecting the money owing. It states that if debtors don't pay their rent arrears within 10 days, it may reflect on their credit report for six years. The letter also signals that there will be further action if payment is not received. If the debtor's last known address turns out not to be his or her current address, collectors then locate individuals who have moved.

The agency determines what debtors own, where they work and what other debts they have. In the case of a person who may want to apply for a mortgage in a few years' time or buy a car, that information can be used as leverage in persuading him or her to pay since the individual's credit report will be evaluated at that time.

Collectors are restricted to contacting debtors by telephone or letter. One of their roles centres on educating debtors about their financial responsibilities and the consequences of not paying their debts.

"We help to educate them on what's coming down the line so they can make a better decision on making a payment," Taylor says.

Continued next page

## Recovering Rent Arrears (Continued)

**Payment plans:** Once collectors have the information they need, they report back to landlords. If the debtor can't pay the debt in its entirety, the agency may suggest a payment plan to the landlord as a way of recovering the money slowly or pursuing legal action if the debtor refuses to pay.

The fees charged are often reasonable and in some cases it's possible to recover the amount owed at zero cost to the landlord. For example, if the agency sends a debtor a final notice, which is a free service, there is no charge to the landlord if money is recovered.

Taylor says good practice for collection agencies is to report debts to both Equifax Canada and TransUnion Canada. "It improves the chances of recovery because if they (debtors) are applying for a loan or a credit card, chances are they will still be approved but the underwriter will say they have to pay off the collection item."

Collection agencies must be bonded and licensed by the Ministry of Government and Consumer Services. Taylor recommends that when landlords are researching agencies they determine what commission they charge on debt recovery and if they report debts to Equifax Canada and TransUnion Canada. If a collection agency doesn't report to those two organizations, the only recourse they can offer landlords is litigation, Taylor says.

Communication between the landlord and collection agency is important so landlords know where the agency is in the process of recovering money. They should be able to speak to the collector who is working the file, ask what's involved in the recovery process so they feel comfortable with it, and what the chances of recovery are once the investigative work has been completed.

"Deal with the person you feel comfortable with and ask questions," Taylor advises.

**Property Management 101 seminars:** LPMA is hosting a series of two seminars in November designed for small landlords, property managers and building managers. Seminar 1 on November 2 covers property management basics including screening tenants. Seminar 2 on November 12 deals with maintaining your cash flow and presents different methods of collecting rent arrears. The cost to attend is \$79 for one seminar or \$129 for both. To register, go [www.lpma.ca/calendar](http://www.lpma.ca/calendar).

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## CFAA Report

### Federal Election Called for October 19: What's in it for Landlords?

This year's election is a tight three-way race among the Conservatives, the NDP and the Liberals. All three parties offer some benefits and some detriments for landlords.

The Conservatives promise lower taxes and less government involvement in the economy, but they also support benefits for homeownership which makes renting less attractive. The NDP leans to more income support for tenants, but often focuses housing measures on social housing instead of portable housing allowances or rent supplements in the private sector. The Liberals have promised benefits to support families with children (who often rent) and measures to encourage new rental construction.

For more details about the various parties' policies, see National Outlook, CFAA's newsletter, which is available in RHB Magazine or on the CFAA website at [www.cfaa-fcapi.org](http://www.cfaa-fcapi.org). Other material on the website sets out the rules about election signs and entry by candidates and canvassers, as well as how landlords can best participate in the election to advance the interests of the rental-housing sector.

### CFAA Rental Housing Conference 2016

Next year's conference will take place in Toronto from June 7 to 9. It will offer a similar set of topics as in 2015 with fresh themes for rental investors, executives, operational managers and hands-on owner-operators. Benjamin Tal will speak on June 9.

Learn what you and your key people need to know about:



A federal election has been called for October 19.

Continued next page

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## CFAA Report (Continued)



In June, CFAA held its 7th annual Rental Housing Conference in Toronto.

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4. retaining tenants
5. cap rates, valuations and sales
6. rental demand and interest rates
7. current key issues facing rental-housing providers

### **CFAA Rental Conference 2015: great profit-raising ideas**

In June, CFAA held its 7<sup>th</sup> annual Rental Housing Conference in Toronto. More than 300 attendees heard from 70 speakers on both investment and operational issues.

#### **Investment and executive sessions**

Benjamin Tal, deputy chief economist at CIBC World Markets and an expert on

the Canadian housing markets, was the keynote speaker. He predicted that:

- The U.S economy is likely to expand for another three or four years, raising demand for Canadian exports.
- Interest rates in the U.S. and Canada will rise very slowly.
- Across Canada, overall house prices will stand up well to increases in interest rates.

Other investment topics included an executive roundtable, a detailed discussion of secondary markets, interest rates and lending conditions, and population and rental demand projections across Canada.

#### **Rental operations sessions**

Lee-Anne McAlear gave a keynote speech on Resilient Leadership and followed it up with a workshop on employee engagement entitled, "How to make your employees love to work with you." Conference delegates gave that workshop an average rating of 4.8 out of 5.0!

Other employee management sessions addressed:

- Workplace harassment
- New extensions of human-rights laws to time-off requests for family events
- Trends in compensation and benefits
- Selection interviewing
- Employee performance and development

In the building science stream, attendees learned how to plan energy conservation projects to maximize incentives and how to avoid expensive pipe replacement projects. Other building science topics included:

- Asbestos and new CO detector rules
- Emergency power
- Capex planning and the tendering process
- Six-storey wood-frame construction

Finally, the conference addressed key marketing topics. In a thought-provoking and inspiring keynote speech, marketing guru Tony Chapman addressed the emerging trend in marketing which taps into how each market segment or person sees your product as enhancing their life. That approach avoids the race to the bottom of mass marketing, which results in rents being driven down. Other speakers addressed digital marketing and social media, earning rave reviews for the good ideas they provided.

Conference delegates also enjoyed the Building Innovations Bus Tour, as well as the CFAA Reception and Dinner and Wyse After-Party at the CN Tower.

*LPMA is a member of the Canadian Federation of Apartment Associations, the sole national organization representing the interests of Canada's \$480-billion private rental housing industry, which provides homes for more than eight million Canadians.*

## Upcoming Events

### Members' Dinner & General Meeting October 13

**Dinner Sign In & Networking:** 5:30 to 6:00 pm  
**Dinner:** 6:00 to 6:45 pm  
**General Meeting Sign In and Networking:** 6:45 to 7:00 pm  
**General Meeting:** 7:00 to 8:30 pm  
**Location:** Lamplighter Inn, 591 Wellington Road, London - Regency Room  
**Speakers:** To be announced  
**To Register for the Dinner:** Go to [www.lpma.ca/calendar](http://www.lpma.ca/calendar)  
**To Register for the General Meeting:** No charge and no registration required.

### Night at the Knights October 23

**Location:** Budweiser Gardens, 99 Dundas Street, London – Box 205  
**Game Time:** 7:30 pm – Doors open at 6:30 pm – Enter through Gate 1  
**Cost:** \$45 per person  
**Included:** 1 seat in Box 205, food and 1 alcoholic beverage.  
**To Order:** Go to [www.lpma.ca/calendar](http://www.lpma.ca/calendar)

### Property Management 101 Seminars November 2 & November 12

**Seminar 1 - Monday, November 2, 5-9 pm**  
**Registration:** 5:00 to 5:30 pm  
**Location:** Mocha Shrine Centre, 468 Colborne Street, London  
**Seminar 2 –Thursday, November 12, 5-9 pm**  
**Registration:** 5:00 to 5:30 pm  
**Location:** Mocha Shrine Centre, 468 Colborne Street, London  
**Cost:** \$79 for one seminar, \$149 for both  
**To Register:** Go to [www.lpma.ca/calendar](http://www.lpma.ca/calendar)

### LPMA Christmas Party December 8

**Time:** 5 to 8 pm  
**Location:** RiverBend Golf Club, 1200 Sandy Somerville Dr., London  
**Cost:** No charge. All LPMA members are invited to attend.  
**Toy Drive:** Please bring an unwrapped toy for the Salvation Army Toy Drive.

## Surveys To Help Landlords

### **Rental Housing Employee Compensation Survey now available**

The CFAA Employee Compensation Survey reports for 2015 are now available for London and 16 other areas across Canada. The survey reports on the average and range of compensation for both building-based and head-office positions. The London report presents actual city data for building superintendents, cleaners, leasing agents, maintenance technicians, property administrators and property managers. Head-office positions are addressed through statistical estimates from the Canada-wide or Ontario-wide data, which is provided. For more information and pricing, see the compensation survey section of the CFAA website at [www.cfaa-fcapi.org](http://www.cfaa-fcapi.org).

### **CMHC Annual Rental Market Survey to take place in October**

Canada Mortgage and Housing Corporation (CMHC) will be conducting its Fall Rental Market Survey during the first two weeks of October. All survey data gathered is strictly confidential and CMHC does not disclose building-specific information to third parties. CMHC's Rental Market Survey reports will be available in December. You can sign up for convenient free subscriptions to the survey reports or you can download electronic reports on the day of release. Visit [www.cmhc.ca](http://www.cmhc.ca) or, for more information, contact Pierre A. Lanciault at [planciua@cmhc-schl.gc.ca](mailto:planciua@cmhc-schl.gc.ca).



The survey reports on the average and range of compensation for both building-based and head-office positions.

## Welcome Changes at Landlord and Tenant Board and Small Claims Court

### Landlord and Tenant Board Changes

Landlords across Ontario can now file the most common Landlord and Tenant Board (LTB) applications online, anytime from anywhere. The e-file tool guides users through a series of steps and then generates an application. Landlords can also pay their fees online and schedule the first available hearing date.

Four common application types can be e-filed – two for landlords and two for tenants – which, together, account for 80 per cent of all applications received at the LTB. Paper applications can still be mailed, faxed or dropped off at LTB offices or personally delivered to select ServiceOntario locations across Ontario. None of the ServiceOntario locations in London accepts LTB applications. For a list of locations that do accept LTB applications, go to [www.services.gov.on.ca/locations/allServices.do](http://www.services.gov.on.ca/locations/allServices.do) and select 'Housing and Property' and then 'Landlord and Tenant Board.'

The two applications that landlords can file online are:

- L1: Application to Evict a Tenant for Non-payment of Rent and to Collect Rent the Tenant Owes
- L2: Application to End a Tenancy and Evict a Tenant

The two applications that tenants can file online are:

- T2: Application about Tenant Rights
- T6: Tenant Application about Maintenance

All of the LTB forms, including notices and applications, are fillable PDF files that can be accessed on the LTB website, [www.sjto.gov.on.ca/ltb](http://www.sjto.gov.on.ca/ltb).

As of July 1, in most cases, applicants will no longer have to serve the notice of hearing and application to the respondent or submit a certificate of service to the LTB. The LTB will serve these documents to both the applicant and the respondent.

Some notices and applications are not affected by the rule change. Landlords who apply to increase the rent above the guideline or to vary the amount of a rent reduction will continue to serve the notice of hearing and application. Rule 10 of the LTB Rules provides details on serving the notice of hearing for landlords and tenants and can be viewed on the LTB website, [www.sjto.gov.on.ca/ltb](http://www.sjto.gov.on.ca/ltb).



Landlords across Ontario can now file the most common LTB applications online.



The new system allows for claims for fixed amounts under an agreement or contract such as rent to be filed online at a time convenient for the claimant.

### Small Claims Court Changes

Ontario Small Claims Court has also introduced e-filing to make the process more convenient for landlords trying to collect unpaid rent from former tenants.

Once a tenant has vacated a unit, landlords can no longer seek remedy for damages or unpaid rent at the Landlord and Tenant Board. Landlords seeking compensation of up to \$25,000 may file a claim in Small Claims Court.

Previously, all claims were required to be filed at a provincial courthouse during regular hours of operation. The new system allows for claims for fixed amounts under an agreement or contract such as rent to be filed online at a time convenient for the claimant.

Users choose between two filing options: Filing Wizard or Quick File.

First-time users or those not familiar with Small Claims Court can use the Filing Wizard. It gives step-by-step instructions during the filing process and helps to ensure

that all the necessary information is submitted to the court.

Quick File is for users such as legal professionals who frequently file claims and are very familiar with the Small Claims Court process.

For information about filing Small Claims Court Claims, go to [www.attorneygeneral.jus.gov.on.ca/english/courts/scc](http://www.attorneygeneral.jus.gov.on.ca/english/courts/scc).

## Tips for Handling Roommate Disagreements

### *Cleanliness, visitors and money are the top three problems*

In the last 10 years that Britta Stern has been renting to students, she has experienced few problems with roommates who can't get along. She believes that's due to her emphasis on setting the scene for students to succeed – instead of doing damage control once problems take hold.

Stern is owner of Exclusive Rentals, a property management firm that caters to students from Western University. She leases rooms in houses to groups of students who are already friends and to students who don't know one another. She sends out a welcome letter in September that outlines her company's expectations concerning issues such as garbage and cleanliness. She also provides students with copies of a roommate agreement and encourages them to hold a house meeting, particularly if they don't know one another, to determine how to divide chores and expenses.

Standards of cleanliness can differ from one roommate to another, but they are generally able to work problems out, Stern says. She minimizes her involvement when there are personality conflicts since it can be challenging to determine who is causing the difficulties.

"If it's a personality problem, that's way too much drama," she says. "They're adults and they have to learn their responsibilities. We can give them advice and we can also listen to them; we want to be active, but we would not step in and try to solve the problem."

If one student can't live with the others and wants to leave, Stern gives that student the option of moving to another rental in the company's portfolio and helps to find a roommate to replace the one who is leaving.

She advises small landlords not to get too involved in their students' lives or take sides. "Living with others is a challenge for young minds, but on the other hand it's a great learning curve for them to deal with whatever problems they have together."

**Roommate agreement:** Glenn Matthews, housing mediation officer for Fanshawe College and Western University, encourages landlords to give students the tools they need to live successfully away from home, many for the first time.

One of those tools is the roommate agreement, available online at [www.offcampus.uwo.ca/roommate\\_agreement.pdf](http://www.offcampus.uwo.ca/roommate_agreement.pdf). The document spells out in detail house rules, use of personal items, study arrangements and noise concerns, as well as the division of payment for rent, utilities and extras, such as cable television and Internet use. Each section also outlines problems that can occur and how they can be avoided.

"It just lays out expectations about cleanliness or visitors or money, in particular. Those are the biggies that people start fighting over," Matthews says. "If they've got some idea of what the expectations are they're more likely to abide by them."

Whenever students come into the Off-Campus Housing Service office with a roommate problem, staff ask if they've completed the roommate agreement. "Almost 100 per cent who come in with problems have not done a roommate agreement," Matthews says.

Having a roommate's partner spend a great deal of time in the house, particularly around exam time, can change the dynamics and intrude on others' study time. And if roommates spend significant time together at the beginning of the school year, one may feel left out when the other becomes involved with a boyfriend or girlfriend.

An agreement encourages tenants to discuss potentially divisive issues before they sign a lease, Matthews says. Problems can occur when roommates operate on intuition instead of asking key questions that might rule out a potential candidate. "Better to see if issues are on the table before they get locked into a lease," he notes.

Renting to tenants who are content with their household arrangements also benefits landlords. "Our experience is when roommates are happy, we don't have issues with somebody taking garbage to the curb. We've had situations where garbage piles up in a property and when we go to investigate it's because



Renting to tenants who are content with their household arrangements also benefits landlords.

Continued next page

## Tips for Handling Roommate Disagreements (Continued)



Off-Campus Housing Service offers free mediation if one party is a student and the Faculty of Law at Western offers free mediation for all London and Middlesex County residents.

students to initial that clause in the LPMA lease.

"It's important for landlords of student rentals because if they don't get adequate notice, then it's very difficult for the landlord to re-rent it (the house) in a timely way the following year," Hoffer says.

Landlords should ensure that parents sign on as guarantors. In a model where each roommate is responsible only for his or her own share of the rent, the parents are responsible only for their child's portion of the rent. When it comes to damage or breach of the lease, the parents and student are responsible for any damage to the student's own bedroom but jointly liable for any damage to the common areas of the rental unit.

**Assigning a tenancy:** In the above model, the landlord can also permit a roommate who wants to leave the rental to assign his or her interest in the tenancy to another individual. If the roommate is unable to do so, the landlord can elect to replace that person and the other roommates will have some say, regardless of whether it's the student or the landlord who is assigning the tenancy. These terms can all form part of the tenancy agreement.

In a full joint tenancy, for example if three people knew one another and were all jointly liable on a single lease, the two remaining students would be on the hook for the departing roommate's share of the rent. That scenario can become messy, Hoffer says, because "the other two are left holding the bag for the entire rent and that's what really causes problems for landlords" if they refuse to pay for the entire amount, even though they're legally obligated to do so.

In that situation, the landlord must bring an application to obtain a judgment against the remaining two students. "It just makes it messy for everybody," Hoffer says.

He recommends that as soon as the landlord is aware the one student will be leaving, he let the other two know that he is open to receiving an application from another individual. Once the new roommate is approved, that person enters into a new tenancy agreement and is added as a joint tenant with the other two.

However, if all three students are arguing and no one wants to leave the rental, there's nothing the landlord can do about it unless a quarrel erupts into violence and assault or theft, and then the landlord can move to evict the tenant. The challenge is that the landlord must bring an application at the Landlord and Tenant Board against all of the tenants, Hoffer says.

If one student is causing all of the problems, the landlord can allow the two victims to come back in and sign a new tenancy agreement after the old tenancy has been ordered terminated.

**Mediating problems:** In situations where landlords need help mediating problems among roommates, Matthews says they are welcome to contact the Housing Mediation Service. There is no fee involved and the only criterion is that one of the parties involved must be a Western or Fanshawe student. The office can be reached at 519-661-3787 or [housing.mediation.service@uwo.ca](mailto:housing.mediation.service@uwo.ca).

Mediation is also available, free of charge to those who live in London and Middlesex County, through the Dispute Resolution Centre in the Faculty of Law at Western University (519-661-4044 or [drc@uwo.ca](mailto:drc@uwo.ca)).

roommates can't get together on taking it to the curb because they're mad at each other," Matthews says.

**Personality conflicts:** London lawyer Joe Hoffer agrees that many issues stem from a conflict of personalities. Even though the problem wasn't created by the landlord, there is an assumption that it's up to the landlord to solve it. One roommate may not like another and from that arise disputes over the sharing of expenses and household chores "and it just escalates to the point where finally one of them has to leave," Hoffer says. "If you're a landlord, you're saying, 'How is it that I have to bear the cost of these people fighting with each other? It just doesn't seem right.'"

Hoffer says that under the Residential Tenancies Act, landlords must give all new tenants a form that explains their rights. They should also tell students that they must give 60 days' written notice if they plan to vacate and ask

## 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.

Opinions expressed in articles are those of the authors and do not necessarily reflect the views and opinions of the LPMA board or management. LPMA accepts no liability for information contained herein.

Any comments about LPMAnews or requests to submit articles may be made by email to [info@lpma.ca](mailto:info@lpma.ca).

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[www.lpma.ca](http://www.lpma.ca)

### Drive for 600

Help us reach our goal. We currently have 560 members and we are trying to increase membership to 600.

Tell a friend about the benefits of being an LPMA member. If your friend joins, you will receive \$25 off your next membership renewal.

Help make the association stronger and save some money. Everybody wins!



Everybody wins when you refer a friend.

### LPMA Office Closed for Vacation

The LPMA office will be closed on Monday, September 20 and Tuesday, September 21.

The office may be closed at other times of the year due to meetings and events. When possible, advance notice is posted on the LPMA website, [www.lpma.ca](http://www.lpma.ca).



## Welcome New Members

A.O. Smith (Associate), Belair Properties, Benefect Corp. (Associate), CRM Properties, Chris Haskett, Impact Fire Protection Ltd. (Associate), Heather Inger, Jama Property Management, Stephen King, Annie Lin, John Marriott, McMillan Property Management, J. Milne, Restoration 1 (Associate), Revived Interiors (Associate), Robert Stier, Rosario Zara