

Dr June Donaldson

From: Kevin Burns <kevin@kevburns.com>
Sent: June 23, 2018 10:19 PM
To: calgary.currie@assembly.ab.ca; Service Alberta Minister
Subject: Condo Legislation and Congratulations on Portfolio

Honorable Brian Malkinson,
Service Alberta
103 Legislature Building
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June 23, 2018

Minister Malkinson,

Congratulations on your new posting as Minister of Service Alberta. I apologize for the length of my letter, but I wish to make an impassioned plea to you as the new Minister in charge of the forthcoming Condo legislation.

As a condo owner, business owner and entrepreneur, I admire someone who understands what working for a living means. I read, with interest, of your background as a diesel mechanic and salesperson. I believe that these may be the two careers that may serve you best in your role as Minister. Let me explain.

As a mechanic, you know that when a part is malfunctioning, it needs to be replaced before it creates a bigger issue. That may be the most important piece of your new job early on. You have some seriously malfunctioning parts in your new department, specifically the Condo legislation file, who are about to create a serious problem for the government. They will do their best to vilify anyone who challenges the proposed condo legislation.

However, Mr. Minister, it is us very condo owners who are already experiencing the broken and malfunctioning parts of the current and proposed condo legislation that causes us to believe that this "engine" is not road-worthy.

And as a salesperson, your greatest asset will be the old saying, "never try to sell a salesman." Salespeople know when they are being sold. We ask you to keep your guard up and don't be "sold" by those within your department who fear change and those who insist on maintaining the status-quo. The proposed condo legislation needs to be changed. It is flawed. It is weak. It is an engine that needs a rebuild or it will be impossible to sell.

I, like many of the 440,000 other Alberta condo owners, are people who care about our homes, our families and our communities. Most of us condo owners work for a living, and we work hard. We pay our mortgages, our condo fees, our taxes. But then, we also have to pay for access to our own documents at inflated, gouging, scalper prices from third-party documents scalpers. We have to pay lawyers to get our condo Boards to enforce their own Bylaws. We have to pay Court fees to bring wrongdoers within our condo communities to Court. We have to pay our own lawyers to defend against our own condo management companies and bullying condo Boards who use our condo fees to pay their legal defense. We end up paying the lawyers on both sides because we have no oversight body to help us.

The current and proposed condo legislation has no enforcement powers. By comparison:

- the Highway Traffic Act is enforced by police,
- the Occupational Health & Safety Act is enforced by OH&S Officers,
- the Securities Act is enforced by the Securities Commission
- the Alberta Parks Act is enforced by Parks Officers
- the Alberta Fisheries Act is enforced by Fisheries Officers
- but, the Alberta Condominium Property Act is not enforced by any enforcement body.

Condo owner challenges must be addressed by private individuals, or groups of owners, using their own money to seek a legal remedy. We have to take our own condo Boards to Court. We have to sue them and then wait years before the case is heard. There is no person or body advocating on behalf of the 440,000+ condo owners.

What this means is that:

- You can have a campfire enforced but not a condo issue.
- You can enforce the protection of a fish but not enforce the protection of a condo owner.
- You can be fined for failing to communicate workplace safety but not for doctoring condo records, withholding information or gouging condo owners with astronomical fees to access their own information.
- You can be fined for scalping tickets but not for being a 3rd-part re-seller of outrageously priced condo documents that already belong to the condo owner: the person trying to acquire them.
- And, you can be prosecuted for securities irregularities but not for condo board financial mismanagement.
- The list goes on.

The current and proposed condo legislation favours the elite, the rich and the well-to-do. It favours the condo industry insiders, the lawyers, the management companies, the condo industry vendors who want to protect their status-quo. It does not favour the condo owner who scrimped and saved in a tough economy to put a down payment on a condo. It does not favour the working couple who, after working ten-hour days, don't have the energy to battle their own bullying condo boards. It does not favour the good people who want to be good neighbours but are systematically under threat of being fined, threatened and labelled "problem owners" because they ask questions (to which they get no answers).

Mr. Minister, the proposed legislation is problematic. Condo owners bear all of the costs for an entire industry, but we have no oversight or enforcement body on our side. Without enforcement powers, the proposed legislation does not meet the standard being an "Act." It is a set of suggested guidelines at best.

I have pointed out several of my concerns already to your department under the previous Minister. I received only form-letter responses.

There has been so little humanizing of the condo legislation that many of us condo owners across the province have felt the need to organize in an effort to be heard by the government. We were granted a single meeting with department officials and the 27 suggestions we proposed were summarily dismissed in favour of the suggestions of industry insiders; lawyers, condo management firms, documents re-sellers (how do scalpers get a seat at the table?) and various other organizations that survive solely on revenues through condo fees. These condo industry insiders have met with department officials on seven separate occasions in the last 12 months. The department has met with our small sampling of actual condo owners only once. Who do you think has more influence with the department?

Please Mr. Minister, we ask for a "rebuild." We are willing to work with you to develop an Act that is fair to those who pay the freight, accessible to everyday owners, an Act that is enforceable, and an Act that represents the interests of the condo owner and not the interests of those who profit off the backs of condo owners.

Once done, we can help you sell that.

Sincerely,
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