

MINUTES OF SANDYCOVE ACRES HOME OWNERS' ASSOCIATION

Agenda – Wednesday September 1, 2021

[Held by 2 consecutive video conferences due to COVID-19]

Present: John Bicknell: President, Linda Morris: Vice-President, Ted Gemmell: Treasurer, Bob Caspar, Michael James, Lynne Patterson - Secretary, Linda Moyles, Dennis Rodgers and Anne White

Absent: Diane Elliott

Minutes of August 4th Meeting

Comment: none

Motion: Linda Morris/Dennis

All in favor: All

Treasurer's Report:

1. Financial Statement

SCA Homeowners Association Financial Statement
August 31st , 2021

	Expenses	Income	Bank Balance
Opening Balance			\$ 17,656.23
Bank fee	4.00		
Membership Fees		440.00	
Lynne Patterson	103.96		
Lynne Patterson	176.73		
GIC Interest		25.00	
Total	\$284.69	\$465.00	\$ +180.31

Bank Balance 2020/08/31 \$ 17,836.54

RBC 12 month non-redeemable GIC @0.4% Invested Apr.13/21 \$ 20,000.00

RBC 12 month non-redeemable GIC @0.4% Invested Aug.12/21 \$ 10,000.00

Total Funds as of 2021/08/31 \$ 47,836.54

Note: 2021-2022 Fiscal year (May – Apr)

Expenses	2100.95
Income	2645.00
	+544.05

Comment: none

Motion: Ann/Michael

All in favor: All

2. Bills for Payment - \$197.52 for stamps to Lynne Patterson and \$120.17 to Linda Moyles for supplies for the HOA signs.

Comment: none

Motion to pay: Dennis/Linda Morris

All in favor: All

Correspondence: none

Business Arising:

1. New Garbage Bins – see President’s Report
2. Legal Issues – See President’s Report
3. HOA Records consolidation – Possible use of e-mail for membership communications rather than hard copy as a cost saving measure.

Comment: As long as residents without printers and/or computers and residents still wishing a letter/slip can still renew their membership this way it was agreed to start exploring the idea of using email for renewals. The Community Relations committee will begin by exploring the renewal portion first and what the documents might look like and how it would be executed. The report will come for the October meeting.

President’s Report:

New Garbage Bins: Rather than write a separate report, shown below is the information update circulated to residents which, effectively summarizes the current position.

FROM THE HOME OWNERS ASSOCIATION:

Update – New Garbage Bins

Since our last bulletin we have undertaken three initiatives to rally support for changes to be made to this new situation. These are:

1. An in-depth explanation of our issues with the new bins with a request for assistance in having the program reviewed. This was sent to the following persons:

- Senior Government: Premier Ford, MPP Andrea Khanjin, MP John Brassard. To date – two no replies and one useless acknowledgement.

- a. Local Government. Mayor Dollin, Deputy Mayor Davidson. More below on this.

- b. Various Simcoe County senior officials.

2. An e-mail “blitz” by residents to Simcoe County officials. The intent was to try to get someone to take our issues seriously; previously efforts by the Association, Parkbridge and individual residents were, quite frankly, being ignored. As you will see from what follows it does appear to have had the desired effect. Our thanks to those of you who took the time to do this.

3. A personal approach by Association President John Bicknell to, in their dual roles, Lynn Dollin [Innisfil Mayor/Simcoe County Deputy Warden] and Dan Davidson [Innisfil Deputy Mayor/Simcoe County Councillor]. John requested that they, and any others they felt appropriate, meet him here in Sandycove to see for themselves examples of the issues with both handling and storing these new bins. This was agreed to and arranged for August 18th.

Prior to the meeting John toured most of our streets to identify about a dozen homes that would clearly illustrate both the handling and storage problems. On the day the following attended:

Mayor Dollin, Deputy Mayor Davidson, Innisfil Councillor Kenneth Fowler, Simcoe County Waste Management Official John Williams, Sandycove Property Manager Stephen Parsons.

The identified homes were visited over a time period of about 90 minutes. Each location was discussed and pictures were taken. It quickly became apparent, including the minority defending the new bins, that there was recognition that there is indeed a problem.

Discussion followed as to solutions and a number of ideas were put forward. John raised the point that an exemption has been given to a New Tecumseth community [not Tiny Township as incorrectly reported in local media] and asked why Sandycove, with its distinct demographics and physical location could not be afforded the same relief. It must be said that no really satisfactory answer was forthcoming; this probably due to the fact that those present included votes for and against the exemption. From things that were said it does seem that there would be a problem with truck availability of the type needed to keep the current service.

However all agreed that the matter needed further discussion and that some changes must be investigated to, at minimum, make things easier for all of us. We were given an undertaking that this would be done. Obviously we will inform everyone when there is news.

As a side note to this issue: It is self-evident that the storage aspect of these bins may present a "community standards" problem for many of our lots. The Association is already in discussion with Parkbridge as to how this will play out. Of course there can be no final answer on this until we know what may be forthcoming from Simcoe County but we will say that Management are well aware that some accommodations may need to be made in this respect.

FROM THE BOARD OF DIRECTORS.

Management Meeting re legal and other issues: Stephen Parsons apologized for having to postpone this meeting. It appears that the office is still getting up to speed with all the new people, it is budget time and, to cap it all, Sylvain Gauthier has been temporarily posted to B.C. and Alberta to assist several Parkbridge communities that have been disrupted by wildfires.

The meeting will now take place in September at a date to be set whenever Sylvain returns. It was said that Lachlan MacLean plans to attend and we will be asked to have two representatives from the Board.

AGI #3 Order and Implementation. You will be aware that the AGI has been approved at 0.30%; this is a reduction of about 10% due to our challenges.

With respect to the actual implementation notice I have noted a change in how the number of retroactive months billable has been calculated. For previous AGI's the months were calculated based on the date stated on each resident's N1 increase notice. For AGI #3 Parkbridge have calculated everyone the same by dating back to the "first effective date of increase" as stated in the actual application to the LTB.

This change can make a significant difference. My own case illustrates this. Under the "old" method my retroactive would be 24 months. Under the "new" method it is 32 months! I immediately raised this issue with Stephen Parsons. His response was that [a] the new method is correct as verified with the LTB and [b] that Parkbridge made a mistake with previous AGI's resulting in a financial loss.

I am not convinced as to the accuracy of this for a number of reasons. I have therefore taken some time to revisit both the RTA itself and the regulations thereto. There seem to be some contradictions in different sections which in my opinion, given the number of residents potentially affected, needs professional advice. Only with this can we either further challenge Parkbridge or accurately advise residents. I have therefore requested our legal representative's input.

Comment: It was agreed we should have Nicole (our legal representative we have used in the past) could put together a letter to challenge Parkbridge on this matter.

Member complaints/Membership issues: I received a call from Stephen Parsons with respect to a complaint letter he had received which was Cc'd to the Association. As a side note we do not appear to actually have received a copy. This may well relate to the circumstances of the individual concerned given that the matter is both disturbing and serious. For the purposes of this report I wanted to make the point that, as he had said he wanted to do, Stephen reached out to us simply on the basis that the resident seemingly wished us to be involved.

However the details that Stephen provided to me caused me to give some thought as to what our response should be. In so doing some questions came to mind with respect to our Constitution and Bylaws. I am therefore submitting a separate document for discussion as "New Business" on our September 1st 2021 Agenda.

Director's Reports:

Linda Morris

ONTARIO LAND LEASE HOMEOWNERS ACTION GROUP (OLLHAG) REPORT

This group has been formed from various Parkbridge Community Home Owners' Associations to protect the interests of resident homeowners in land lease communities at the Municipal, Provincial and Federal levels of Government and other non-governmental bodies as well as represent special interests of resident homeowners in land lease communities. Parkbridge has hired a lobbyist working Parliament with a view to change the laws that would be more in favour for the landlord than residents.

This Action Group has banded together with a view to petition the legislative assembly of Ontario through their individual MPP's attempting to coordinate the timing so that they are submitted about the

same time requesting each MPP to collectively present them to the legislature enlightening them on what land lease residents are facing.

The group has been meeting via ZOOM to discuss and produce such a petition which is to be signed within individual land lease communities and hand-delivered to the MPPs involved. Right now that objective is for October 2022 which may or may not be adjusted. The Petition was initially sent to 26 communities to sign and present to their MPPs.

The top items of concern for this Group:

- 1) Parkbridge cutting services
- 2) AGI's – Backlog at LTB is having adverse effects on home owners
- 3) AGI – miss-interpretation by Parkbridge on applying the LTB rulings
- 4) AGI documentation including HST
- 5) New Leases with reduced services
- 6) Renewal of Leases - reducing services with new renewal lease being changed - not exactly as existing lease being renewed
- 7) Assignment of Leases with withdrawal of services – legally cannot do unless by mutual agreement of new resident when signing with abatement – abatements being provided do not cover residents' costs to do the work.
- 8) Assignment of Leases - imperative seller does not sign N1 notice which cancels the lease trying to be assigned so purchaser becomes new resident with no services
- 9) Insurance - adding Parkbridge as co-named on liability of residents' home insurance policies
- 10) Passing of Bill 184 thereby permitting AGI's for larger percentages and more "life" years than previously permitted (bearing in mind to do away with AGI's does away with rent control opening up for greater percentage increases)

Some of the communities are having difficulties with regard to getting petition signed due to COVID-19 restrictions. Sandycove, being the largest land lease community in Canada, is facing this situation bearing in mind what we do has to be within protocol and no halls opened. Being a corporation, we are required to adhere to strict regulations with a lengthy procedural timeframe in which to call a meeting of residents bearing in mind our size not to mention the availability of a location with closed halls during protocol. The positive numbers climbing again is making this even more imperative.

Options to proceed in protocol:

- 1) sending individual forms to residents by mail (expensive about \$1500 to mail, plus willingness of manpower to meet, produce, plus supply costs)
- 2) sending out electronically by eBulletin to copy, sign and send back
- 3) put petition on website
- 4) organize outside - residents book specific times to sign (logistics?)(control numbers)
- 5) notice on Facebook advise location of petition for printing, signing and returning

Meeting with MPP to present petition and get assurances she would address to the legislature.

This is where we are at the moment with regards to this project.

Respectfully submitted

Linda Morris

Attach – Petition

Petition

To the Legislative Assembly of Ontario:
FROM THE ONTARIO LAND LEASE HOMEOWNERS' ACTION GROUP
IN SUPPORT OF
AMENDING THE RESIDENTIAL TENANCIES ACT AND RELATED LEGISLATION
AS IT PERTAINS TO LAND LEASE COMMUNITIES

WHEREAS the population of Land Lease Homeowners in Ontario numbers 26,000 plus women and men, mostly seniors, in 12,000 plus homes in 72 communities, with thousands more under development;
AND WHEREAS Land Lease Homeowners live in self-owned homes on rented property;
AND WHEREAS, from a Land Lease Homeowner's perspective, the Residential Tenancies Act has not been revisited since 2006;

AND WHEREAS the Land Lease housing environment has changed dramatically;
AND WHEREAS many Land Lease Homeowners feel the current practices of certain Landlords are contentious and must be addressed;

We, the undersigned petition the Legislative Assembly of Ontario as follows:

To direct the Ministry of Municipal Affairs and Housing to work in committee with appointed representatives from the Ontario Land Lease Homeowners' Action Group, to review and revise the Residential Tenancies Act and related legislation to ensure that Land Lease Homeowners are treated fairly, justly and equitably under the Tribunals Ontario system, specifically when matters appear before the Landlord and Tenant Board.

NAME (PRINTED)	#	ADDRESS (PRINTED)	SIGNATURE
----------------	---	-------------------	-----------

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10

NOTE: Each resident should sign individually
Return completed petitions with original signatures to:
Bob McCarthy, 163-Fourth Avenue, Bluewater Country
for delivery to MPP Bob Bailey

Comment: It was agreed by all that we should proceed with the number 1 suggestion - sending individual forms to residents by mail (expensive about \$1500 to mail, plus willingness of manpower to meet, produce, plus supply costs) as this is extremely important.

Motion to proceed with mailout of petition: John/Dennis

All in favor: All

Membership Report - Lynne

Membership to date:

April 1, 2021: 655

May 1, 2021: 667

June 1, 2021: 712 Note: 42 are New Resident Complimentary 1st Year – this number reflects all new residents since December 2020.

July 1, 2021: 722

August 1, 2021: 701 NOTE 1: 13 New Resident Complimentary 1st Year since July. NOTE 2: This number reflects the ongoing discussions of which list to be using moving forward as no updated information has been added.

September 1, 2021: 744

Renewal letters with an expiry date September sent out in August. 50

Renewal letters without an expiry date (letter M street names) sent out in August. 35

Renewal Dues received in August. 48

Quarterly Percentage Report:

Renewal letters without an expiry date (street names C D E F G H I J K L M): 8% Although it's a poor showing, a lot of the homes are in transition.

Renewal letters with an expiry date (April thru August): 62%

New Business:

1. Constitution and Bylaws changes – Discussion
CONSTITUTION AND BYLAWS
Discussion re Membership

As noted in the President's Report of September 1st 2021 a potential resident complaint was referred to me by management. Because the nature of the complaint was serious, had possible legal implications and, in reality, was not something we are equipped to deal with, I wanted to think about the appropriate Association response in advance of the need to actually do so. Before getting in to detail it is useful to review the extracts shown below from our current Constitution and Bylaws. Membership in the Association is open to adult permanent residents in good standing as defined in the By-laws and who are shown on the Company lease. For the purposes of the Constitution and By-laws each individual as defined above shall be considered a member. Each such member shall be entitled to one vote at any meeting of members. For the purposes of notifying members of meetings the Record Date for membership shall be 50 days prior to the date of the Annual or Special Meeting. If a member is not so notified for any reason or joins subsequent to the Record Date the member may still attend and vote at any meeting.

The objectives of the Association are to:

- (b) Assist members of the Association in respect to major problems or complaints which may arise and cannot be resolved through direct communication between the member and the Company. The Board of Directors may, from time to time, enact, amend or repeal By-Laws of the Association. When any such action is taken by the Board of Directors a Special Meeting of the Association shall

be convened within not more than fifty [50] and not less than ten [10] days to approve the enactment, amendment or repeal. This shall be by an affirmative vote of at least two-thirds of the members present at the meeting in respect of a change in conditions of membership, the number of Directors, method of notification of meetings or voting by members not present at a meeting and by a majority vote for any other change. The Board of Directors shall notify members of the time and place of the meeting and details of the enactments, amendments or repeals proposed and proxy voting process via Canada Post.

Good standing shall mean that current membership dues have been paid and that the resident has not been declared to be not in good standing by the Board of Directors. A member may be so declared and their membership terminated for actions bringing Sandycove Acres, the Association or the Board of Directors into disrepute or actions damaging to the community or fellow residents. Such a declaration shall take effect after the member has received 15 days written notice of the Board's intent and has been given an opportunity, not less than 5 days before the declaration is to take effect, to appeal it in person or in writing to the Board. The member may re-apply to the Board for membership after a period of one year from the effective date stated in the written notice but such application shall not be automatically granted.

As a first step I checked membership status; the resident has not been a member for more than 2 years. Obviously therefor we would, should it reach that point, advise the resident – giving our reasons based on the above – that we cannot intervene on his behalf.

One would hope that this would end the matter but it may not. It is not uncommon, as our Complaints Directors can testify, for residents to decide to join when they have a complaint. This is perhaps even more likely when the resident has previously been a member.

It is my argument that such a sequence of events is within the letter of our current Bylaws but very much not within the spirit and intent of our mandate. The problem is we have made provision to revoke membership BUT we have no provision to refuse membership with the exception of sub-letting residents.

In the immediate case we would without doubt, by the current definition of “good standing”, be placed in the ridiculous position of issuing a membership and then immediately starting the prescribed process to revoke the same!

I would also note that we have only ever had informal “rules” as to types of complaints for which we decline to intervene. It is not good for our image to say we handle complaints and then when one lands on our plate we turn round and say “sorry but no”.

I therefor submit the following discussion points to the Board:

1. Should we have a Bylaw giving the Board the right to refuse membership?
2. Should our Bylaws define the limits of when we will intervene?
3. Residents subletting. Should we revisit our position on this? It is certainly true that such residents are negatively impacted currently even if only being unable to attend member events. A

reminder – our current position is based on the possibility of conflict of interest between the leaseholder and the subletting tenant.

As a secondary issue should the decision be made to make changes, how and when might this be done given the COVID-19 situation? The Ontario Corporations Act, which governs our actions in certain areas states as follows:

By-laws [relevant extracts only]

129. (1) The directors of a corporation may pass by-laws not contrary to this Act or to the letters patent or supplementary letters patent to regulate,

- (a) the admission of persons and unincorporated associations as members and as members by virtue of their office and the qualification of and the conditions of membership;
- (b) the fees and dues of members;
- (c) the issue of membership cards and certificates;
- (d) the suspension and termination of memberships by the corporation and by the member;
- (j) the conduct in all other particulars of the affairs of the corporation.

Confirmation

(2) A by-law passed under subsection (1) and a repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the members duly called for that purpose, is effective only until the next annual meeting of the members unless confirmed thereat, and, in default of confirmation thereat, ceases to have effect at and from that time, and in that case no new by-law of the same or like substance has any effect until confirmed at a general meeting of the members.

Rejection

(3) The members may at the general meeting or the annual meeting mentioned in subsection (2) confirm, reject, amend or otherwise deal with any by-law passed by the directors and submitted to the meeting for confirmation, but no act done or right acquired under any such by-law is prejudicially affected by any such rejection, amendment or other dealing. R.S.O. 1990, c. C.38, s. 129.

The Act does give us, in principle, the authority to go ahead without calling a meeting and vote. However the relevant clause in our Constitution [which we cannot change without a meeting and vote] could, in my opinion and subject to further research, appear to have given away that authority. However, and as discussed previously, the Act does permit us to continue since a meeting cannot be called. If we do decide changes need to be made this will need to be nailed down as to the permitted timing.

However writing this has provoked further thoughts. This portion of the Constitution was written in 1973. Our 2021 demographic has changed substantially, land lease laws are different, we have new ownership with vastly different attitudes, and a world that moves faster in some ways and slower in others.

So do we need to change the Constitution also?

Comment:

1. Should we have a Bylaw giving the Board the right to refuse membership?

It was agreed by all that the Board has the right to refuse membership and John will put together a draft for input to the wording.

2. Should our Bylaws define the limits of when we will intervene?

It was agreed that this too should be included in our constitution and again John will put together a draft for input to the wording.

3. Residents subletting. Should we revisit our position on this? It is certainly true that such residents are negatively impacted currently even if only being unable to attend member events. A reminder – our current position is based on the possibility of conflict of interest between the leaseholder and the subletting tenant.

Most of the directors were of the option that the leaseholder should hold the membership to the HOA therefore the current position remains the same.

Any Other Business:

Concerns over the Provincial Governments position on Vaccine Passports and how that will impact the re-opening of our facilities, Parkbridge and the HOA agree that strong support for the safety of our community will be the priority.

Adjournment: All

The next meeting, whether in person or via Zoom to be decided, will take place on Wednesday October 6th 2021 - 7.00 p.m.