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Challenges & Successes in Condominium Environment

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CANADIAN CONDOMINIUM INSTITUTE

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From The President

President's Message:

As I start another term as President, I can’t help but reflect on the great work that CCI Huronia has done over the last year and thank all those who have helped to make it happen. Our government relations committee has met with local municipal leaders in our region and at the provincial level. Our education committee has once again delivered an informative 2 day director’s course with record attendance and several President’s Club events as well as the North Bay Condo Forum. Our events committee once again put together an entertaining and educational conference and AGM. Our membership committee was successful in increasing our membership numbers and our communications committee has been working hard to deliver informative newsletters to our members. I would like to take this opportunity to thank our Board members and volunteers for all their hard work and dedication which allows CCI Huronia to deliver what it does. If you are interested in volunteering your time and talents, CCI Huronia is looking for volunteers to help us deliver services to our members. If you are interested in volunteering please contact me at sonja@hodislaw.com. I would like to take this opportunity to introduce two new board members. Welcome to Kyle Kingston and Blair Spinney. Kyle Kingston will be in charge of our advertising and sponsorships and Blair will be our Treasurer.

I would also like to take this opportunity to thank all our sponsors and exhibitors of the 2013 Annual Conference and AGM which was held on September 11, 2013. More information about our sponsors and exhibitors can be found in the newsletter as well as pictures from the event. It looks like everyone had a great time. I would like to send a special thank you to our event sponsor, Elia Associates for their generous support. Our 2014 conference will take place on September 10, 2014 at Liberty North in Barrie. Be sure to mark the date in your calendar. While we will be bringing back some of the old favorites such as our Rapid Fire Panel and Who Wants to be a Condo Millionaire, we are also expanding our conference to a full day event. A new feature this year will be a Case law Update panel. If you are interested in becoming an exhibitor or sponsor, registration forms are enclosed. Be sure to take advantage of the early bird exhibitor pricing. Registration forms for participants are also available in the newsletter.

The Board of Directors has started planning our events for next year. Be sure to continually check out our website (www.ccihuronia.com) for dates and locations for our upcoming events. CCI Huronia is trying to stay in contact with members through email blasts to keep you up to date on events and issues that arise in between newsletter publications. If you are not getting email blasts already, please be sure to send an email with your personal email address to info@ccihuronia.com and ask to be put on our distribution list.

As we approach the holiday season, I want to take this opportunity, on behalf of the Board of CCI Huronia, to wish each and every one of our members and their families a happy and safe holiday season and we look forward to seeing you in 2014!

Sonja Hodis
President, CCI - Huronia Chapter
2013 Annual Condo Conference and AGM
2013 Annual Condo Conference and AGM

“What a Day to Remember”
2013 Annual Condo Conference and AGM
2013 Exhibitors

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Have you ever wondered why some condominiums seem to thrive and others seem continuously be mired in controversy? Have you ever wondered why some municipalities seem to thrive and others seem continuously be mired in controversy? Have you ever complained about your Condo Board of Directors? Have you ever complained about your local politicians? Any comparisons needed?? What does it take to make a happy condominium? What does it take to make a happy municipality? I think that the answers may surprise you!

Believe it or not the original Condominium Act of Ontario was broadly based on the model of the Municipal Act of Ontario. Condominium Boards of Directors were provided the same basic authorities over their Condominiums that Municipal Councils were provided over their ratepayers. Boards are elected by owners to govern the affairs of their condominiums same as municipal councils are provided powers to govern the affairs of their municipalities. So, what makes them different? What makes some work well and others not so well? I submit to you all that the answer is what makes the world go round! The fine lines that make the world go round!

Huh? People, People, People, People – interacting!!! Duh!

I think sometimes that I live in a la la world where life is beautiful all of the time and everyone can get along with everyone else. But that is not how it works! People are not hard wired, well some are and some are soft wired and some aren’t wired at all!

I truly believe that the basis of competent management can be rendered into three basic truths – trust – respect and understanding.

Condominiums and Municipalities need competent and intelligent advisors – the decision makers need to be able to trust, respect and understand the advice they are receiving. The advisors need to trust, respect and understand the specific needs of the organization.

So how do you go about developing garnering acquiring the necessary trust to move your corporation forward? Trust comes in many forms but trust and faith are very close relatives. You cannot have any faith or trust without core competence. Everyone in positions of decision makers and advisors need to have core competence and that is likely the primary determinant of progressive vrs regressive corporations.

Sometimes you have to have faith to trust and experience can be an indicator. We all want to trust our advisors – managers, lawyers, engineers, planners, contractors. Care however should always be maintained not to proceed into blind faith. Honest, inquisitive questioning of professionals are a necessary requirement – challenges occur when the questioning becomes inquisitory and combative which quickly disintegrates into confrontational and any progress gets mired down into battlefields sides chosen and winners and losers determined. The challenge for all is to find common ground (common sense) and find win-win scenarios. Easier said than done.

Everyone sometimes needs to eat a little crow (maybe a lot of crow!) Just because you know that “this is the best way” does not mean that this is the only way. There may be a very acceptable different way! Don’t be afraid to make a decision – don’t be afraid to spend some money. Don’t be afraid to reconsider your position.

Everyone knows and understands respect - right? Well I am not so certain. Respect is earned – right? Experience garners respect – right? Common sense and understanding garners respect – right? Well not always. I have found that the preceding is true in most circumstances however the trump card with much of human interaction is personal arrogance and self importance of some individuals, those who do not respect or trust anyone other than themselves. Do you know anyone like that? We all know situations where once a wonderful organization
Challenges & Successes in Condominium Environment

or program becomes undermined by overzealous perhaps well meaning individuals that can truly de-
stroy the organization program or project.

Understanding the effects of decisions or indecisions is likely the most important element that I see as a
challenge in Condominium and Municipalities for that matter. The most frustrating challenge that I face
on a regular basis is attempting to advise Boards of short term solutions that seriously affect long term
benefits. Trying to convince individuals to pay today rather than pay exponentially more in the future.

Challenges and successes – I believe that each and every condominium will experience challenges and
successes the gravity of the highs and lows will be determined by the quality of the individuals on the
Boards and the quality of the advisors who all can trust, respect and understand what they are doing
and why they are doing it!

William C. (Bill) Norris, BPA, AMCT, RCM
President, CCI Windsor-Essex

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The View from Here (is awesome!)

My wife and I are delighted to be living in a brand new condominium in the same town we were born in and grew up in. It didn’t take long for it to become “home”. The transition from house to condo eighteen months ago was relatively easy because the Unit we purchased is quite spacious, on the top floor of a four-level building with a beautiful view of Georgian Bay. It is the first 28-unit building in a 3-phase development with several nature trails through the bush or along the shore, sunrises and sunsets, and is just a short walk to the downtown area. The heated indoor garage and storage area is great, although learning how to park in their own space was a challenge for some residents. I was happy to be of assistance by providing hints that made it easier.

As this was to be our new home, from the very beginning I felt it was important to be on the Board of Directors. I had over 40 years of experience in the building business before retiring and had never seen this type of construction. It was exciting to watch the progress and I kept a photo log for future reference and also submitted many photos for use on the website. It was amazing how quickly it was completed.

I wanted to be involved in the ongoing daily business of operating the development. I have always enjoyed interacting with others and look forward to helping the Unit Owners wherever possible – putting up and taking down the elevator pads during moving in/out or delivery of furniture, showing new residents how to use the appliances, furnace, air conditioner, etc., being contact person for contractors, assisting Developer employees with minor repairs, etc. and just being available when someone has a concern. In multi-unit dwellings there are bound to be different personalities and occasionally there is a conflict which I try to smooth over. Trying to keep everyone happy can be a strain at times, but I am happy to be part of the solution. After all, we are all just one big extended family and, like any smaller family relationship, it’s a bit of give and take.

Using modern technology, usually by texting, I report maintenance issues to the Property Manager who promptly decides how to deal with them. It is important to have a good communication system between the Board and the Property Manager.

There are two other Board Members who contribute in their own unique ways. We usually meet once a month with the Property Manager to go over the financial reports and maintenance issues. When one member is out of town, another one will arrange to be available should a need arise. We make a good team.

We will soon have our Annual General Meeting with all Unit Owners. Most of them are quite content with their new home. We have not yet been through another phase of construction, which could be noisy and messy at times, but I’m sure we will be able to deal with it one day at a time. This will be an awesome development when all three buildings and the Activity Centre are complete.

Larry Turriff, Secretary
Granite Harbour, Parry Sound
Changes in the Security Industry- What You Need to Know

The old adage reads, “Good help is hard to find.” This sentiment rings especially true in the Security Industry. With the many changes this industry has seen in recent years – it’s so vital these days for Property Managers to be informed, knowledgeable, and educated when it comes to selecting a new Security Company to protect their premises.

The reality these days is that there are many inconsistencies in the skill-level of newly licensed Security Guards, versus those that were in the industry prior to 2010 – before the new training and testing standards hit. So this begs the many questions for Property Managers – did you hire the right vendor? Are they doing the job right? Are they qualified security staff?

So where did all of this begin? In 2004, the provincial government introduced the Private Security and Investigative Services Act, 2005 (PSISA). The bill received Royal Assent in 2006, and the majority of regulations were put in place in 2007. The new legislation makes licensing and training mandatory for all security personnel, and sets standards for uniforms, equipment and vehicles. And most recently, new training and testing standards came into effect on April 15, 2010 that set out competencies and examinations for applicants and current licence holders.

The new legislation and regulations are a response to the recommendations of the Shand Inquest jury. On September 14, 1999 – Patrick Shand, 31, died of restraint asphyxia, following a struggle with a security guard and others who were attempting to detain him for shoplifting. A coroner’s inquest was held in 2004, and the jury delivered 22 recommendations to improve and enhance private security training and policies.

So what does this all mean? Many measures have been instituted to strengthen the caliber of the Security Industry. Of most importance to Property Managers today are the comprehensive and mandatory training and testing regulations in place. These ensure that Security Guards have the skills required to perform their jobs professionally and competently. As a result of these efforts, more than 67,000 security guards and private investigators in the province are now licensed compared to 32,000 before the law came into effect.

Who needs a security guard licence? Individuals are required to have a security guard licence if they perform work, for remuneration, that consists primarily of protecting persons or property. So Property Managers – this definitely extends to the individuals and Concierge personnel employed at your condominiums. As mentioned earlier, the new 2010 training and testing standards sets out competencies and examinations for applicants and current licence holders. The application process for a new entrant, according to the PSISA Act, deems that a person possesses a clean criminal record; is 18 years old or older; are entitled to work in Canada; and has successfully completed all prescribed training and testing. This includes completion of a 40-hour Security Guard training program, followed by a written exam consisting of 60 multiple choice questions. This also includes a criminal record check, and the license comes up for renewal every two years. Existing Security licence holders (prior to July 16, 2010) are able to bypass the training program, but must pass the written test to renew their licence to ensure as much as possible that an even playing field exists.
Changes in the Security Industry - What You Need to Know

See the table below for a breakdown on the topics that comprise the 40-hour training curriculum and the suggested duration on how much time should be spent on each module.

<table>
<thead>
<tr>
<th>Training Content</th>
<th>Suggested Duration (Hours)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction to the Security Industry</td>
<td>2</td>
</tr>
<tr>
<td>The Private Security and Investigative Services Act</td>
<td>2</td>
</tr>
<tr>
<td>Basic Security Procedures</td>
<td>3</td>
</tr>
<tr>
<td>Report Writing</td>
<td>2</td>
</tr>
<tr>
<td>Health and Safety</td>
<td>1</td>
</tr>
<tr>
<td>Emergency Response Preparation</td>
<td>4</td>
</tr>
<tr>
<td>Canadian Legal System</td>
<td>3</td>
</tr>
<tr>
<td>Legal Authorities</td>
<td>7.5</td>
</tr>
<tr>
<td>Effective Communications</td>
<td>4</td>
</tr>
<tr>
<td>Sensitivity Training</td>
<td>3</td>
</tr>
<tr>
<td>Use of Force Theory</td>
<td>2</td>
</tr>
<tr>
<td>Emergency Level First Aid Certification</td>
<td>6.5</td>
</tr>
<tr>
<td>Total</td>
<td>40</td>
</tr>
</tbody>
</table>

Pretty comprehensive, eh?

As a note to mention, the First Aid Certification must be delivered by a St. John Ambulance certified instructor, or a Workplace Safety and Insurance Board (Ontario) approved first aid trainer. Outside of this curriculum, additional activities that promote an excellent onboarding opportunity for a Security Guard should include a Company Orientation, Employee Handbook Review, In-Field Job Shadowing, Site Training, Introductions & Tour, and Standing Orders per Site (aka Post Orders). Standing Orders are customized to the building it is protecting, and is a collaborative effort between the Security Company, Property Management, and the Board.

Another awareness point is the key distinction between Police and Security. No private investigator, security guard, or person who engages in the business of selling the services of private investigators or security guards shall use the following terms or variations of them: 1. Detective or private detective; 2. Law enforcement; 3. Police; 4. Officer.

So where does this leave us? Newly licensed individuals are better equipped with basic security training. But there are still inconsistencies between newly licensed individuals and those that existed prior to 2010, as training standards and experience differs from company to company, and guard to guard. Ultimately, it is up to the Security Guard Company to ensure that all guards have a consistent training experience, working level knowledge, and are responsible for checking the validity of licensing and expiration/re-certification activities. Once licensed and on the job, a Security Guard must always carry their license, identify themselves (on request),
Changes in the Security Industry- What You Need to Know

produce their license (on request), and it must be valid or fines could be ensued.

As it relates to uniform regulations for a Security Guard, the name, logo, or crest of the licensee that employs the security guard must be affixed to the chest of the outermost piece of the uniform. The term “SECURITY” in upper case letters not less than 1.5 centimetres high and in a colour that contrasts with the dominant colour of the uniform, must be: permanently affixed to the chest of the outermost piece of the uniform; and affixed between two and three centimeters below the name, logo or crest of the licensee that employs the security guard. The word “SECURITY”, in upper case letters not less than 10 centimetres high and in a colour that contrasts with the dominant colour of the uniform, must be permanently affixed to the chest of the outermost piece of the uniform unless the outermost piece of the uniform is a shirt with a collar, a sweater, a blazer, a sports jacket or a suit jacket. When it comes to identifying a security guard, an identification tag with the security guard’s name or license number must be affixed to the chest of the outermost piece of the uniform.

Sounds like a precise science, doesn’t it? Just goes to show how serious the PSISA takes these regulations, and so should you!

Although the bulk of the onus lies on the Security Guard Company, the more aware and educated that you, as Property Managers and Directors are about these new regulations and expectations – the better it will serve you in ensuring you have the right vendor servicing your site. This is one of your biggest expenses, so know what you’re paying for and ensure you’re getting the quality for what you’re spending. And don’t be afraid to ask or probe… If you have a question about training credentials, insurance premiums, equipment regulations, the company’s emergency procedures or their employee handbook – the list could go on and on – please ask! You might surprise yourself with what you may or may not find out. A strong and competitive security company vendor will invest in its people through training and knowledge, will demonstrate the importance of management visibility, and will have Standing Orders per Site in place.

Did you know you can even check if a security license is valid for both individuals and agencies? Visit the Ministry of Community Safety and Correctional Services website to find out how, and keep this reference handy in your bookmarks - http://www.mcscs.jus.gov.on.ca.

Mark Seenarine, Purple Hearts Security President & Founder
Board Member TSCC #1799
markpurplehearts@rogers.com
Changes to Common Elements by the Corporation

When a condominium corporation wants to make a change to a common element or asset there is a 4 step process that the Board must engage to understand what steps, if any the Board must follow before making the change.

Section 97 of the *Condominium Act, 1998*, addresses the 4 step process. Below is a summary of the 4 steps:

**Step 1** - Is the work the Board wants to undertake an addition, alteration, improvement or change in assets?

The Board must look to s. 97(1) for the definition of “addition, alteration, improvement or change”. If the Corporation has an obligation to repair or maintain the common elements and the Corporation carries out this obligation using materials that are reasonably close in quality to the original as is appropriate in accordance with current construction standards, the work is not deemed to be an addition, alteration or improvement or a change in the assets of the corporation and the remaining subsections of s. 97 do not apply. The work is considered to be part of the Corporation’s maintenance and repair obligations and the Board can proceed to have the work done.

**Step 2** - If the answer to Step 1 is yes, do you have to give notice to owners?

s. 97(2) applies if the work to be done is not part of the Corporation’s repair and maintenance obligations or the Corporation uses materials that are not reasonably close in quality to the original in accordance with current construction standards. If the Corporation is making an addition, alteration or improvement or change in assets or service the Board can do so without notice to the owners if change is:

a) necessary to comply with a mutual use agreement (see s. 113 of the Act) or any requirements imposed by legislation, or

b) the Board is of the opinion that it is necessary for the safety and security of the persons using the property or assets of the corporation or to prevent imminent danger, or

c) the cost in any given month for the work is no more than $1,000.00 or 1% of the annual budget for the current fiscal year.
Changes to Common Elements by the Corporation

Step 3 – If notice is required, will a meeting need to be called and vote taken?

If none of the above 3 noted exceptions in s. 97(2) apply you are required to give notice of the change to the owners. The notice must contain the information listed in s. 97(3)(a). If the owners do not requisition a meeting in accordance with s. 46 within 30 days of receiving the notice or if they do requisition a meeting and have not voted against the proposed addition, alteration, improvement or change in assets or service by a majority vote, the Board can then go ahead with the work provided that the change is not considered to be “substantial”.

Step 4 – Is the work a “substantial” change requiring an owner’s meeting and $\frac{2}{3}$ vote in favour of the work?

s.97(4) only applies if the work being done is deemed “substantial”. Section 97(6) defines what is substantial. If the work is substantial then a meeting of owners must be called and $\frac{2}{3}$ of owners must vote in favour of the addition, alteration, improvement or change in assets or service.

Section 97(6) defines “substantial change” as a change were the estimated total costs of the change is more than 10% of the current annual budget or if the board elects to treat it as substantial.

Making sure you follow the right steps when making changes to common elements can be difficult. It is advisable for a Board to seek a legal opinion on whether a proposed change requires notice, whether an owner’s meeting must be called and the type of vote that must be conducted. In recent years, the complexities and misunderstandings of s. 97 have lead to many costly disputes.

Sonja Hodis is a litigation lawyer based in Barrie that practices condominium law in Ontario. She advises condominium boards and owners on their rights and responsibilities under the Condominium Act, 1998 and other legislation that affects condominiums. She represents her clients at all levels of court, various Tribunals and in mediation/arbitration proceedings. Sonja can be reached at (705) 737-4403, sonja@hodislaw.com or you can visit her website at www.hodislaw.com.

NOTE: This article is provided as general information. The article is not meant as legal opinions and readers are cautioned to not act on the information provided without seeking legal advice with respect to their specific unique circumstances. Sonja Hodis, 2013 All Rights Reserved.
2014 CONFERENCE AND AGM EXHIBITOR FORM

CCI HURONIA ANNUAL CONDO CONFERENCE AND AGM – Barrie September 10, 2014

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• Covered Table or Exhibitor Space – 6x5 feet
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• Thank you recognition in Chapter Newsletter
• Logo on Exhibitor Board *You must supply own artwork
• Company Introduction presented during Event

Company: ___________________________ Contact Person: ___________________________
Address: ___________________________ City: __________ Province: ____ Postal Code: ____
____________________
Tel: (   ) __________ Fax: (   ) __________ Email: __________________________
Amount enclosed: □ $650.00 early bird registration □ $750.00 – registration fee
□ $40.00 for 1 additional dinner ticket □ $30.00 for 2 additional dinner tickets

Payment due upon registration to secure exhibitor spot as space is limited.
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P.O. Box 219, Barrie, ON L4N 7Z5
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2014 Sponsorship Form

CCI Huronia Annual Condo Conference and AGM – Barrie
September 10, 2014

Sponsorship Opportunities

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<thead>
<tr>
<th>PLATINUM Event Sponsor</th>
<th>GOLD Sponsor</th>
<th>SILVER Sponsor</th>
<th>BRONZE Sponsor</th>
<th>CCI SUPPORTER</th>
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</thead>
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<tr>
<td>$6,000.00</td>
<td>$2,500.00</td>
<td>$2,000.00</td>
<td>$1,500.00</td>
<td>$300.00</td>
</tr>
<tr>
<td>1 available</td>
<td>3 available</td>
<td>4 available</td>
<td>3 available</td>
<td>Unlimited</td>
</tr>
<tr>
<td></td>
<td>One of Lunch Displays or Wine &amp; Cheese Reception</td>
<td>One of four Panel Discussions</td>
<td>One of event programs, registration bag or coffee break</td>
<td></td>
</tr>
</tbody>
</table>

Sponsorship includes:

- * Exhibitor Table and all that is included in exhibitor’s Package
- * A reserved table for dinner (6 tickets)
- * 8 registrations for Conference
- * 12 months website recognition
- * Logo on event material and signage recognizing event sponsor
- * Recognition in Event Program
- * Thank you recognition in Chapter newsletter
- * Promotional material in registration package
- * Powerpoint Presentation recognition
- * 5 minute speaking opportunity during event

- 6 dinner tickets
- 6 months website recognition
- 6 registrations for Conference
- Logo on event material and signage recognizing sponsorship
- Placard recognizing sponsorship at lunch, dinner, or reception
- Recognition in Event Program
- Thank you recognition in Chapter newsletter
- Promotional material in registration package
- Powerpoint Presentation recognition

- 4 dinner tickets
- 4 months website recognition
- 4 registrations for Conference
- Placard recognizing sponsorship at panel discussions
- Recognition in Event Program
- Thank you recognition in Chapter newsletter
- Promotional material in registration package
- Powerpoint Presentation recognition

- 2 dinner tickets
- 2 months website recognition
- 2 registrations for Conference
- Placard recognizing sponsorship
- Recognition in Event Program
- Thank you recognition in Chapter newsletter
- Promotional material in registration package
- Powerpoint Presentation recognition

Please check applicable box: ☐ Platinum ☐ Gold ☐ Silver ☐ Bronze ☐ CCI Supporter

Note: Dinner and Conference program registrations must be confirmed by August 15, 2014 to reserve spot
Payment due upon registration to secure sponsorship as space is limited.
Please make cheque payable to CCI Huron and send cheque to:

Canadian Condominium Institute (CCI)

Company: __________________________  Contact Person: __________________________
Address: __________________________  City: __________  Province: ______  Postal Code: __________
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Please check applicable box: ☐ Platinum ☐ Gold ☐ Silver ☐ Bronze ☐ CCI Supporter

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