

Darlington Arms Condominiums

Darlington Arms, Condominium Corporation #9811439

Established 15 May, 1998

Forty condo homes under one roof at 317 Fourteenth Avenue, S.W., Calgary

Guidebook and house rules

Second edition--August, 2005

Welcome to the Darlington Arms Condominiums. This guidebook will be a handy reference for the duration of your ownership or tenancy in our building. Prepared by the Condominium Board of Directors, and effective 1 September 2004, this guide will answer most questions, but also represents “house rules” that supplement our Bylaws. As authorized under the Bylaws and by Alberta’s Condominium Property Act, these house rules are enforceable regulations that apply to all residents, whether they own or rent the property. The Bylaws should also be read, and are excerpted at the end of this booklet.

Building summary

This is a poured-in-place concrete building reinforced with rebar steel, and has no post-tensioned (“PT”) cable reinforcement. It was built in 1970 as a rental building, and then was extensively renovated and converted to condominium ownership in 1998. We have 40 suites, comprised of 22 one-bedroom suites, 14 two-bedroom suites, and four larger two-level two-bedroom suites. Two of those larger suites have rooftop decks.

There is an unheated parkade with 24 titled-property parking stalls, which were each bought by their respective suite owners. The balance of 16 suites each has an assigned surface-parking stall above the parkade. There are 22 titled storage lockers in two basement areas. Their respective suite owners also paid the developer for these. The Condo Board has since built nine common-property storage lockers, and these have been leased for 99 years each to nine suite owners, with one-time lease revenue put into our reserve fund. Owners of titled indoor parking and titled lockers pay condo fees on those spaces, and titled parking stalls also pay property tax annually. A statement detailing all leased common property is appended to this booklet.

The condo-converting developer promoted our building under the name Hardwood Place, focusing on the parquet hardwood tiles that he laid as a highlight for all of the suites. New owners at the founding general meeting in September of 1998 voted to revert to the building’s original name, Darlington Arms, which has a connection to Darlington, England. Yes, several pubs in that city carry the same name.

While residents of our building enjoy the look and feel of wood-finished floors, we should all be aware that they transmit tapping and clattering sounds extremely well. Unlike “floating” wood floors laid onto a pad, the parquet here is glued onto the concrete, making it very hard and long lasting, but also giving no sound insulation for those below or even in suites beside yours. Please leave clogs, high heels and other hard-soled footwear at the door. Slippers will let you feel warm while walking on hardwood floors, will prevent damage to the finish, and the quiet footsteps will sure be appreciated by your neighbours.

Corporation governance

A Board of Directors, elected by the owners each year at an annual general meeting (“AGM”), governs our corporation. Meetings of the Board are held at 7 p.m. on the third Thursday of each month, usually at the Chair’s suite. The AGM is held in the lobby, also at 7 p.m., on the third Thursday of October every year. If you cannot attend the AGM, you can assign your vote via “proxy” to a neighbour or a Board member. At least 25% of owners need to attend in person or via “proxy” to hold a valid AGM. Our bylaws allow the election of between four and seven Directors, who then name the table officers from among their number. The remaining Directors can fill any vacancies that might occur during each term. As the Bylaws detail, the Board has duties to maintain the building, to fund a cash reserve for capital expenses, and to enforce the bylaws.

In-house communication and web site

As time allows, the Board Chair or another Board volunteer put out an informal newsletter, which is slid under all suite doors, e-mailed to non-resident owners whose addresses we have, and extra copies are posted on the mailroom bulletin board.

A web site allows reference to this Guidebook, Board and AGM minutes and a variety of other information and photos about our building: **www.DarlingtonArmsCondos.com**. For real estate sales the on-line material now provides all required “condominium documents” other than declarations and estoppel certificates.

The bulletin board will display notices of any scheduled water shut-off, elevator lockout for move-ins and move-outs, and other corporation notices to owners. It is prohibited to remove any notice posted by our Manager or the Board of Directors. In cases of “take one” notices, extras will be pinned below the posted notice. Building residents are welcome to post their personal commercial notices, space permitting.

The mailroom suggestion box is for delivering AGM “proxy” votes or other correspondence to your Board, or non-urgent items to the Property Manager. Don’t use this for condo fee payments, as it’s not checked often.

Budget year and capital reserve

Our budget year is July 1 through June 30, and we raise about \$136,000 annually, which is 37 cents per month per square foot of private suite property (“monthly condo fee”). There was no increase in condo fees for budget years beginning in July of 2004 and July of 2005. The timing of our year end usually allows audited financial statements for the past year to be delivered to owners along with notice for the October annual general meeting.

A Reserve Fund Needs Study and a financing Plan were prepared by an engineer and adopted by the Board in November of 2002. At the time of this writing (August 2004), we are ahead of the work projection the study laid out, and we are “funded” with savings as the engineer’s saving schedule recommended. An update of the capital-needs study and financing Plan are required by law every fifth year, so we have that marked forward to the summer of 2007.

Building management

While volunteer Directors govern the building, we employ a profession management company to collect fees, to operate bank accounts, to prepare budgets and to employ contractors on our behalf. Our Property Manager is Barry Meckelberg at Consolidated Real Estate and Property Management, where his direct line is 571-4076, and the front desk number is 261-3933. If you ever need this number, remember that it’s posted on our building’s front door.

Co-operator’s Management’s main number is answered 24 hours/day, but keep in mind that after-hours call outs are very expensive. True emergencies, of course, must be addressed. These include elevator failure, flooding, lack of heat, and the like. Some Board members are familiar with mechanical aspects of the building, and may be able to address some problems, or know whom to call directly.

Ours is a dog-free building

The original generation of purchasers in our building inherited a number of dogs that the developer had allowed new owners to bring in. There were a variety of incidents involving dog bites, all-day baying, droppings in hallways and the near-decapitation of a leashed dog that was carried off by the elevator. Since then, the Board has authorized no dogs to live in this building, and takes guidance on the issue at annual general meetings. For several years running, the AGM has passed a resolution prohibiting the Board from authorizing any dog.

Lobby and common areas

No smoking is permitted in any common indoor area, including the parkade. Guests should be informed of this before being welcomed into the building.

No access is to be given to anyone who you do not personally know resides in the building. This can seem rude, but is for your safety and the security of your home.

No propping open of doors is allowed other than with constant supervision, such as while moving. Ensure that upper and lower door bolts are in place when you finish any move. In the lobby, do not lean furniture against the walls, nor against the stairwell doors, which are fire exits from upper floors.

Cleaning is done by our long-term contract workers Mr. and Mrs. Martin. Please show them courtesy as they maintain our common areas. Help out by picking up litter and not dropping mail and paper scraps from mail in a trail up to your suite.

Security

Our front door and elevator have electronic “fob” key systems that allow lost keys to be disabled by deleting their number from the approved list. This only works, of course, if we report to the manager that a “button” key has been lost, so that’s mandatory. Other doors, such as those off the lobby and all stairwell doors, are locked to restrict movement by unwanted guests. Don’t block any doors open unless they are continuously monitored, and ensure they close and lock when you’re done. The seventh floor is exclusively secured with an elevator key switch, separate from the fob key system. Additional stairwell, fob and garage keys are available for \$10 each.

There are four security cameras monitoring entrances and common areas, with 24-hour digital recording activated by motion. We have invested in streetlight-quality exterior lighting, and fencing. In the fall of 2005 we plan to have the surface parking area fully fenced with a power-operated entry gate plus walk-through gate.

A backup key to your suite should be provided to the condominium corporation for emergency access in event of flooding or some other incident within your property. If you choose not to provide a suite key, damage caused in event of emergency access will be repaired at your expense.

Intercom updates

Phone numbers and names at the front-door intercom are updated by a resident volunteer. Print your name, suite number and the phone number you want used on a slip of paper, address it to Harland, and slide it under his door, suite #306.

Noise and hours of day

See the first page of the Bylaws excerpt that follows, bottom paragraph. Keep in mind that not everyone works the same hours as you do, so while it’s your mid-afternoon, it might be your neighbour’s prime resting hours. Noise restrictions apply to outdoors common property, including balconies and parking areas. A car without a muffler, for example, would be banned from parking on the property.

Condo contributions (“fees”) and failure to pay

Our building has \$135,000 in expenses each year, and the only source of revenue is condo contributions. We have a policy of quick action to collect overdue accounts, giving our property manager a mandate to pursue collection without time-consuming consultation with the Board. Fees in arrears two months can be charged a

high rate of interest. In the third month overdue accounts are referred to our lawyer for action, which includes registering a caveat on title so the property cannot be sold and also notifying the mortgage holder. Mortgages are in default if condo fees are unpaid! All our legal expenses are added to the overdue condominium's account.

Keep in mind that condominium contributions are really an annual levy. Owners who repeatedly force the corporation to pursue payment can be required to pay their annual contribution in one lump sum on July 1 each year. Yes, some cases have gone to foreclosure. Condo corporations always win these issues in court.

Moving and elevator use

The elevator MUST be reserved in advance, with notice posted by you alerting other residents to your move date and hours, which must fall between 8 a.m. and 8 p.m. For a \$100 deposit, an elevator lockout key can be borrowed from our property manager. The key fits in the "service" lock at the bottom of the control panel.

Note that reserving the elevator does NOT mean that you own it for those hours, but only that you may control it while loading and immediately unloading the elevator cab. Between every load, the cab must be released so others can use it. We have families with strollers and elderly residents who will be virtually imprisoned if you lock out the elevator for hours at a time. If it helps, picture the elderly lady with six bags of groceries at the basement parkade level, and who lives on the seventh floor. She'd REALLY like to get home.

If you're moving a few things without the lockout key, DO NOT override the cab's door-closer mechanism, or you will be billed for the cost of repairs. For fire safety, the door will beep a warning and close slowly, even though you or a box are still in the cab's doorway. Allow the cab door to close, and then press the "door open" button to get another 10 or 15 seconds to finish moving your items.

Renters should be aware that their suite owner is required to post a \$500 common-property damage deposit with the corporation. Any damage to the elevator or other common property will be billed to the owner, who in turn will deduct it from the renter's damage deposit.

Parking and speed limit

Our on-property speed limit is 5 km/h, which is fast enough, considering the short distances and blind corners. The Bylaws have more detailed restrictions, but this "house rule" speed limit overrides the limit indicated in the Bylaws.

The parkade car door is on a timer, so may close on your vehicle if you follow another car into the parkade. Drivers must trigger the opener for their vehicle, regardless of a car having opened the door before them. The last driver who could not learn this habit had a spectacular accident. The remains of the car were removed on a flatbed truck.

The "loading zone" on our building's east side is ONLY for active loading and unloading, and for service vehicles, such as our plumber. If you're running in for the items you're about to load, write your suite number on a scrap of paper, and display it on your dashboard. Cars exceeding the 20-minute limit may be ticketed by the Calgary Parking Authority, which will do so on request by any of our Condo Board Directors.

Balconies are common property

Balconies are common property, although we each have the "exclusive use" right to enjoy ours. This means our condo corporation has duties of maintenance, but that residents cannot use or decorate them as we see fit. No bicycles or other storage of any kind are allowed. Neither are old easy chairs and couches, but of course patio furniture is fine. The Bylaws say more.

Surprisingly, our Bylaws say that smoking is not permitted on balconies. It hasn't been necessary to enforce that, but please consider your adjacent neighbours if you are a smoker...of anything.

Nothing—ever—may be dropped or thrown off balconies. Owners are always responsible for any action by tenants and visitors, so impress on those people the seriousness of any such incident. Liability will always extend to the owner.

Garbage and the refuse chute

Many buildings like ours have sealed their garbage chutes because of problems with noise, odour and its becoming plugged. Yet it's convenient, so if we abide by a few rules, it can remain available. Chute use is permitted 8 a.m. to 8 p.m., keeping in mind that there are residents living on the ground floor adjacent to the garbage bin room, and the clatter is terrible. If you can't swallow an extra-large pizza box whole, perhaps the garbage chute can't, either. No cardboard, no loose bottles or jars, and double-bag refuse tightly, as it has to stay together after falling as far as seven floors. If you've never seen the mess that can result, please do visit our refuse-bin room.

Please keep in mind that when you hear the garbage truck, the bin has likely been rolled away for emptying, and we don't need a bag of refuse splattered onto the floor down there.

The Board encourages you to recycle as much waste as you can. A recycling depot is nearby behind the Safeway, and the bottle depot is nearby on 10th Avenue. Bottles are not to be stacked outside the building as an invitation for street people to enter the property.

Renting out your suite

A \$500 damage deposit for common property must be posted through our management company for suites that will be rented out. This is to cover elevator door repairs, scratched walls and the like. Landlords may want to caution their tenants that this deposit can be deducted from by the Condo Board, which would then need to be replenished by the suite owner, who will be looking to the tenant for reimbursement.

Landlords no longer living in the building must let our property manager know their forwarding address.

Heating and hot water

A brand-new set of twin natural gas-fired boilers to heat our building was installed in the summer of 2002, replacing the original massive cast-iron boiler. The twin system allows us to have heat available from a single boiler during summer months at a lower operating cost. Thermostats in each suite control the flow of baseboard radiator hot water by operating a "zone valve". Note that all heating components are deemed to be common property, so if these items fail in your suite, the plumber will replace them at our corporation's cost.

During cold weather, be cautious not to leave a window or patio door open, which could freeze the heating pipe beneath it. Although the system is common property, we each assume personal responsibility for water damage if it results from our negligence.

We have two near-new tap ("domestic") hot water heaters that have a terrific capacity to serve us all at peak times. Please bear in mind that hot water is expensive. It comes into the building stone cold and must be heated to dish-washing and hot-shower temperatures. Owners will control their condo fee expense by installing a low-flow shower head and/or a shower head pause device. These cost a few dollars, but can reduce your hot water use by half or more. Natural gas is by far our largest single expense, and it's not becoming cheaper.

Insurance for your liability

Our building and your suite (including its interior finishing) are covered under our corporation's insurance policy. This corporation policy does not cover your possessions and your liability. The Bylaws require that you carry personal condo insurance, even if you've rented out the suite. As the building's value exceeds \$5 million, and your visitor's or tenant's negligence might flood or gut the building, this is insurance you'll want to buy.

Christmas trees

While live Christmas trees are permitted in the building, they are discouraged. They may NOT be disposed of in the garbage bin, where they are both a fire hazard and fill the bin prematurely. The City of Calgary runs a mulching program each year, which we encourage you to use. If you remove a tree, you are responsible for vacuuming up the trail of litter leading through common areas to your car.

Renovations to suites

If your redecorating involves moving walls or changes to water piping or air venting, you must obtain the Board's written approval to ensure that no common service or building structure is affected. We recommend using service people such as plumbers who are familiar with our building. A list is available on request.

Contract workers may only attend between 8 a.m. and 8 p.m. You are responsible to ensure that workers do no common-property damage, and that they clean up entirely the common areas tracked with gyproc dust and sawdust. No construction debris may be disposed of in our building's refuse bin. You are advised to ask for quotes that include these provisions.

Our building's mirrored closet doors were manufactured by Acme Doors, bought since then by the Stanley Door Company. Replacement rollers were hard to find until we tracked down the original Calgary supplier, Kordick Enterprises, Bay 11 at 3220 on Fifth Ave., N.E.; phone 235-2005.

Bylaws excerpt appended

Pages 40 through 47 of the Darlington Arms Condominiums Bylaws follow. The "Use and occupancy restrictions" section, #62, is extensive, and consists of three sub-parts. #62 "a" defines an owner and an occupant. #62 "b" specifies what an owner shall not do. At the end, #62 "b" puts the onus on owners to ensure that their suite occupants, such as renters or guests, comply with all the shall-nots listed under #62 "b".

Print version attachments:

- 1/ Statement of leased common property.
- 2/ Use and occupancy restrictions from our Bylaws.

The Board of Directors adopted these house rules on August 19, 2004, pursuant to section 5. (g) of our Bylaws as registered at the Province of Alberta Land Titles office, and come into effect September 1, 2004.

Gerald Rotering, Board Chair