

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

Adopted 16 September, 2010

Welcome to the Darlington Arms Condominiums. This guidebook will be a handy reference for the duration of your ownership or tenancy in our building. Adopted by the Condominium Board of Directors, this guide will answer most questions and 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, then in 1998 was extensively renovated and converted to condominium ownership. 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 each have a rooftop deck.

There is an unheated garage with 24 titled-property parking stalls which were each bought by their respective suite owners. The balance of 16 suites each have an assigned surface-parking stall above the garage. There are 22 titled storage lockers in two basement rooms. Their respective suite owners also paid the developer for these. The Condo Board has since built 12 storage lockers on common property, and these have been leased for 99 years each to suite owners after each paid the cost of their construction. 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 and diagram detailing all leased common property such as assigned parking, assigned lockers, and roof-top decks is part of this booklet and is registered at Land Titles as part of our Bylaws.

The condo-converting developer promoted our building under the name Hardwood Place, focusing on the parquet hardwood flooring that he laid as a feature in 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, there are several pubs there with that 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 the 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 annually in the lobby, also at 7 p.m., on the third Thursday of October. If you cannot attend the AGM, you can and should assign your vote via proxy to a neighbour or a Board member. At least 25% of owners need to attend in person or by 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 vacancies that occur during each term. As Alberta law and our 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

An in-house newsletter is prepared occasionally by the Board Chair or another Board volunteer. These are 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, plus on our web site.

The web site allows reference to this Guidebook, Board and AGM minutes, and to a variety of other information and photos about our building: **www.DarlingtonArmsCondos.com**. For real estate sales the on-line material provides all required condominium documents other than declarations and estoppel certificates, which can be ordered from our management firm.

The bulletin board will display notices of any planned maintenance, 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 box 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 \$172,000 annually (2010-11), which works out to a monthly condo contribution of 45 cents per square foot of private suite property. 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 Study is prepared every fifth year by professionals hired by our corporation. The study identifies the expected lifespan of our building’s major components, estimates their cost of replacement, and suggests savings toward those expenses when they arise. The Board then adopts a savings Plan which reflects our own view of these needs and sets our priorities as owners. These documents are posted on our web site.

Building management

While volunteer Directors govern the building, we employ a professional management company to collect fees, to operate bank accounts, to prepare budgets, and to employ contractors on our behalf. Our Property Manager is currently Lori Pinter at Gateway Property Management where the phone number is 403-283-7118. If you ever need this number, remember that it’s posted in the mail room and on our web site. Lori’s e-address is lpinter@gatewaypm.com.

Gateway Management’s main number is answered 24 hours/day, but keep in mind that after-hours call outs are expensive, although issues like water leakage or lack of heat need immediate attention. Some Board members are familiar with mechanical aspects of the building and may be able to address some problems.

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 we have adopted Bylaws that prohibit dogs from living in or visiting the building. Other pets require written Board approval, but we don't bother much with this formality. Keep in mind that any troublesome pet can be ordered off the property with little notice.

Lobby and common areas

No smoking is permitted in any common indoor area, including the garage. 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 lobby or stairwell doors is allowed other than with constant supervision. Ensure that upper and lower bolts are in place on the front door 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 by not dropping paper scraps from mail in a trail up to your suite. Please use the mail room recycle bin for flyers and help out by bringing its contents to the depot when it's full; we have no contract for this, so it's done by volunteers among us.

Security

Our front door and elevator have electronic fob key systems that allow lost keys to be disabled by deleting their code numbers from the approved list. This only works, of course, if we report that a fob key has been lost, so that's mandatory. Other doors such as the bike storage rooms and all stairwell doors are locked to restrict movement by unwanted guests. Don't block any door open unless it is 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. Because the elevator cab's fob reader is electronic and can fail, we've added a key switch as a backup; use your stairwells key, turn far to the right, and push a floor button.

There are four security cameras monitoring entrances and common areas, with 24-hour digital recording activated by motion. We have invested in extensive fencing and a motorized gate to enclose the surface parking lot, and streetlight-quality exterior lighting illuminates the entire property.

A 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. For those who choose not to provide a suite key, damage caused in event of emergency access will be repaired at the suite owner's expense.

Intercom updates

Phone numbers and names at the front-door intercom are updated by resident volunteers, currently Tony of #406 and Russ of #404. Print your name, suite number, and the phone number you want used on a slip of paper, address it one of these neighbours, and slide it under their door. The intercom can ring a land line or a cellular phone. To bring a guest up to your suite, release the front door lock by pressing "9" on your phone, then step out to the hallway and listen for them to board the elevator and call it up to your floor.

Noise and hours of day

Keep in mind that not everyone works the same hours as do you or I, so while it's our mid-afternoon, it might be our neighbour's prime resting hours. Noise restrictions also 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 \$172,000 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, and also notifying the mortgage holder. Mortgages are in default if condo fees are unpaid. Our building’s legal expenses are added to the overdue suite’s account.

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.

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 “IND” lock at the top 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 that others can use it.

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, after 10 or 20 seconds 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 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 garage overhead car door and our surface parking gate are on timers, so may close on your vehicle if you follow another car through. Drivers must trigger the opener for their vehicle, regardless of a car having opened the door before them. The garage’s overhead door closes after only five seconds, while the surface-parking gate waits 25 seconds, as that device has no electronic eye to stop it closing on a car or a person.

The “loading zone” on our building’s east side is only for active loading and unloading with a time limit of 20 minutes, and for service vehicles, such as of our plumber and janitors. We contract with the Calgary Parking Authority for monitoring and enforcement of that spot. As well, any Director can call the Authority to ticket and/or tow a vehicle parked there in breach of the time limit.

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 also that residents cannot use or decorate them as we see fit. No bicycles or other storage 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.

Roof-top decks are maintained by their owners.

Suites 703 and 704 each have a 600-square-foot wood-framed deck atop the back of the building and suite 703 also has been permitted to build metal stairs to a small deck atop the leased roof of the elevator mechanical room. Each of the two large decks is permitted to host one hot tub not exceeding 1,000 liters capacity. These decks, railings, and stairways are the property of those suite owners and it is their responsibility to maintain them in safe and attractive condition.

Garbage and the refuse chute

Many buildings like ours have sealed their garbage chutes because of problems with noise, odour, and plugging. 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, make a visit our refuse-bin room.

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 Beltline Safeway and the bottle depot is nearby on 10th Avenue, SW. Bottles are not to be stacked outside the building as an invitation for street people to visit 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, and the deposit will 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. Tenants should receive a copy of this Guidebook and should be aware that the condo corporation can, with cause, evict tenants over the objections of a suite's owner.

Heating and hot water

Two natural gas-fired boilers to heat our building were installed in 2002, replacing the original massive cast-iron boiler. The twin system allows us to have heat available from one smaller boiler during summer months at a lower operating cost. A thermostat in each suite controls the flow of baseboard radiator hot water by operating a "zone valve". All heating components are common property in our building, 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 and burst the heating pipe beneath it. Although the heating system is common property, we each assume personal responsibility for water damage if it results from our negligence.

We have two large 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 own condo fee expense by installing a low-flow shower head. These cost a few dollars but can reduce your hot water use by half. Natural gas is by far our building's largest single expense.

Insurance for your liability

Our building and your suite (including its interior finishing) are covered under our corporation's insurance policy. This policy does not cover your possessions or 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 \$8 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 that 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 in-advance written approval to ensure that no common service or building structure is affected. We recommend using service people who are familiar with our building and have access to our mechanical rooms, such as Aadelard Plumbing and Heating: 403-229-2296.

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 or you clean up 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 removal of old carpet and debris.

Replacement rollers and other parts for our building's mirrored closet doors are available through Kordick Enterprises, Bay 11 at 3220 on Fifth Ave., N.E. Phone 403-235-2005.

Exterior windows and doors

Exterior windows and patio slider doors are common property in our building and our Reserve Fund Study recommends that they be replaced. This would be a very costly project that is not a priority for our owners, who feel that the existing windows and doors are fine. For any suite owner who wants replacements, our corporation policy is to cost-share 50-50. Should the corporation fund comprehensive replacements in a future year there would be no refund on the shared expense to a suite owner who had already paid 50% of their own suite's windows and/or patio door upgrade (this is not our discretion, but follows the Condo Act).

Patio doors are best maintained by Chinook Glass: 403-277-2456. Because our corporation owns those components, repair of wear and tear will be reimbursed to suite owners, but consult us in advance.

Non-venting washer/dryers are recommended; \$180 help offered

The converting developer installed laundry plumbing in every suite, but not dryer venting, which would not meet today's building code. In some suites the stacking laundry set blocks access to the shut-off taps. We recommend that owners replace their laundry equipment with an all-in-one "non-venting" washer/dryer combination machine. This will free up space in your laundry closet, give access to the shutoff taps (important if a laundry hose ruptures!), eliminate hot air and lint being blown into your suite, and also reduce your electricity bill. The building will assist with up to \$180 reimbursement per suite for the cost of changing the 220-volt power outlet in your laundry room to two 110-volt outlets.

Bylaws excerpt appended

Pages 41 through 51 of the Darlington Arms Condominiums Bylaws follow so that those who may never see the Bylaws at least see the list of "use and occupancy restrictions". As well, the closing pages of our Bylaws include the Statement of Leased Common Property, so owners can have confidence of their right to use surface parking stalls and the lockers that we've built on common property.

The Board of Directors adopted these updated house rules on 16 September 2010, pursuant to section 5. (g) of our Bylaws as registered at the Province of Alberta Land Titles office.

Gerald Rotering, Board Chair