



Riskboss Magazine

The Premier Source of Information on Organizational & Community Risk

Fall-Winter 2021-2022

*mood*04

Creative Direction by Atelier Design Lab



A shared dream of freedom and beauty. A journey into the design of the 20th century and a vision of "Furniture designed in Italian tailored style excellence."

mood04.com | info@mood04.com



Explore The Limits With Our Ideas Gallery

BD Custom Performance Automobiles Inc. can turn the car you love into the car of your dreams!

With more than 20 years of extensive experience in the automotive industry, We have all the right connections to make your dream car come together.

AUTOMOTIVE PERFORMANCE

- Engine Performance Upgrades
- Drivetrain Modifications and Upgrades
- Suspension and Brake Upgrades
- Enhanced Performance Exhaust Upgrades

EXTERIOR COSMETICS

- Comprehensive Body Kit Modifications
- Custom Powder Coating Rims and Brake Calipers
- Ceramic Coating/Premium Paint Protection
- Custom 3D Paint Protection Film

INTERIOR MODIFICATIONS

- Complete Custom Interior
- Custom Sound System, Navigation, Dash Cam, Anti-Theft System with GPS Tracking
- Custom Dash
- LED Ambient Lighting

CONTACT US TODAY!

Let us turn your dreams into a reality.
bdcustompa.com

01

Full Restoration or Restomod of your classic automobile.



02

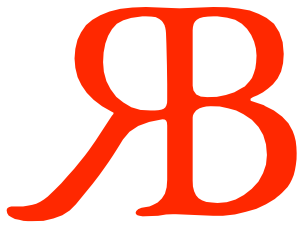
Performance upgrades, exterior enhancements, custom body-kit, exhaust & rims, protected by paint protection film and ceramic coating.



03

Complete interior customization, audio upgrades & ambient lightings along with leather protection.





Riskboss Magazine

The Premier Source of Information on Organizational & Community Risk

Fall / Winter 2021/2022: Volume 3, Issue 2

IN THIS ISSUE

09 *Editorial Commentary*

By Samantha Wharton, Senior Editor, Riskboss Magazine

13 *The Elephant in the Room*

Tenants Behaving Badly in Condominiums

By Quintin Johnstone, President & CEO of Riskboss Inc.

18 *Legal Updates*

Topical Issues Important to You

By the Condominium Law Firm of Gardner, Miller, Arnold, LLP

22 *Slips, Trips & Falls*

Who is Responsible - How to Mitigate Risk

By Alex Zhvanetskiy, Vice President of Samsonshield Inc.

26 *Manhattan History*

SERPICO

The Struggle to Rid Manhattan of Police Corruption

By Joyce Gold, Manhattan Historian

30 *Did You Know?*

Riskboss Recommendations, Tips and Tricks

Avoiding Vacation Disasters - Extended Absence Checks

By Quintin Johnstone, President & CEO of Riskboss Inc.

34 *Ask Riskboss*

Q & A: Straight Answers to Hard Asked Questions

Timely Advice from the Experts



Riskboss Magazine

1914 - 25 Adelaide Street East
Toronto, Ontario, Canada
M5C 3A1
info@riskbossmagazine.com
riskbossmagazine.com/.ca
416.863.6666

Sponsored By

riskboss.com/ca

NEXT ISSUE

Elephant in the Room

Legal Updates

Ask Riskboss

Did You Know?

Toronto History by Bruce Bell

..... and much more



TOGETHER, WE ARE BETTER.



Elevate your career by joining Ontario's only association dedicated to condominium management professionals pursuing a higher standard.

We offer education, designations, knowledge, resources, support and connection to a community of peers.

Learn more at www.acmo.org



OUR NAME SAYS IT ALL

CONDO SALES & LEASES
416-203-6636

RE/MAX CONDOS PLUS

CORP. BROKERAGE
INDEPENDENTLY OWNED AND OPERATED

45 Harbour Sq. Toronto, ON M5J 2G4



**SEARCH ALL
LISTINGS & SOLD
IN TORONTO NOW**

SCAN QR CODE TO DOWNLOAD
THE MARL HOMES APP



madd 
No alcohol. No drugs. No victims.

**Flowers to rejoice
or flowers for remorse.**

It's your choice.

madd.ca



DOLCEDog


Canada's Leash Mitten!

For the love of walking your dog

Seasonal accessories to keep you and your dog comfortable during your walks.

Shop GTA local - delivery or curbside pickup available!

dolcedog.ca



b&m salon

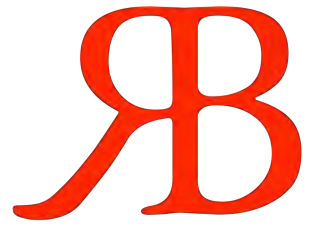
Relax. Recharge. Replenish.

Imagine yourself relaxing in an urban oasis with the best services and products in the industry.

- massage therapy
- facials
- manicures
- pedicures
- tinting
- waxing

Pampering clients with aesthetics services and registered massage therapy treatments since 2004. The salon is operating in adherence to City of Toronto and provincial Covid19 protocols.

26 Wellington Street East, Toronto, Ontario M5E 1S2
bmsalson.ca | 416.840.0049 | bmsalson@rogers.com



Editorial Commentary

By Samantha Wharton

Riskboss Magazine Senior Editor

Wow! What a response from the last edition, especially the *Defunding the Police* article. Most of the reader commentary came from people who told us that they had little knowledge of what police have done throughout the past decade despite funding and staffing cutbacks. Thanks for all the comments. We also want to thank emergency responders on the front lines in our communities for their services.

Riskboss Magazine continues to grow. We have expanded our readership base to include residents in condominiums that our sister company, Samsonshield, services. Over twenty thousand condominium households now receive electronic copies of our magazine. The goal is to get important information to as many households as possible. If you would like residents in your community to receive our magazine electronically, please give us a shout, and we will set it up.

Riskboss has been recently ranked in the top ten globally in the industry for site health! Semrush conducts traffic analytics and site health data to determine the score of each website in a selected industry.

If you would like to advertise in our next edition, please let us know. Our advertising costs are the lowest in the industry, basically covering our printing costs. Unlike other magazines, when you advertise with Riskboss Magazine, you get absolute advertising exclusivity. Social responsibility advertising is always free.

We hope you like this edition and feel that the read is time well spent.

WE HAVE HEARD FROM YOU - Reader Commentary

Richard C.

Toronto Police Service Detective (Retired)

Thanks for your article on Defunding the Police. It really puts into perspective a lot of misinformation recently about what police are actually expected to do and how they are funded. Given that it takes several years to train police officers into being reliable generalists in the role of policing, we are in a position where we really need to focus on future growth of police services to ensure there is a transfer of knowledge between retiring officers and new recruits. With many police officers ready to retire, it seems like the time to improve our bench strength.

Riskboss Answer:

Thank you for your commentary Richard and thank you for your service to the community.

Carla V. and Stephanie L.

Condominium Residents in Toronto

We live in a condominium that is serviced by Samsonshield as the security provider. We travel a lot and sometimes for many months. If it were not for the advice we got from Samsonshield before we left on our trip about their extended absence check program, we might have had our insurance voided. Thanks, Samsonshield, for checking in on our unit while we were away. It gave us a lot of peace of mind.

Riskboss Answer:

Thank you for your commentary Carla and Stephanie. This is one of the most important and most overlooked things when people travel. We wrote a response to your question in this issue.



Riskboss Magazine

Riskboss Magazine

1914 - 25 Adelaide Street East
Toronto, Ontario, Canada, M5C 3A1
riskbossmagazine.com/ca

Senior Editor

Samantha Wharton

Contact

info@riskbossmagazine.com
416.863.6666

Advertising Contact

advertising@riskbossmagazine.com

Subscribe For Free

riskbossmagazine.com/ca

Riskboss Magazine is published twice each year in the spring/summer and again in the fall/winter.

If you are interested in having your organization included in the distribution or if you want to participate in writing an article or by advertising, please contact us.

All articles and advertisements reflect the opinions of the authors and as such, cannot be relied upon as legal or professional advice nor be considered the opinions of Riskboss Magazine. Independent legal and independent professional advice is always prudent and recommended before deciding upon options on making process or organization changes.

Riskboss Magazine promotes inclusivity, social responsibility, ensures ethical advertising and advertising exclusivity.



TOO MANY PARCELS?

We manage

CONTACTLESS resident deliveries



CONTACT US!



PARCELS
LAUNDRY
DRY CLEANING
REFRIGERATED

Send us an email at info@snaile.com or visit www.snailelockers.com

Inspired by you
Crafted by us



Specializing in:
Custom condominium sized, commercial
and hospitality grade furniture

raw Home
Furnishings

647-352-6666
info@rawhideinternational.com
rawhideinternational.com

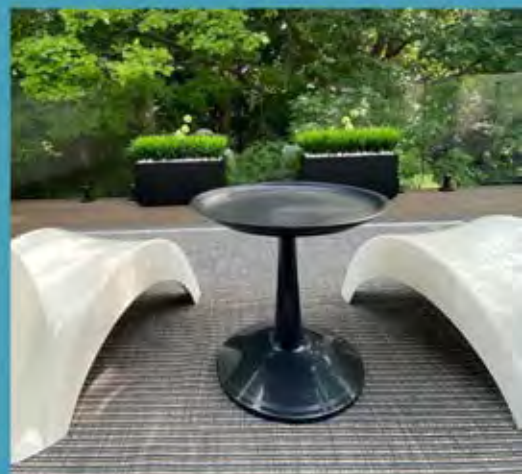


SAPPHIRE LANDSCAPE DESIGN

We're the GTA's condominium balcony and
terrace design experts

Sapphire Landscape Design guides our clients through their
balcony or terrace design project, from start to finish with
competitive quotes, design and furnishings.

Contact Liz Pia today to learn more about transforming your
outdoor space. 416-706-0927





The Elephant in the Room

As described by Wikipedia, "Elephant in the Room" is an American English metaphorical idiom for an obvious problem or risk that no one wants to discuss." Controversial yes; however, very necessary conversation(s) here at Riskboss Magazine. In every publication, Riskboss Magazine will address the latest Elephant in the Room to clearly answer hard asked questions.

Tenants Behaving Badly in Condominiums

By Quintin Johnstone, Founder & CEO of Samsonshield Inc. / Riskboss Inc.

Reader Commentary from Our Last Edition

Dennis V.

Condominium Owner

"I am a responsible condominium owner, and I rent out my unit to a very responsible tenant. I am pretty upset with irresponsible tenants in our building who have now created a Facebook page full of negative commentary about the property manager and the Board, mostly untrue. While I believe in the rights of tenants, this group is taking it too far. Hopefully you can write something about what is and what is not appropriate in condominiums with respect to tenants."

Riskboss: Thank you for your comments. This is another very hot and controversial topic. Thanks for the idea. We will be writing about this in our next edition under the Elephant in the Room section. Stay tuned!

Thanks to David for the Reader Commentary and the idea for this article. Another very tough topic but that's why we are here, to tackle those topics that most will not discuss.

The best way to tackle this issue is to talk about tenants versus owners in condominium communities to help clear up some common misconceptions.

- ✓ Yes, tenants have rights in condominiums that are guaranteed by the Ontario Residential Tenancies Act
- ✓ Tenants in condominiums also have to abide by obligations in the site Declaration and building Rules in keeping with the Ontario Condominium Act
- ✓ When a lease term ends in Ontario, the tenancy doesn't necessarily end. The tenant has the right to either enter into a new lease or move to a month-to-month tenancy (*Tenant Perpetuity*) - it's their choice
- ✓ When an owner leases a unit, they give up certain access rights to the property:
 - ✗ They cannot enter the unit without permission
 - ✗ They cannot use the parking space
 - ✗ They cannot use the gym or other facilities
- ✓ Tenants have the same ability as owner-occupiers for the use of common elements of the property
- ✓ In most condominiums, tenants can even become part of the Board (Unless excluded by a building Rule)
- ✓ Property management cannot and should not manage tenants on behalf of owners

- ✓ Owners should not expect property management to communicate directly with misbehaving tenants on their behalf. Owners are responsible for their tenant's behaviour.

Condominiums can regulate tenancies under the Ontario Condominium Act:

- ✓ The Condominium Act allows Boards to create greater restrictions to some local By-laws and legislation
- ✓ Short term rentals, although legal in some jurisdictions, can be eliminated in condominiums by way of building Rules (e.g. six-month or one-year minimum lease standards)
- ✓ Maximum unit capacity allowance for occupancy can be restricted (in keeping with local By-Laws)
- ✓ Prohibition of tenant election to the Board can be achieved (Owners only Rule)
- ✓ Condominiums can limit the number of pets and also, the size of pets

It is important to differentiate the role property managers play for tenants versus owners. Assisting tenants with daily routine issues such as move-ins/outs, registering tenants, booking amenities, and providing access fobs, etc., is always acceptable. Managing tenants on behalf of owners is another matter. Some owners ask property managers, "So what am I paying maintenance fees for if you won't manage my tenant for me?" Maintenance fees are paid to run the condominium corporation, not private business relationships such as tenancies, private tradespeople, private cleaners, etc.

The relationship between an owner and a tenant does not include, nor should it include, the condominium corporation, the Board or property management. Some property managers and even some Boards try to intervene on behalf of the owner(s) to manage bad tenants and aggressive tenant groups, but this is never recommended.

Communication to tenants from the corporation and property management should always be directed through the owner(s), as this is a business relationship that cannot be interfered with.

Most tenant issues are nuisance based, such as noise, off-leash dogs, parties, verbal abuse of service providers or smoking. However, they can be more serious incidents such as threats, relationship abuse, and hoarding, creating unsafe living environments.

The issue with bad tenants often starts long before they move in. Anxious condominium owners sometimes fail to do their due diligence on prospective tenants. Once a tenant is in a unit, it is very difficult to get them out and, most often, a very lengthy and costly affair.

Most condominiums' declarations impose a duty for owners to provide a lease of their tenants thirty days after they move in. It does nothing to assist the corporation in managing a tenant that has already moved in who is a registered tenant. Condominium corporations should create rules regarding the registration of all residents in a unit before they move in.

Registration should always include photo identification and detailed rental applications. In Ontario, it should also include the provincially regulated standard lease form. Before moving in, tenants should get a copy of the Building Rules and the Welcome Package outlining all the community's expectations. They also must sign off having received these documents in advance of moving in.

Let's talk a little about social media and how it affects condominium communities. Social media has changed life for everyone and how we communicate. Chat rooms are an excellent source of social discord. In condominium circles, some groups have taken on a life of their own, and some group participants can and do take it too far.

It has been demonstrated that some in these groups do not even live in the community. They join these groups to exact instant justice/ revenge by defaming others, often slandering the Board and property management. Some also try to sway others with their own view of the world, often contrary to obligations set out in law. It is never acceptable under any standard. Tony Bui, a condominium lawyer, says:

"No doubt, tenants and occupants are still important members of a condominium community. Constructive input and kind suggestions should always be welcomed, but it is never appropriate for tenants to try to dictate or govern how a condominium is run. Not to compare condos to prisons, but you should never "let the inmates run the asylum", so to speak. Tenants are not owners with a financial or equitable stake in the condominium, so it makes no sense for them to try to manage a condo. The only people who should have a say are the unit owners. As far as tenants are concerned, their relationship is with their landlord, but they are still subject to the condo's Declaration, By-laws and Rules."

In fact, Riskboss, while conducting comprehensive and independent risk assessments of condominium communities, highly recommends a centralized point and channel for all communication, that being the property management office and not online forums. All correspondence should be channelled through a centralized source to ensure all information's accuracy, consistency, and reliability.

Complaints must always be made in writing and from a recognizable source. Complaints from tenants can be managed with the assistance of their owners to ensure that property management, the corporation and the Board does not get dragged into private business relationships.

As most active Board members know, being on a Board in Ontario comes with clearly defined responsibilities as set out in the Condominium Act. In fact, as a minimum standard, Board members are required to take a course within six months of their election as a director as regulated by the Condominium Authority of Ontario (CAO).

The CAO courses clearly outline when a person is acting as a director and when they are not. So, when you happen upon a director in an elevator, and you engage in a conversation about corporation business, you are really talking to another resident. That person is only a director when engaged or actually in a corporation Board meeting.

As described in Riskboss Site Assessment recommendations,

"The practice of command and control being delivered by a noncentralized through a multilayered process (Management, the Board, and Service Providers all receiving information) is difficult to administer to ensure clear, unfiltered direction and feedback. Single source and centralized direction provide three things: accuracy, consistency, and control. In all highly effective organizations: Directors and Board Members direct through policy; Managers manage on that policy; Supervisors supervise under direction of Managers, and Workers do the work under supervision of the Manager. Property Managers should always be the centralized, single point of contact in all multi-residential settings."

Lastly, let's focus on what happens when a tenant continues to behave badly. I have been involved in many investigations and have been called to testify at tenancy hearings regarding fraudulent tenants who claim to be something they are not and tenants breaking building Rules. The unfortunate reality is that when a tenant goes bad, it can cost thousands of dollars to have them evicted while that same tenant can remain in the property as described in the article in this edition cowritten by Tony Bui and An Nguyen from Gardiner, Miller, Arnold, LLP.

Property management will continue to document occurrences of breaches of the buildings Rules or the Declaration to the owner. The owner, if unable to have the tenant stop, progressive actions will likely be taken including a lawyer's letter paid for by the owner.

In extreme circumstances, and after several attempts, the corporation will engage its lawyer to commence legal proceedings to obtain a compliance order. The corporation will pay for these proceedings, but will recover all costs usually from the owner. These types of scenarios are often long and very expensive.

The best advice that Riskboss recommends to all condominium owners is to ensure all renters are properly screened, vetted and come with reliable references prior to signing any lease and handing over the keys to your valuable asset.



The Standard Bearer of Unparalleled Service

Discover why Samsonshield is the most trusted name
in residential condominium security & concierge



Bespoke Services | Risk Management | Superior Processes
Fixed Schedules | Competitive Pricing | Accredited Staff

Founded in 2009, Samsonshield is proudly 100% Canadian owned
and operated, and is an equal-opportunity employer.



PAN-ETHIC

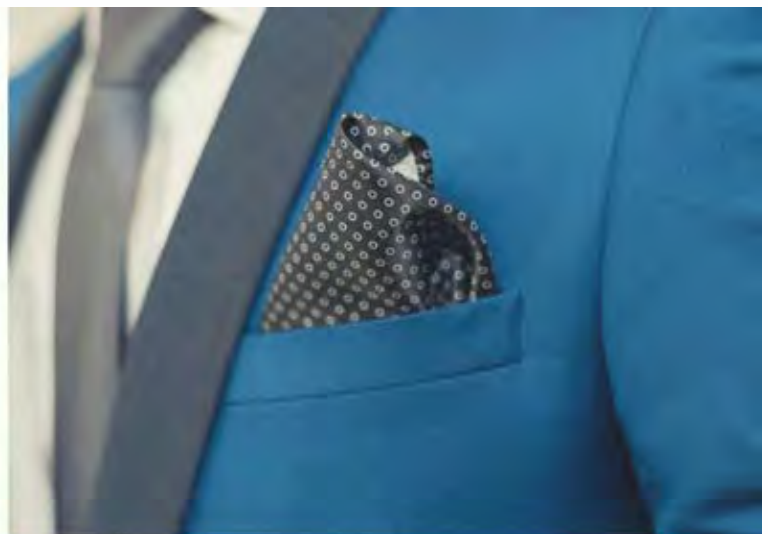


**Welcome to Biagio
Ristorante, where our
tradition is to serve
true and exquisite
Italian cuisine.**

**Bring the taste of Italy to
your home**

Open for takeout and delivery
from 5pm-9pm Tuesday to
Saturday.

(416) 366-4040 | biagioristorante.com



**MASTERS AT THE ART OF TAILORING
SINCE 1961.**

We offer a truly exclusive, bespoke experience.
We help you get the perfect look and fit when
you order in-person or online.

Find out on our website when we will be visiting
your location, or a location near you.

maxwellsclothiers.com



Jodi L. Feldman
FAMILY LAW COUNSEL

With 37 years of family law litigation counsel, including 19 years as a Deputy Judge for the Toronto Small Claims Court, Jodi understands the sensitivity of family law situations from both sides of the bench.

Not only is Jodi's experience unmatched in the field, so is her style of representation. She acts with a serious level of empathy and passion to provide the best legal strategy.

RISE ABOVE THE REST

Jodi L. Feldman
Senior Family Law
Litigation Counsel

High Level Family
Law Advocacy

Available for
Mediation /Arbitration
in
Family Law Disputes

Contact Jodi to learn more about being represented by the best in the field.

416-482-3233 ext. 222
jfeldman@jfeldmanlaw.com
jfeldmanlaw.com



EMBROIDERY
MAGIC | NEEDLE

Mugs. Shirts. Hats. Bags. Gadgets. Much More.
Events - Corporate Gifts - Advertising

IT'S JUST LIKE MAGIC!

Our massive selection of promotional products from over 3000 vendors can boost your ROI and help create lasting client relationships.

Contact Us Today!

Don't just take our word for it! Learn more:

(416) 420-2041 | embroidery4u@rogers.com
embroiderymagicneedle.ca



Legal Updates

Cooperative Unit Owner Pays the Price for Tenant's Outrageous Conduct

By Tony Bui and An Nguyen, Gardiner, Miller, Arnold, LLP

CONDO FOR RENT

The idea of tenants seems attractive on paper – who wouldn't want someone else to pay down their mortgage for them? But social, ethical and economical debates aside, being a landlord is not always sunshine and roses. After all, tenants are temporary residents with no equitable stake in their units. We've all heard stories about "nightmare tenants".

And when we take Toronto's never-ending condo boom into account, tenants in condos are an even bigger problem. Bad tenants in condos often force other residents to put up with their nonsense.

A Toronto condominium community recently came face-to-face with their own tenant from hell. In *MTCC 1025 v. Hui*, residents, security staff, and contractors were the subject of disturbing and threatening behaviour from a tenant that went well beyond the fray of your usual nuisances. In the span of approximately two months, the tenant:

- ⇒ Threatened a security guard with a knife;
- ⇒ Exposed himself and performed "lewd sexual acts" in the common elements of the condominium building;
- ⇒ Allowed others to deal drugs on the property;
- ⇒ Forced his way into a resident's car and a contractor's van;
- ⇒ Defaced unit doors and nearby walls;
- ⇒ Set up a chair and blocked the entrance of the building so residents could not enter (they had to enter via the loading dock); and
- ⇒ Banged on a neighbour's door at 1 AM, startling the neighbour and her 12-year old daughter.

Understandably, the condominium was left with little choice but to bring a compliance application under the *Condominium Act* naming the unit owner and tenant as respondents. To the owner's credit, she cooperated with the condo from the outset and delivered an eviction notice to the tenant. Unfortunately, the Landlord and Tenant Board denied her request for an expedited urgent hearing. Fortunately for those who were forced to put up with the tenant, at some point in the interim, he was arrested and therefore no longer on site.

The Court had no trouble granting a compliance order against the tenant, but who was responsible for the condo's costs? The condo had to bring an urgent application out of necessity. The condo's Rules held the owners responsible for the condo's costs resulting from their occupant's breaches. As a result, the Court ordered the owner and tenant to be joint and severally responsible for the condo's costs of \$10,000.

While the condo is entitled to recover the full \$10,000 from the tenant, we wouldn't count on it. Unfortunately the owner will be the likely target for recovery. The Court sympathized with the owner since she fully cooperated with the condo and took immediate steps to evict the tenant. She also paid out-of-pocket for added security. But the Court held that it would be unfair to force other unit owners to contribute to the application costs since the owner was ultimately responsible and liable for the tenant.

This case is a reminder that unit owners are ultimately responsible for their occupant's conduct even when the owner cooperates and takes reasonable steps to obtain compliance. This framework protects other innocent owners from being burdened with legal costs because of one bad resident. Unit owners should expect to take full responsibility for their occupants and should seriously consider the consequences when leasing their units and vetting tenants.

This case doesn't stand for the proposition that "all tenants are bad". The takeaway here is that having tenants is a serious risk. There are some valuable lessons to be learned:

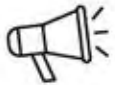
- ⇒ **Thoroughly Vet Potential Tenants:** You wouldn't buy a car without test driving, and we figure you also wouldn't rent your home to someone you don't think you can trust. Meeting your tenants and conducting background checks, credit checks and references are all good starting points. While there is no magic formula to determine who would be a good tenant, a first impression is everything. They may not be the best fit if they show up very late to the viewing, don't answer your messages promptly or are generally unpresentable when you meet them. But while red flags are always a cause for concern, you should always be careful not to discriminate against anyone.
- ⇒ **Maintain Relationship with Tenant and Condo:** In tenant-condo disputes, the landlord-owner is always caught in the middle. It is an unfortunate position, but such is the price of being a landlord. In these situations, the landlord-owner could act like a neutral mediator and bring the condo and tenant to a common understanding and resolution. This is only possible if the landlord-owner is in the tenant's and condo's good books.
- ⇒ **Act Early and Act Fast:** In the face of misbehaving, condos should get unit owners involved early. This could resolve the problems immediately, but if not, it puts the onus on the owner to take reasonable steps to resolve the problems. There is also a practical benefit for both sides to act fast. There are cases where owners were relieved from paying costs because the condo did not inform them of their tenants' misconduct or did not provide enough information for the owner to take appropriate steps. Condos can recover costs from the tenants, but this comes without the added security of a registered lien against a unit.

The *Hui* decision won't slow the rising number of rental units and new landlords in Toronto, but it serves as a cautionary tale to landlords.

BuildingLink

PROPERTY MANAGEMENT MADE SIMPLE

From managing resident communications and amenity bookings, to tracking purchase orders and parcels, BuildingLink equips managers, staff and residents with a set of tools to manage property operations while keeping residents informed and connected.



COMMUNICATION
TOOLS



ADMIN & RECORD
KEEPING



MOBILE APPS
& PORTALS



MAINTENANCE
TRACKING



FRONT DESK
AUTOMATION



SMART HOME
ENABLED

AWARE !

By BuildingLink

SENSOR SOLUTIONS

IoT sensors solutions kits to monitor building activity.

LEAK DETECTION | MAIL-IN | PARKING | FITNESS EQUIPMENT



GET IN TOUCH!



www.buildinglink.ca



canadasales@buildinglink.com



877 501 7117



THE CONDOLAWYERS™

tony.bui@gmalaw.ca

TONY GETS IT DONE.

You want pesky legal problems cleaned off your desk. Tony understands that.

You need quick, effective and economical legal solutions. Tony's goal is to take you from Point A to Point B while minimizing detours. Whether it's troublesome residents, board disputes or intimidating litigation, Tony takes a practical approach to your condo law problems.

A fighter simply gets you out of trouble - a problem solver *keeps* you out of trouble. Gardiner Miller Arnold LLP and Tony are here for you!



GARDINER MILLER ARNOLD LLP
BARRISTERS & SOLICITORS

🏠 390 BAY STREET, SUITE 1202 TORONTO, ON M5H 2Y2

☎ (416) 363-2614 🌐 GMA LAW.CA 🐦 @GMAlaw 📠 ontariocondolaw.com



EST 1967
CALIFORNIA
- SANDWICHES -

TORONTO'S FAVOURITE SANDWICH IS THE PERFECT CHOICE EVERY TIME!

Established in 1967, there are now 14 family owned
and operated locations in the GTA.

Only the finest ingredients are used in every dish.
Quality food and attention to detail have kept this
business strong and valued.

Come see what the hype is all about!

eatcalifornia.ca
(416) 603-3317

244 Claremont Street, Toronto, Ontario



Computers

Never worry about your phone, tablet
or computer again!

Ask Computers is here to help when
you need with fast, reliable service.

We can protect or recover your data
from malware, security threats and fix
hardware issues.

- Data Backups and Recovery
- Computer and Smartphone Repair
- Much More!

askcomputers.ca
info@askcomputers.ca
416-862-9595



Slips, Trips & Falls

Who is Responsible - How to Mitigate Risk

By: Alex Zhvanetskiy, Vice President of Samsonshield Inc.



Who hasn't had a tumble or two but when it happens on your property, well, that may be a different story.

With winter upon us, this article is a very important read.

The media is littered with advertising for law firms that will represent people who have fallen on a property and the victims don't have to pay anything until the case is settled. For a lot of people, this *No Win - No Fee* promise is a no-lose proposition. For insurance providers, property managers, condominium corporations and building owners, it's always a lose-lose nightmare by way of time and money.

The Occupier's Liability Act (OLA) has been in existence since 1990 in Ontario. Prior to that, Common Law was the prevailing law that governed the rights of those who slip, trip, tumble and fall and the obligations of property owners. The OLA defines who is considered an occupier and codifies the duty of care required by all occupiers to protect all attendees on their property.

Popularized by television and online commercials and because of the business practices of some law firms to withhold fees, insurance for multiplex residential buildings and commercial towers have increasingly and dramatically risen over the past decade due to increases in slip, trip and fall incident claims.

It is reported that there are over one million slip and fall injuries each year in the United States. It makes it the leading cause of injuries for all age groups, representing 12 per cent of all emergency room visits. The staggering medical bills exceed 34 billion dollars every year. With the average payout for a simple slip and fall being \$30,000 to \$50,000, this can have a big impact on budgets as most cases (98%) are settled out of court.

The urgency of condominium Boards and building owners to ensure that robust CCTV equipment covering all key areas of a property cannot be understated.

Unfortunately, countless lawsuits are remedied far too early because of a lack of objective and unequivocal evidence that CCTV cameras generally supply. Also, far too many cases are negatively affected by the lack of timely notification to an occupier who, when finally served with a civil action, try to secure CCTV evidence only to find that the footage had been over-written.

Changes to the OLA effective January 29, 2021, are very important to condominium Boards, property managers, and property owners. The time limit to notify an occupier of such tragedies has been narrowed to sixty days of the injury. It assists the industry greatly in that property managers and building owners can secure crucial evidence before it is irrevocably lost.


The test that the courts use is well defined. The OLA prescribes that occupiers must make all reasonable efforts and care to prevent injuries when people attend your property. There is also a duty of care that is expected by people who attend your property too; however, if there is no clear evidence by way of CCTV camera footage or eye-witness accounts to the contrary, it is always an uphill battle for the property owner or condominium corporation.

Most slip and fall incidents are preventable. There is no time like the present to ensure that your CCTV camera equipment covers all areas that may be of concern, including all outside sidewalks. You also want to make sure that recording devices extend well past ninety days to ensure essential evidence is secured in case it is needed. It is one of the highest priorities when Riskboss conducts site risk assessments.

Another essential risk mitigation strategy is training all on-site staff to recognize trip and fall hazards and immediately report such observations. Uneven stonework and walkway issues should be identified and mitigated right away. Signage in hazardous areas should be clearly visible. Lighting in hazardous areas should be full cut-off or partial cut-off lighting that clearly illuminates potential problems for pedestrians.

All snow removal and salting of sidewalks and pedestrian pathways should be clearly documented, recorded and kept in case it is needed. Also, snow removal companies should provide evidence that they are fully insured and submit WSIB Clearance Certificates to property managers. The OLA also covers their employees while they are on your property.

When slip, trip and fall incidents are reported in real time, it is critical to attend to the victim's needs first and mitigate the risk of future incidents right away. Obtaining as much evidence as possible through CCTV footage, taking pictures of the incident site, and any injuries of and comments made by the victim(s) is also incredibly important. Reports should be as detailed as possible and completed as soon as possible as this is the best way to mitigate any damages.



**SPEAK OUT
FOR THOSE WHO CAN'T**

stophumantrafficking.ca

**CRIME
STOPPERS**
1-800-222-TIPS

Riskboss Magazine commits to social responsibility by offering free advertising to social responsible organizations.



Riskboss Boost™

Raising Your Bars. Decreasing Your Risk.

Seconds count in an emergency

Riskboss Boost™ has been created exclusively for residential and commercial underground parking garages and other critical areas to eliminate the risk of dead zones for cellular phones, radios and medical alert devices.

Dependable communication in underground garages and other critical areas is a must for people in need of help during a medical crisis or when trying to call 911 during emergencies.

	Typical Reception	Riskboss Boost™
Police Radios	✗	✓
Ambulance Radios	✗	✓
All Cellular Phones	✗	✓
Fire Services Radios	✗	✓
Medical Alert Devices	✗	✓
Site Security Guard Radios	✗	✓
Building Superintendent Radios	✗	✓

Contact Riskboss today for a free, no obligation quote and to learn more.



THE MORTGAGE GROUP
THINK OUTSIDE THE BRANCH®
FSRA #10315

Jason Reis

Mortgage Broker

One-stop convenience and impartial advice. I can help you get the mortgage that best suits your needs.

Experience you can count on

jason.reis@mortgagegroup.com

416.471.1706

jasonreismortgages.com

Contact me for competitive rates on:

- Home purchases
- Refinances
- Renewals
- Debt consolidations
- Investments
- Home renovations

Insurance made easy.



Experts in Insurance Solutions

- Landlord Insurance
- Commercial General Liability
- Errors & Omissions
- Automobile & Fleets
- Cyber
- Group Health Benefits
- Personal Home & Auto



CALL US

(416) 833-2035

www.insureityorkdale.com

ahabibi@insureitgroup.com

Manhattan History

SERPICO

The Struggle to Rid Manhattan of Police Corruption

By Joyce Gold, Manhattan Historian

Frank Serpico is best known for whistleblowing about police corruption. He became the first New York City police officer in history to testify about widespread corruption in the department. His story is all about the risks of taking a stand and the subsequent consequences. The youngest son of Italian immigrants, he was a member of the police department from 1959 to 1972, joining after serving two years in the US Army in South Korea. Serpico was a good cop better known in local communities as “Paco.”



Frank (Paco) Serpico

Al Pacino

Serpico came to realize that his squad and much of the police hierarchy above it appeared to be corrupt. He was in an untenable position of having to either report the illegalities of his fellow officers or join them. In whatever precinct he was assigned, he observed and reported corruption and was increasingly frustrated about getting the police department and/or the government to do anything about it.

Serpico resisted joining in his colleagues' crimes but was forced to accompany fellow plainclothes officers as he witnessed their violence, extortion, and collecting payoffs. Yet, he refused to accept his share of the money.

He was never considered part of the police team. He was misunderstood when he moved to Greenwich Village. Because of his appearance and interests, colleagues accused him of being homosexual. Serpico requested a transfer. At his new precinct, Serpico worked in plain clothes. Despite fearing for his life, he kept reporting illegalities but got neither satisfaction nor protection.

Serpico befriended police Sergeant David Durk, who had been assigned to the Mayor's Office of Investigations. Serpico was offered a bribe and informed Durk, who arranged a meeting with a high-ranking investigator. Serpico was told that he must either testify or “forget it”. He turned the bribe over to his sergeant. Serpico then requested a transfer and recorded his phone calls.

He was reassigned to yet another division but immediately discovered corruption there also. He informed on their activities and was assured that the police commissioner wanted him to continue gathering evidence and that the chief's office would contact him.

Serpico became impatient waiting for the promised contact. He and Durk went to the mayor's assistant, who promised a real investigation and support. Their efforts were stymied by political pressure. Durk suggested they go to other officials or even the press, but Serpico dismissed the idea. The district attorney led Serpico to believe that there would be a major investigation into rampant department corruption if he testified to a grand jury.

During the grand jury trial, the district attorney prevented him from answering questions that pointed up the chain of command. Serpico became even more frustrated.

Knowing his life was in danger, he, Durk, and an honest division commander reported the corruption to *The New York Times*. After the allegations were printed, Serpico was reassigned to a dangerous narcotics squad in Brooklyn, where he found even greater corruption and danger.

His personal life suffered from the strain. He began dating Leslie, a woman in his Spanish class, but she left him to marry another man. He began a romance with his neighbour Laurie. When colleagues tried to convince him to take the payoff money, and he declined, the strain took a toll on him and his relationship. As the investigation proceeded, Serpico was threatened by the squad, and Laurie left him as a result.

On February 3, 1971, in Williamsburg, Brooklyn, Serpico was shot during an arrest attempt when his backup failed to act. The bullet severed an auditory nerve and left bullet fragments lodged in his brain. He recovered, though with lifelong effects from his wounds.

The circumstances surrounding Serpico's shooting quickly came into question, even raising the possibility that Serpico had been brought to the apartment by his colleagues to be murdered. Albeit no formal investigation was initiated.

Serpico and Durk brought about a major change to the police department. Largely a result of the publicity generated by their public revelations of police corruption, in April 1970, Mayor John Lindsay formed the Knapp Commission. It was officially called “The **Commission to Investigate Alleged Police Corruption**.” It concluded that the NYPD had systematic corruption problems and confirmed the presence of widespread corruption. They made a number of recommendations.

An immediate result of the witness testimony, criminal indictments against corrupt police officials, were handed down. Soon afterwards, the mayor appointed Commissioner Patrick Murphy to clean up the department. He was tasked to begin integrity checks, transfer senior personnel on a huge scale, rotate critical jobs, ensure enough funds to pay informants and crackdown on citizen attempts at bribery.

After this incident, Serpico received a detective's gold shield and the New York City Police Department's highest honor, the Medal of Honor. There was no ceremony; it was simply handed to him over the desk. One month later, on June 15, 1972, Serpico retired. He left for Switzerland to recuperate, spending almost a decade living there and on a farm in the Netherlands while he travelled and studied. He also took Italian citizenship.

Film star Al Pacino initially did not find the initial film script interesting. A re-worked script convinced him to consider the part. Pacino met Serpico, which fully convinced the actor to accept the part, particularly because of the following conversation: Pacino asked Serpico why he had acted as he had. Serpico's answer was, "If I didn't, who would I be when I listened to a piece of music?" Pacino was further moved by Serpico's conviction to reform the NYPD and became more committed to the project.

The film was released in December 1973. Serpico attended the premiere but left before the ending. Serpico felt "distant" from the final version and criticized that it "Didn't give a sense of frustration you feel when you're not able to do anything." Not until 2010, over 30 years after its completion, did Serpico watch the film in its entirety.

As a result of Serpico's efforts, the NYPD was drastically changed. Michael Armstrong, who was counsel to the Knapp Commission and went on to become chair of the city's Commission to Combat Police Corruption, observed in 2012, "The attitude throughout the department seems fundamentally hostile to the kind of systemized graft that had been a way of life almost 40 years ago."

Serpico took a risk, at great cost to himself, but felt he would lose himself if he hadn't. Now eighty-five years old, Serpico lives in a log cabin in upstate New York. Bullet fragments still lodged in his head remind him of his bold and groundbreaking courage fighting injustice.



MANHATTAN

Joyce Gold History Tours of New York

Step into the past as you stroll through the present New York City with Joyce Gold.



Schedule a private custom tour for an in-depth experience tailored to your tastes and schedule.
Or join a public scheduled tour and discover why people keep coming back for more
for this exciting and unique experience with a recognized expert.

Contact Joyce to book a tour today!

joyce@joycegoldhistorytours.com | 212-242-5762 | joycegoldhistorytours.com

TORONTO

St. Lawrence Market / Old Town Tours

Bruce Bell, Toronto Historian and Official Tour Guide
Tours operate Tuesday through Saturday. Perfect for gifts, corporate
and family outings.

This unique 90-minute tour includes a guided walk with prominent
Toronto Historian, Bruce Bell through Toronto's famed St. Lawrence
Market, hearing about its fascinating 200-year history. After covering the
Market, Bruce tours Old Town Toronto including stops at St. Lawrence
Hall, King Edward Hotel (as available), and various sites along the way.



Covid19 Updates

- Old Town Toronto tours are free, gratuities are welcome.
- Groups are kept to under 10 people, social distancing maintained.
- Private tours are available at a cost, please contact Bruce for prices. Reservations are required.

Contact Bruce to reserve your tour today!

647.393.8687, brucebelltours.ca, facebook.com/bruce.bell.4855



REMOTE SOLUTIONS

Proactively catch issues before they become a problem with our key remote services designed specifically for high-rise condominium communities.

MONITORING

- Regular video patrols of sensitive areas like the garage, pool or gym.
- Key system monitoring including cooling and water pressure .
- With our automated uplink, monitor and make quick decisions real-time anywhere and anytime.

MANAGING

- Remotely control access and lighting in shared spaces like laundry, locker and gym areas.
- Manage bookings and control access to parking, party rooms, boardrooms and more.
- Electronic reporting and incident notification for Property Management.

TECHNOLOGY SOLUTIONS

Whether you want to upgrade, replace or service your camera, access control or entry systems, we have the right solution.

Installations: Our skilled technical staff provide timely estimates and efficient installations to ensure your project is handled on time and on budget to your complete satisfaction.

Service Calls: We quickly deploy and address your equipment service needs. Timeliness is critical to you. We understand and we make it part of our service delivery model.



Riskboss Did You Know

Recommendations, Tips and Tricks Timely Advice From the Experts

By Quintin Johnstone, President & CEO of Riskboss Inc.

Reader Commentary from Our Last Edition

Carla V. and Stephanie L.

Condominium Residents in Toronto

"We live in a condominium serviced by Samsonshield as the security provider. We travel a lot and sometimes for many months. If I were not for the advice that we got from Samsonshield before we left on our trip about the extended absence check program, we may have had our insurance voided. Thanks Samsonshield for the extended absence checks that you did on our unit while we were away."



Many condominium residents travel for extended periods for either leisure or work. The stark and unfortunate reality is that countless true-life horror stories are emerging for condominium residents. Absent residents are getting calls from property managers advising of serious issues while they are away, predominantly due to water leaks.

Water damage caused by faulty appliance piping and hoses, incorrect installation of washing/dishwasher machines, poor contracting and illegal renovations are just some of the causes of major water leaks. In many cases, water can negatively impact multiple units below the source of the water. Thousands of dollars in water damage can occur in each affected condominium unit.

Another unfortunate trend is turning heads in lawyer, property management and insurance circles. With the growth of investment condominiums in the Greater Toronto Area, condominium owners are getting calls from property managers about tenants who have left for extended absences and reporting problems. More often than not, owners find that tenants have not had anyone check in on the condominium during their absences, and it voids their insurance.

Not widely known is a clause in most condominium insurance policies that stipulates that during extended absences where your home will be vacant, residents must have someone check in on the property to make sure the property is okay. Each policy is different with respect to how often suite checks must occur and who can be designated as a competent person to make such visits. The best way to ensure that you have enough insurance and the right insurance is to work with a qualified insurance broker or provider.

One of the country's foremost experts in condominium law, Mr. Gerald Miller was canvassed about this issue. Mr. Miller is the managing partner of Gardiner, Miller, Arnold LLP, one of the largest condominium law firms in Ontario. His firm deals with these issues far too often.

"Condominium insurance is very complex. Each condominium corporation has its own insurance; each unit owner should have an owner's policy, and each owner who rents out their unit should also insist that their tenant has a tenant's policy. If a loss occurs, all that matters is that there is insurance coverage."

We have found that the biggest losses come from water damage due to washing machine and dishwasher hose failure. It is important for everyone to know what an owner's insurance policy says about closing that door to your condominium and heading to Florida for the winter or an extended vacation. A typical Condominium Owner's policy provides as follows:

Loss or Damage Not Insured

We do not insure loss or damage occurring after your unit has, to your knowledge, been vacant, for more than 30 consecutive days.

Therefore, it is critical for every owner of a condominium unit to review their policy to determine the time frame their property can be vacant before their insurance policy excludes coverage. If your vacation plans exceed the time frame in your policy, you should contact your insurance company to determine what steps you can take to avoid exclusion or if you can purchase additional coverage. It could be as simple as having a friend, family member or service monitor your unit."

Insurance for condominiums in Ontario is multi-layered:

- The condominium building itself is insured for:
 - The building and grounds;
 - Common areas and amenities; and
 - Standard Unit (or the original state that the developer provided to the original owner).
- The property owner gets their own insurance for their unit, locker, parking space and for something called, *Betterments and Improvements*; and
- Tenants also get their own insurance.

Ask your property manager and/or your Board to consider developing an Extended Absence Program for your condominium community. It is an opt-in program where the building superintendent and security enter your unit according to the terms of your insurance to make sure everything is okay. Running water and flushing toilets will also prevent P-traps from drying out, which is the cause of carbon monoxide entering into units. Mail collection is also part of the program. Contemporaneous reports by security will ensure that your insurance will never be voided while you are away. An indemnity for the corporation is part of the program.

The program is usually free of charge and is designed to mitigate risk to the whole community because a pinhole leak today can be the cause of a major flood in a week if left unchecked.



TELLING YOUR STORY

STRATEGY | BRAND | WEBSITES | SOCIAL | CONTENT | MEDIA

DIGITAL MARKETING SOLUTIONS THAT
BRING YOUR STORY TO LIFE

info@thehemeragroup.com | 416.454.8963 | thehemeragroup.com

Urban Mining Ltd.

Alternative solutions to retail pricing

Urban Mining LTD. Is an office furniture resource company involved in moving, reconfiguration and furniture recycling services.



**The right
solution for
the right
space.**

We provide
turnkey
solutions for
every type of
office or
condominium
amenity setting.



CUSTOM-MADE PLEXIGLASS PARTITIONS • OFFICE AND COMMON SPACE REDESIGN •
TAILOR-MADE FURNITURE FOR YOUR SPACE

Contact Andy Coll today for a free estimate!

647-212-4200 | andycoll@urbanminingltd.com

Visit urbanminingltd.com to learn more about our solutions.



**We're giving back through
life-changing experiences.**

As part of Samsonshield's community commitment and as part of our ongoing Employee Journey, we assist employees and their families, as well as members of the community through The Samsonshield Foundation.

Each year, the foundation provides funding and support for children to improve their education and to support special needs.

The foundation is a federally registered corporation and a Not-For-Profit. An independent Board of Directors ensures that the foundation objectively and transparently achieves established goals and values.

Contact us to learn more!

416-214-1717 | info@thesamsonshieldfoundation.com | thesamsonshieldfoundation.com/ca





Let G&G Electronics bring your space to life! We can help you create a showpiece party room, gym or home entertainment experience with our custom-tailored electronics for today and the future.

We specialize in customer service and installations, offering huge value for your condominium common areas or for private residences.

FREE DELIVERY IN THE GTA FOR PURCHASES OVER \$200!

OUR FEATURED PREMIUM BRANDS

SONY **Panasonic** **BOSE** **SONOS**

SAMSUNG **CRESTRON** **MONITOR AUDIO**

ggelectronics.com | 416.282.8111 | [@ggelectronics](https://www.instagram.com/ggelectronics) | [@g_gelectronics](https://www.facebook.com/ggelectronics)



EXCLUSIVELY AT URBAN PHILOSOPHY

Father-Son Saturdays Have Arrived!

Spend quality time with your son as you treat yourselves to luxury in a downtown setting. Your son is never too young to learn styling and grooming tips!

We follow all Covid-19 regulations and as such, your time will be wholly yours. Receive the best tips and award-winning care from our experts without interruption.



HALF-PRICE HAIRCUTS FOR SONS!

Now open Saturdays by appointment only.

647-352-4424 | urbanphilosophy.ca



Ask Riskboss

Straight Answers to Hard Asked Questions

Got a question?

Write us at: info@riskbossmagazine.com



**Question from Daniel T.,
Condominium Property Manager in Mississauga, Ontario**

Q: I really enjoy reading your magazine. The articles are very helpful. I recently had two Peel Regional Police officers attend my office asking for information on a tenant. They were in plain clothes but showed me their badges. When I asked them why they needed the information, they advised that they couldn't tell me but said it was part of an ongoing investigation. I felt uncomfortable, so I called my Regional Manager, who spoke with the officers who told them that we couldn't provide them with any information. My question is when we are allowed to provide information and when are we not.

A: This is a great question, and something Riskboss gets called about regularly. In short, Property Managers are the gatekeepers of private information that cannot be release to anyone without authorization. It includes the police, government officials, bailiffs and sheriffs, law firms, etc.

Police can only obtain this information under two circumstances:

1. When the police declare an emergency - at that time you must release the information
2. When the police have a judicial authorization such as a warrant - after receiving a copy of the warrant you must release the information

Often police officers will try and obtain information without a warrant as it is the path of least resistance for them. Getting a warrant is very time consuming, and there is no guarantee that a Justice will support the police depending on the circumstances. It is unfortunately problematic for the police. However, because there are many instances that, if the information is provided, their case may be jeopardized by the fact that it was obtained without authorization. Releasing any information without authorization can lead to unintended consequences, including civil action.

Condominium corporations, commercial properties and all businesses should create a policy regarding the release of private information that includes limitations for everyone.

**Question from Stephen N.
Condominium Resident in Midtown Toronto, Ontario**

Q: My wife and I are tenants in a midtown condominium building in Toronto. We have been here for many years and have watched the population density explode in the Yonge and Eglinton area. Our street is routinely clogged with delivery trucks and illegal parkers. It is often hard to get home in our car because the streets are constantly blocked. What can we do about it?

A: This is another great question that often comes up during our meetings with board members when Riskboss conducts risk assessments. Local City Councillor Josh Matlow recognized the urban sprawl in your neighbourhood and has concerns about what seemingly is the never-ending development outpacing the ability for the City to deal with infrastructure and services.

Generally, most people will contact the police, or in the case of Toronto, the 311-complaint line. This, however, will not address the root cause of the issue. The cause of the issue in your neighbourhood is that street parking prohibition signage has not been changed despite large buildings being built. The current street parking designations are generally "No Parking" which allows for delivery trucks and vehicles to stop in areas while loading and unloading parcels. It must be changed to a "No Standing" designation to prohibit delivery vehicles from monopolizes side streets. A 'No Standing' designation allows vehicles to pick up and drop off passengers but not stop for picking up or delivering parcels.

Riskboss recommends that the Board and property management engage with local councillors to change street parking designations. It will provide the police and parking authority with the proper tools to do their jobs and, in doing so, help alleviate the problems.

The Most Trusted Name in Risk Identification, Mitigation, and Management

Services

RISK
&
THREAT
ASSESSMENT

EMERGENCY
PLANNING
&
PREPAREDNESS

HEALTH
&
SAFETY

STANDARDS
&
GOVERNANCE

QUALITY
ASSURANCE
&
COMPLIANCE

BACKGROUND
SCREENING
&
VERIFICATION

RISKBOSS
BOOST™

Condominium

Commercial

Industrial

Government

Founded in 2009, Riskboss is proudly 100% Canadian owned and operated, and is an equal-opportunity employer.



Making flawless first and lasting impressions, together.

Condominiums in Toronto choose Waterford as their cleaning service provider because of the exceptional standards we maintain, and our service approach designed uniquely for each property.



Waterford Services

**For quotation inquiries email
info@waterfordservices.com
or call 905-470-7766**