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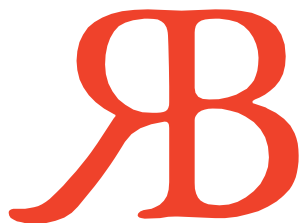
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Fall/Winter 2022: Volume 4, Issue 2

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..... and much more





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Editorial Commentary

By Samantha Wharton

Riskboss Magazine Senior Editor

Another edition that has sparked a lot of responses, especially the article, ‘*Capacity - Impact & Influence*’. We always try to pick topics that other publications won’t go near. Well, we did it again this time, ‘*Read This Before You Sign*’ touches on a very controversial topic, how much police access is too much. Please have a read in our Elephant in the Room section, and let us know your thoughts.

We are very proud to announce a new section of the magazine, ‘*Your Health, Your Risk*’. Elaine Chin is a seasoned North American trailblazer of precision medicine. She is medical doctor, health coach, best-selling author and the founder of the Executive Health Centre. She is passionate about helping people live longer, more rewarding, and disability-free lives. We are passionate to have her with us as part of our magazine moving forward to help our readers with her amazing insights.

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WE HAVE HEARD FROM YOU Reader Commentary

E. Mohamed

Business Owner in Toronto

I grew up in Toronto, having immigrated at a very early age. I remember my younger days in “Toronto the Good”. I remember when downtown Toronto was empty at night, and the clothing manufacturing area had mostly empty buildings. I worked nearby. A lot has changed. It is interesting that you also wrote about “A Tale of Two Kings” at the same time. I didn’t know that. We have come a very long way and, in my opinion, for the better.

Riskboss Answer:

Thank you for your commentary. We agree. As we write this edition, Time Magazine ranked Toronto as one of the world’s greatest places in 2022, standing 27th place out of 53 cities on their list.

D. Li

Condominium Owner in Mississauga

Thank you for sharing the Signal for Help. Such an important tool for those in need of help. And to think it originated in Canada - Wow - Impressive.

Riskboss Answer:

Thank you for your commentary. Yes, it’s pretty amazing and is spreading worldwide.

S. Russo

Condominium Board Member in North York

We have some problem residents renting in our building that have caught the attention of authorities. Toronto Police came in and wanted our property manager to sign an access permission form. We cooperated but are still wondering about the access we granted them. Can you comment on how much we should cooperate?

Riskboss Answer:

Thank you for your email. We will write about this in our next edition because it is happening often.



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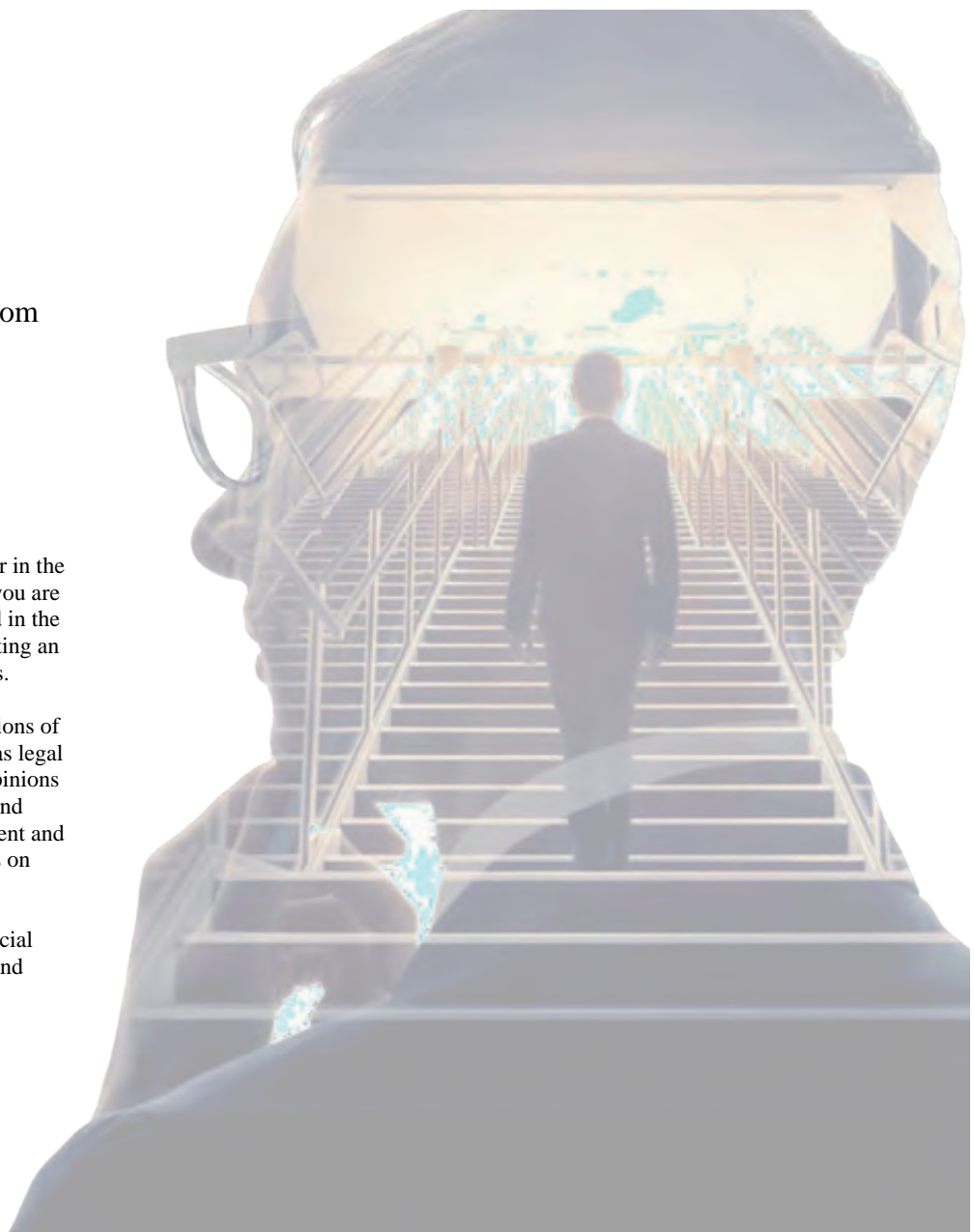
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The Elephant in the Room

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.

Read This Before You Sign

Informed Consent - What Is It? When Should You Give It?

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

You are a property manager in a condominium, residential apartment building, or commercial tower. You get a knock on the door, and it is an undercover detective from the Drug Squad. Pleasantries aside, (s)he asks you to sign a form called "Common Area Surveillance Consent".

The Form

These forms are being used by police services in the GTA and allow for such things as permitting undercover police officers:

- ⇒ Access to the common areas of the building and property, including, but not limited to; the lobby, elevators, stairwells, hallways, basement, and parking garage to conduct surveillance.
- ⇒ Access to historical CCTV audio/video for the building and property as it relates to the police investigation(s).
- ⇒ Access to the rooftop, utility rooms and other common areas as is required for covert surveillance.
- ⇒ Obtain resident related information, such as but not limited to, associated unit number(s), associated parking space(s), associated fob(s) used, historical fob records, and any lease/purchase agreements, as it pertains to the target(s) of active investigation(s), and any persons associated to them (e.g. guests).

Note: This form does not allow police to access residential units.

These forms are generally cookie cutter/generic/one size fits all. They allow wide-ranging, significant powers and authorities within the confines of private property lines, generally not permissible without search/arrest warrants, or production orders. Note-worthy, many of these forms have no time limits, allowing police to exercise their expanded authorities as long as they wish.

Let's analyze what is really being asked of you and the impact to you and the corporation. To do this, let's look at the history of how police services came to the use this form instead of getting a search warrant or a production order and why.

History & Perspective

Back in my Toronto Police days, when I was a young detective, it was much easier to obtain information and gain access to (semi)private areas. All you had to do was basically ask. Obtaining a search warrant was also much easier and much less complicated.

During this time, famed criminal lawyer Edward Greenspan was a guest lecturer at one of my classes at the University of Toronto.

Our professor, Michael Code (later to become a Judge on the Ontario Superior Court of Justice), invited him to speak about the imbalance of criminally accused persons being convicted at an alarming rate (at the time, well over 80% conviction rate). I was shocked to hear Mr. Greenspan predicting a more balanced conviction rate of 50% or even lower. His argument surrounded the notion that in Canada, we have an adversarial criminal justice system and, therefore, "More balanced" statistics on conviction rates would be coming, and coming soon. Those among us in the class that were in policing couldn't believe it.

Fast Forward

Well, it happened. It's here. According to Wikipedia,

"In Canada, 2017-2018 data provided by Statistics Canada indicate an overall rate of conviction of 62% (of those charged in adult court). This is much lower than one might infer from the 3.6% acquittal rate because 1/3rd of the cases are withdrawn (either directly or indirectly via a "Crown Stay") before they reach a verdict. According to Canadian trial lawyer Kim Schofield, the effective conviction rate falls from 62% to approximately 50% if one excludes guilty pleas and deals."

Policing in the 2020s

Policing in the 2020s in the GTA is much different than in the past. Whereas I testified every single day, rarely does a police officer testify in court now. Diversion, plea deals, and case withdrawals are the norm.

Despite initiatives like virtual conferencing appearances and process streamlining, the court system remains heavily burdened by capacity issues caused by increased burdens on how cases must be proven. Police face these same increased burdens in obtaining search warrants and production orders, limiting their ability to conduct their business. This work takes an incredible amount of time and resources away from front line policing efforts allowing criminals time to continue operating.

In law, police are required to provide what is known as the 'full, frank, and fair disclosure' to Judges when seeking warrants. In the case of police obtaining informed consent for authorization to enter private property, the same test is required. This is, of course, with the proviso regarding police limitations and confidentiality considering the activity taking place and their ability to disclose details that may impact their investigative processes.

This article backs on to the 2021 Spring/Summer Elephant in the Room article on ‘*Defunding the Police*’, where we wrote about policing efforts being heavily strained by constant increases in population, administrative burdens and reduced funding and decreases in personnel. Please check our archives. It’s a topical and interesting read.

To Sign or Not to Sign

So, the big question is, should you sign the form or not? Our sources within policing advise that this relatively new form is designed to get property managers to use their roles as managers in assisting the police in obtaining information and conducting surveillance.

Some issues surround this form that are critical before anyone signs it, such as this:

- ⇒ Do property managers have the legal right and positional authority to allow police into private areas of the property to conduct such work?
- ⇒ Is the all-encompassing form appropriate?
- ⇒ What is the impact to the corporation (building owner) if this form is signed?

Authorization to Sign

Property managers/firms are hired to conduct the daily operations of the corporation on behalf of the Board or property owner. The question begs, are property managers allowed to represent the privacy interests of individual residents regardless of whether it is a residential or commercial community? Recent case law supports the fact that property managers do have the right to allow police into common areas. However, this allowance is not absolute and comes with restrictions not outlined in the forms provided by police. Informed consent is required before signing such a form.

Informed Consent

Do you know what you are signing? Do you know the impact of signing such a document? Are you allowed to sign it? Most property managers struggle with the answers to these questions. “Informed Consent” is required prior to signing any document of this magnitude. Because most people are unaware of the ramifications of allowing police access, such forms should not be signed without expert consultation.

Gerry Miller, Managing Partner of the Condominium Law Firm Gardiner Miller Arnold LLP, advises that,

“Property managers should never sign such a consent form without consulting the Board of Directors and Legal Counsel.”

The courts have repeatedly expressed their view on what makes it Informed Consent .

- ⇒ Is the consent express or implied?
- ⇒ Does the giver of the consent have the authority to give the consent?
- ⇒ Is the consent voluntary and not the product of police oppression, coercion or other external conduct that negated the freedom to choose whether or not to allow the police to pursue the course of conduct requested?

- ⇒ Is the giver of the consent aware of the nature of the police conduct to which (s)he was being asked to consent?
- ⇒ Is the giver of the consent aware of their right to refuse to permit the police to engage in the conduct requested?
- ⇒ Is the giver of the consent aware of the potential consequences of giving the consent?

Reasonable Expectation of Privacy (REOP)

Canadian law allows everyone to have a reasonable expectation of privacy in certain areas. We wrote extensively about this in our 2020 Spring /Summer Elephant in the Room article ‘*He Said. She Said. The Legality and Prudence of using Audio Recording with CCTV Cameras.*’ In such cases, clearly placed and prominent signage alerts everyone that audio and visual recordings are taking place thereby limiting the reasonable expectation of privacy. Please check our archives. It’s a topical and interesting read.

Trespass to Property Act (TPA)

The Ontario Trespass to Property Act is a piece of provincial legislation that prohibits unauthorized entry to private property. This includes police officers. We wrote about this in our 2019 Spring /Summer Elephant in the Room article, ‘*Access to Private Property and Private Information.*’ Please check our archives. It’s a topical and interesting read. Unless there is an emergency or when a search/arrest warrant is obtained, police are like everyone else when it comes to entering private areas. Private areas for the purpose of the TPA include driveways, underground parking, locker rooms, amenities, hallways, and of course, private homes.

PIPEDA

PIPEDA stands for The Personal Information Protection and Electronic Documents Act. This federal law applies country-wide to organizations and businesses that conduct commercial activity and includes condominiums, residential apartments, and commercial buildings. The law affects the way organizations collect, use, and disclose personal information about individuals they collect. Personal information includes things like Social Insurance Numbers, home addresses, dates of birth, telephone number(s), email address(es), vehicle information, etc.

There are three basic rights under PIPEDA:

1. The right to know why your information is being collected;
2. The right to know how it will be used; and
3. The right to know who it will be disclosed to.

Part of the form that police use to gain access and information includes:

Resident related information, such as but not limited to, associated unit number(s), associated parking space(s), associated fob(s) used, historical fob records, and any lease / purchase agreements, as it pertains to the target(s) of active investigation(s), and any persons associated to them (e.g. guests).

Gerry Miller comments that,

“In my 35 years as a condo lawyer I have experienced many circumstances in which property managers for clients we represent have been approached by police who leverage their role as protecting the public against criminals to elicit cooperation that is beyond the authority of the property manager and the condominium corporation putting both at great risk. Of course, property managers just want to help and protect their owners and residents but they need to be careful because the police making the request know this.”

These points are all the more reasons for property managers to consult with their corporate lawyer before allowing unfettered access to personal information about any resident or guest.

Case Law

Police rely upon two stated criminal cases in support of using these forms. Both cases involved criminal cases where the accused persons lived in condominium dwellings.

R. vs White (2015)

In this case, undercover police officers entered the site without a warrant and surveilled an accused person using common area hallways. Here are some of the appellant judge's remarks:

- ⇒ "In my view, the trial judge's conclusion that the respondent had a reasonable expectation of privacy in the common areas of his condominium building is correct."
- ⇒ "In my view, the trial judge's conclusion that the evidence obtained by the police during the three visits to the condominium prior to obtaining a search warrant was obtained by trespassing on private property is correct. The trial judge found that Detectives Hill and Redmond were "willfully blind" to their obligations under the Trespass to Property Act."
- ⇒ "In this case, the police overheard conversations and activities taking place within a unit by hiding in a nearby stairwell. The home is entitled to the greatest degree of protection from unreasonable search, and in my view, the police conduct, in this case, had a serious impact on the respondent's privacy rights."
- ⇒ "I accept that the reasonable expectation of privacy 2015 ONCA 508 (CanLII) may be attenuated in the context of multi-unit buildings, where common areas including hallways, stairwells and storage rooms are shared by the residents, **but as I have said, the reasonable expectation of privacy does not disappear.** Those who live in multi-unit dwellings are no less entitled to the protection of their privacy than those who live in single-family homes, albeit that the nature and extent of the expectations of privacy that they might reasonably hold may differ." *[Emphasis Added]*

R. vs Yu (2019)

In this case, police officers did not get a warrant to install hidden cameras in common areas (hallways) but did get permission from the property manager. Here are some of the appellant judge's remarks:

- ⇒ "The appellants had a reasonable, but low expectation of privacy in the condominium hallways. However, the appellants' reasonable expectation of privacy was attenuated by the authority of the condominium board and property management to consent to police entry. The valid consent given by property management at [address removed] authorized the police entries that followed."
- ⇒ "Once inside an access-controlled condominium building, residents are entitled to expect a degree of privacy greater than what, for instance, they would expect when approaching the building from the outside."
- ⇒ "The authority to consent to police entry does not translate into an authority to consent to more intrusive police investigative measures, such as entry into a particular condominium unit."
- ⇒ "Condominium residents expect the board to reasonably cooperate with the police as part of the board's duty to manage common areas in the residents' collective interest. This expectation does not give the board free reign to consent to all

manner of police investigative steps in the common areas of the building, no matter how intrusive."

- ⇒ "It was not reasonable for the condominium board or its delegates to consent to surreptitious video surveillance on behalf of the residents. This is beyond the bounds of its authority. Surreptitious video surveillance by the police is different. There is a limit to the board's delegated authority."

Why is This Happening?

As Mr. Greenspan predicted, the criminal justice system in Canada, being adversarial, requires complex levels of checks and balances in order for the system to remain fair.



In the real world, for those who administrate the criminal justice system at the street level, this means more and more labour-intensive and bureaucratic paperwork.

The police are using this form and other methods to reduce the time and effort without jeopardizing the integrity of investigations. This allows police a path of least resistance when trying to get information on criminals in multi-unit spaces versus the burdensome task of obtaining warrants and production orders. What this really comes down to is that this form is a by-product of our times.

Why is This Important?

There is no doubt that cooperation with the police assists condominium Boards, property managers, and building owners in ridding negative impacts on the living standards and quiet enjoyment of communities, homes and businesses.

Most people feel a moral obligation to help the police and often believe that it is in their best interests to cooperate. Generally speaking, it usually works very well; however, things can go very wrong and very quickly if the process is not managed under your direct knowledge and control.

As a former police officer, I have significant experience on what is and what is not allowed when police are engaged on private property. I also understand fully the frustrations of police trying to catch criminals in a working environment that is perceived as less than helpful to frontline officers doing all the hard work and heavy lifting.

Protection of Your Brand Image

Sometimes negative stigmatization that occurs (often through the media and online platforms) is an unintended consequence of police being on site. It can be detrimental to a community and is something to consider before providing police with a blank cheque to perform their duties on your property.

Some Basic Guidelines to Follow

Prior to allowing police to enter your property without a warrant, regardless of whether it is in common areas, must be considered by reflecting on the following terms:

- ⇒ **First**, informed consent on exactly what is being done should be described in writing and reviewed by the corporate lawyer. As indicated in the case law, blanket cookie-cutter forms allowing wide-ranging and significant authorities should be analyzed carefully before agreeing to such activities taking place.
- ⇒ **Second**, how long will it take? Forms should always have an expiration date. If police need more time, an extension may be granted.
- ⇒ **Third**, the forms neglect to advise that such voluntary access permission may be withdrawn at any time by the corporation. This should be included.
- ⇒ **Forth**, what are the possible outcomes and impact to the community of undercover police work at the site? Is there a likelihood of police conducting a No-knock Warrant with Emergency Task Force officers in the middle of the night? If so, will the media likely be there?
- ⇒ **Fifth**, the consent must be provided by a person with the positional authority to provide such authorization. In the case of condominiums, that would be the Board and in the case of commercial or residential apartments, the building owner(s).

According to Gerry Miller,

“Every condominium corporation should have documented procedures for interactions with the local police relating to police investigations in their community. Condominium corporations have fire safety plans and disaster plans and similarly they should have a plan for these circumstances created with the assistance of their security advisers so that directors, property managers, security, concierge, and superintendents all know what is expected of them when the police come knocking. They access the policy and advise the police representative accordingly and if there is an issue, refer the matter to the condominium corporation’s lawyers.”

In Conclusion

Is the use of such forms legal? Yes. This is clearly supported in case law. Does it give police wide-ranging and blanket powers to conduct their business? No.

For example, police cannot be allowed to install hidden CCTV cameras without a warrant. Access to private information in databases may also be restricted to warrants and production orders, depending on the circumstances.

This form has nothing to do with incidents where a non-resident commits offences on private property. Non-residents committing offences have no expectation of privacy, and therefore, full cooperation with police efforts should be immediate. No forms are required in these circumstances.

In emergency situations police already have significant and wide-ranging powers and authorities to enter private property and even private homes.

Regardless of whether you agree with helping the police or not, they have a very tough job to do. Allowing police the authority to enter private property to conduct their work can have very beneficial outcomes when handled properly. Knowing your rights before you sign anything will not only greatly help the police but also, help you to protect the community you serve at the same time.

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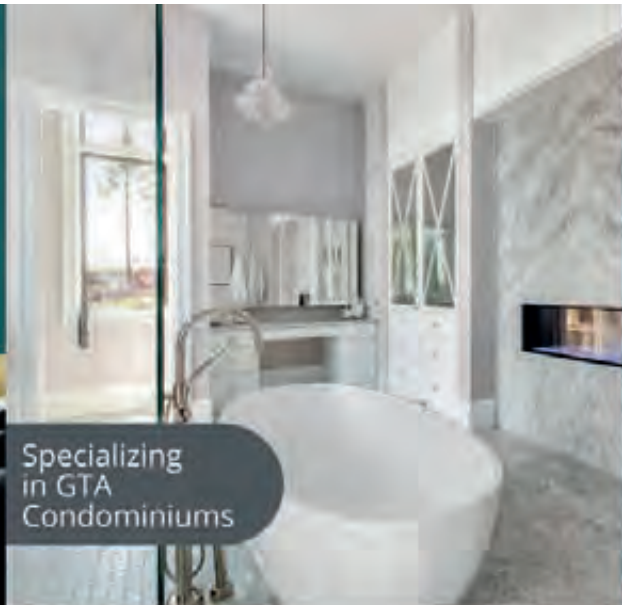
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Apathy to Empathy at Work

By: Georgia Reynolds, People-Centered Professional Development for Small Teams and Businesses



Getting Curious

Our apathy and empathy can be impacted by everything from public to personal experience. Understanding how to transform your apathy into empathy begins first with being able to identify the things that shape your emotional experiences and attitudes. I will focus on professional environments here, but this easily translates out of work.

Confidence: Do I see myself in my job as competent? Do I believe I can learn what I don't know? Can I apply past learning?

Comparison: Will I measure my success without focusing on others' success? Do I have more than one success measure? Can I use learning from others?

Collaboration: Can I ask for help or information when I don't know? Is sharing what I have easy and natural? Do I pool resources as a strategy?

If your responses were yes to these questions, you are probably standing firmly on the empathy end of the scale right now. And if you answered no, you are probably standing closer on the other end of the scale in apathy. And most likely, you answered some yes, and some no and, therefore, like many, you are somewhere in between. And you would probably have different answers in different situations and at other times in your career.

Getting Clear:

Apathy and empathy can be very either/or and seen as opposites. In reality, it is a continuum we are often pacing back and forth on.

Apathy: a feeling and an attitude of indifference, detachment, unresponsiveness and general lethargy. It zaps our energy, makes decisions hard, and reacts to necessary situations passive at best.

Empathy: more than a feeling, it's the ability to sense other people's emotions, and the ability to imagine what someone else might be thinking or feeling and consider other perspectives of a situation. Socially we strive for empathy to be fulfilled and happy. At the same time, we can default to apathy as a form of armour or slip into it from feeling overwhelmed. While tuning out might help protect your mental and emotional health, it does nothing to build a connection.

Apathy has us scared and hopeless. It pushes us to isolate ourselves. If we want to move towards our goals, we need to practice empathy in our lives so we can relate and connect with others in a meaningful and supportive way.

A lack of empathy in your workplace can show up as drama between people getting in the way of the work. Lack of inspiration exhausted energy in the office or on zoom. Lots of overtime, redoing work rather than sharing feedback and/or unmanageable workloads.

And probably the most dangerous, resentment towards each other. These are all signs that your team is not aligned with each other or the business.

When these are not addressed, you waste time, energy and finance trying to move forward.

One action to take is to focus on building trust and connection

This can lead to more individual confidence, less comparison with others, and more collaboration.

Getting Connected

Some research differentiates between two types of empathy.

Affective empathy refers to the sensations and feelings we get in response to others' emotions. It can include mirroring what that person is feeling or feeling stressed when we detect another's fear or anxiety.

Cognitive empathy is sometimes called perspective taking. This refers to our ability to identify and relate to other people's emotions, even if we have not had the exact same experience. Cognitive empathy can be practiced and can help build professional connections. It is a helpful tool to use rather than rocking up with apathy as a strategy to preserve energy; intentionally engaging in empathy will generate more energy.

Here is something you can try to start practicing empathy at work:

Mindful Transitions:

Take 1-3 minutes between meetings or tasks to check in with yourself and each other (longer if it was a big meeting or a long stretch of focused work).

1. **Ask yourself:** *How am I feeling right now? What do I need before this next meeting or starting a new task?*
2. **Ask each other:** *How much energy do you have coming into this conversation or meeting?*
You can, % as in, I have 100%, 50%, 10%, or try a scale of 1-5. Whatever works for you.
3. **Decide together:** *Is there anything needed before starting?*

This short practice allows you to understand what people think and feel instead of assuming. With this understanding, you build a sense of trust and commonality that, when used consistently, can increase resilience, productivity, and happiness at work. **Curiosity is contagious; pass it on.**

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Legal Updates

Condo Records

To Fee or Not to Fee? That is the Question.

By Tony Bui from Gardiner, Miller, Arnold, LLP



The current records request procedure under section 55 of the Condo Act has been around for almost four years now. Still, there remains confusion as to how records requests should be processed.

One question we often get is whether the board can charge owners a photocopying/labour fee for records and, if so, how much can they charge?

“It depends” is the classic non-answer to this question.

The answer largely depends on two factors: (1) whether the requested record is a “Core” or “Non-Core” record and (2) whether the request was for a paper copy, electronic copy or examination of the record. Here is a quick summary:

- **Core Record; Paper Copy Requested:** Corporations can charge a maximum of 20¢ per page. Labour charges are not permitted.
- **Core Record; Electronic Copy Requested:** Corporations cannot charge photocopying or labour fees. If the Corporation only keeps the record in paper form, but the owner requests an electronic copy, it must provide a paper copy free of charge.
- **Core Record; Examination Requested:** Corporations can charge a maximum of 20¢ per page and a reasonable estimate for labour charges at \$30 per hour for services such as record redaction or retrieval from archives. The Condominium Authority Tribunal (CAT) confirmed these amounts, which are subject to change.
- **Non-Core Records; Paper or Electronic Copy Requested:** Corporations can charge a maximum of 20¢ per page for paper copies and a reasonable estimate for labour charges at \$30 per hour for services such as record redaction or retrieval from archives regardless of the request format. The Condominium Authority Tribunal (CAT) confirmed these amounts, which are subject to change.

To see how this works in practice, consider this Request for Records for:

- **A paper copy of the Declaration:** This is a core record. The Corporation can charge 20¢ per page.
- **An electronic copy of the Rules:** This is a core record. Since the request is for an electronic copy, the Corporation cannot charge a fee; if the Corporation only has a paper copy, it must provide it free of charge.
- **In-Person Examination of the owners’ List:** This is a core record which may require redaction to remove prohibited information such as email addresses and phone numbers. To do so, we would recommend photocopying the original Owners’ List so redactions can be made in blackline before the record is made available for examination. Therefore, the Corporation can charge 20¢ per page to photocopy the record and \$30 per hour to redact the record.

- **Electronic Copies of the 2002 AGM package:** This is a non-core record. Let’s assume the Corporation only has a paper copy and that the copy is kept off-site at a secure storage facility. Even though the owner requested an electronic copy, the Corporation will need to produce a paper copy. It can charge 20¢ per page as well as \$30 for labour to retrieve the record. And for requests where the Corporation charges for labour upfront, the time spent should be tracked and provided to the owner in a separate written statement. In some cases, an adjustment may need to be made:
- Owners are entitled to a refund if the time spent is less than the Corporation’s estimate. A common issue we see at the Condominium Authority Tribunal is whether labour charges were “reasonable”. For example, you need to redact information from proxies and you estimated it would take you 3 hours at \$30/hour. You happen to finish the redactions in an hour and a half. The requester is entitled to a \$45 refund.
- The Corporation is entitled to a portion of the difference if the actual labour costs are more than the estimate. Within 30 days of receiving the written statement of time spent, the owner must pay the difference between the actual labour costs and estimate and 10% of the estimate/amount paid in advance, whichever is less. For example, a Corporation provides a 2 hour estimate to produce records at \$30 an hour, but spends 3 hours producing the records. There is a \$30 difference, but 10% of the total cost for the request (i.e. 10% of \$90) is \$9. Therefore, the owner is required to pay an extra \$9 before receiving its records.

Tony’s Takeaway is that boards and managers should provide reasonable estimates when imposing fees. The fees associated with records requests are not intended to be an income stream for Corporations. Rather, they are intended to offset the time and expense the Corporation reasonably incurs to process the request.

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Your Health. Your Risk.

Canada's 'Sick Care' Health System Leaves Everyone at Risk

A System Focused on Reaction Instead of Prevention is Shaken to its Core by Post-COVID Health Professional Resignations

By Elaine Chin, MD, MBA, Seasoned Medical Doctor, Founder: Executive Health Centre



This summer we've become all too aware of a spike in closures of emergency departments and intensive care units across Canada. This has not only affected smaller hospitals in rural communities. For the first time, many teaching hospitals have been impacted, including the Toronto General Hospital - one of the world's top 10-ranked hospitals. This scares me. Frankly, it should scare all of us.

I've been a practicing primary care physician in Toronto, Ontario for over 30 years. As a graduate and trainee at Toronto General Hospital and, later, staff at the Trillium Health Centre in Mississauga, I know firsthand that ER and ICU closures are deadly serious. I mean this literally. These departments are the front and last lines in the battle to save lives.

What if I told you that I saw this coming? I graduated in 1988 and went on to work in a large suburban community in Mississauga. I soon realized that the training and best practices I was taught at the top teaching hospital in the world were not being implemented in community hospitals. The retirement and nursing homes where I worked also were not functioning to the medical standards I was taught to maintain.

This background has given me a deeper understanding of our current woes. There are many reasons for ER and ICU closures. Everything you've read has some truth to it, but as I see it, the foundational reason is a lack of foresight around human resource management. This is 2022, and we know how to use data in business. Any MBA graduate can tell you a system full of aging nurses and doctors leads to disastrous retirement rates. On top of that, COVID accelerated burnout rates, causing many to prematurely leave the profession. Imagine a group of process engineers running a hospital like an Amazon or FEDEX facility. I guarantee you things would be different.

Canada's federal government transfers 22% of its budget to provinces, and in 2021, Ontario spent about 37.5% of our tax dollars on health spending. According to the Canadian Institute of Health Information,¹ total health spending in Canada reached around \$308 billion in 2021. This represents 12.7% of Canada's GDP and comes to \$8,019 per Canadian. Most of these dollars are focused on the treatment and management of chronic conditions. There is a stark reality that should stand out for all Canadians.

Our health care system is based on a disease-treatment business model.

The system is designed for 'sick care', and this model is now imploding. Demand is outstripping supply at every level from

primary care checkups to surgery and even palliative care. Millions of Canadians are suffering, and the numbers will keep rising.

Yet, despite the total government investments, the burden of sick care has continued to rise over the past thirty years, and recent developments are increasing that burden to even higher levels. During the height of the pandemic, 41% of Canadians delayed regular screenings for breast, cervical and lung cancer. We now have many more people clambering for necessary cancer tests and procedures. This ultimately leads to more disease diagnoses and even more 'sick care'.

For the first time in my career, I'm seeing cancer treatments delayed for months and months. This will result in downstream complications, including higher rates of recurrences and death. Thousands are limping around with bad hips and knees, waiting for a joint replacement. Others are legally blind with cataracts waiting for lens implants.

Last but certainly not least, the COVID pandemic has increased the prevalence of anxiety and depression worldwide by 25%. People with pre-existing physical health conditions, such as heart disease, diabetes, cancer, and asthma, were significantly more at risk of serious complications from COVID-19 infection. Additionally, data shows these same groups are now more likely to develop symptoms of mental disorders. This is true especially for young people and women.

Studies are now coming to the forefront recognizing that Long COVID is more common than first assumed. A 2021 survey showed that more than 90% of the 3,700 participants who had COVID without vaccination reported a recovery time exceeding 35 weeks. By month six, most still reported fatigue, malaise, and cognitive dysfunction.

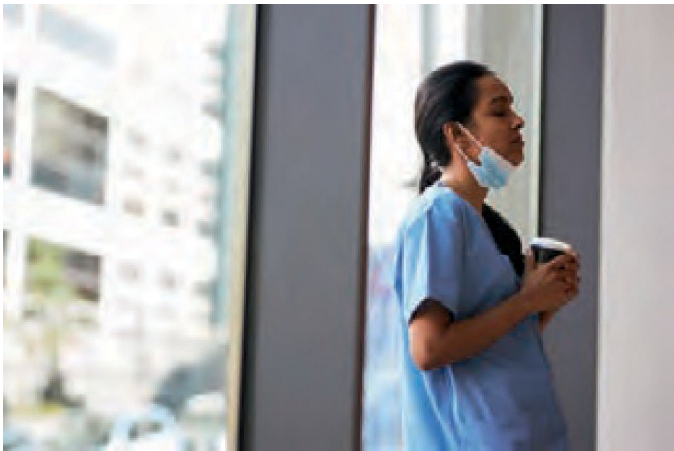
More recent 2022 global data suggests almost half of all COVID survivors reported persistent symptoms as much as four months after their diagnosis. The prevalence of Long COVID is around 43% and the range can vary from 9% to 81%, due to differences in sex, region, and study population. The risk of Long COVID associated with the Delta variant appears to be higher when compared to the Omicron variant. Long COVID will continue to be a significant burden on society and workplaces for some time to come.

The system is designed for 'sick care', and this model is now imploding. Demand is outstripping supply at every level from These post-COVID conditions impact our health care system and individual productivity.

Anyone who works in management for a company is familiar with the concept of risk mitigation.

For the past two years, retailers and wholesalers have been working aggressively to reduce the threat of supply chain issues. Inflation has increased because of consumer demand. Higher interest rates have slowed down this part of the equation to allow the supply chain to normalize in a post-pandemic world and against the backdrop of a war in Ukraine impacting energy and food chains. In the private sector, employers have been proactively increasing wages in hopes of maintaining their staffing levels.

Our 'health care' system, in fact, is a 'sick care' system, and the added stress of the pandemic has opened the floodgates. Patching up the system stopped working.



We don't have enough staff to meet demand, partly because we have not kept up with pay scales in private sectors. Many nurses - who were already overworked - quickly burned out physically and mentally as the pandemic progressed.

This summer the real wave hit. Suddenly, everyone had enough. Some quit, and others took a long-overdue holiday, but the number of appointment requests have not changed. In fact, they have increased. Can we slow down demand? Yes, but only through real, material change in the way we deliver health care.

According to the Organization for Economic Co-operation and Development (OECD)², only 6.2% of Canada's health spending goes towards prevention.

To become a true health care system, we need to practice risk management. In other words, we need to beef up our attention to prevention, as this is the true cure to most diseases. The projected increase in the prevalence of chronic diseases should stand as a significant opportunity for intervention.

"An ounce of prevention is worth a pound of cure."

Benjamin Franklin - 1736

In the August 2022 publication of the prestigious medical journal, *The Lancet*,³ authors cited a ten-year study concluding that the leading risk factors contributing to the global cancer burden were behavioural! They calculated that 44% of cancer deaths were preventable.

This ground-breaking study, funded by the Bill and Melinda Gates Foundation, identified the top three causes of preventable cancers:

- 1) Smoking
- 2) Alcohol
- 3) High BMI (body mass index)

High BMI or obesity increases metabolic risk factors. Researchers saw the largest increases between 2010 and 2019. Metabolic factors include obesity which leads to diabetes, and in turn, increases the rate of hypertension and heart disease and thus to top killers - stroke and heart attacks.

We can wait for the systemic fix that is being promised yet again, but the reality is the system is now in decay.

While we as individuals cannot speed up the graduation and immigration rates for nurses, doctors, and other allied health professionals in the next five years or more, we can take personal control of our personal health and reduce the demand for health services.

In my 2022 book, *Welcome Back! How to Reboot Your Physical and Mental Well-Being for a Post-Pandemic World*, I share step-by-step strategies to repair, recover, and renew your body and mind. I show how to detox and destress to achieve a healthier weight, better sleep and hormone balance.

We may be stuck in a 'sick care' system, but we can still be aware of the latest in science and use this knowledge to be our healthiest selves. In fact, we must, because our broken system certainly won't do it for us.

1. <https://www.cihi.ca/en/national-health-expenditure-trends-2021-snapshot>

2. https://www.oecd-ilibrary.org/social-issues-migration-health/how-much-do-oecd-countries-spend-on-prevention_f19e803c-en

3. [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(22\)01438-6/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(22)01438-6/fulltext)

**To learn more about Dr. Chin go to:
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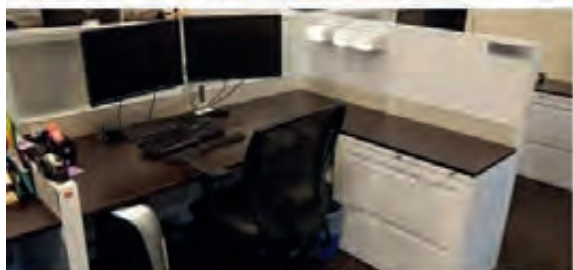
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Manhattan History

The South Street Seaport

Saloons, Country Houses & George Washington's White House

By Joyce Gold, Manhattan Historian

In 2022 renowned chef and restaurateur Jean-George Vongerichten opened the newest food court in New York. With six full-service restaurants, casual cafes, bars, a culinary shop, and an energy new to the historic district, the complex called The Tin Building is sure to draw the public to a neighborhood that has had many identities over time.



Jean-George Vongerichten at The Tin Building
South Street Seaport, Manhattan

In the city's 17th century Dutch colonial era, the South Street Seaport area was considered out of town. Homes, businesses, and industry were to the south, in the present Wall Street area. The eastern edge of the Seaport area was *Parel Straat*, the present Pearl Street, named for the mother-of-pearl oyster shells left at the edge of the East River.

During the British colonial era, from 1664 to 1783, waterfront industries began. City activity reached the district because of its East River frontage. By 1728 the Schermerhorns had established regular a shipping service between New York and Charleston, South Carolina. Local merchants were sending goods across the Atlantic in their own ships.

In 1789, when New York was the first federal capital of the new United States, George Washington was inaugurated nearby on Wall Street. For ten months, Washington, his family, and household staff lived on the waterfront in the district. He then moved to a larger house for the next six months of his presidency in the city.

By 1810, landfill had added three blocks, Water, Front, and South Streets, into the East River, a waterway much used in the age of sail. In the heyday of the clipper ships, 12 blocks around South Street comprised one of the great seaports of the world.

Wide slips, solid brick houses, and the Belgian block streets we walk today evoke an earlier time in Manhattan, when seafaring trades created great wealth. It was here in one of the important mid-19th century seaports, that ships went out for three years at a time, selling and reloading on one continent, then on to the next. By 1850, New York was second only to London as a world port.

At South Street, ships could be loaded and unloaded for their profitable journeys. Here they supplied the crews and equipment for the ventures and brought the latest products from around the world.

Early 19th century architecture survives here, with its brick fronts and low scale, twelve blocks of buildings that once contained stores, saloons, counting houses, shipping offices, and mercantile exchanges.

The Joseph Rose house, a 1773 Georgian-style building and the third oldest in Manhattan, has been stabilized and now serves as a residence. The 1811 renovated Schermerhorn Row is the oldest row of building in New York State.

The past survives at the Seaport.

- The 60-foot lighthouse *Titanic Memorial* is a 1913 tribute to passengers, officers, and crew of the ship bound for West 19th Street.
- The South Street Seaport Museum explores the city's maritime past.
- Here, visitors can see one of the largest privately owned fleets of historic ships in the nation:
 - the *W O Decker*, a 1930 tugboat
 - the *Lightship Ambrose*, the beacon that once marked the main shipping channel of New York Harbor
 - *Wavertree*, an 1885 fully-rigged cargo ship available for boarding
 - *Pioneer*, an 1885 iron schooner
 - *Lettie G Howard*, an 1893 wooden schooner

The residential population downtown is booming. Three new schools add to the historical mix. The Imagination Playground is here, with its concept of giving children components and letting them decide how to use them.

Discovering today's businesses in these historic settings offers us an unusual delight.

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Resident Moves - A Costly Affair

Hidden Damages. Not So Hidden Costs.

By Dawit Kiflu, VP, Client Care, Samsonshield Inc.

At Samsonshield/Riskboss, we routinely speak with insurance providers and property managers who advise that insurance deductibles are increasing at an alarming rate. This is an attempt by some Boards to mitigate already surging insurance premiums for condominium corporations. In some condominium communities, the increases in insurance and deductibles are crippling the Board's ability to manage budgets without large maintenance fee increases.

This is not a local phenomenon but is happening nationwide and likely in your condominium community.



Some insurance companies have limited certain types of claims in condominiums that have repeated incidents. Rarely, but it happens that some condominiums become uninsurable resorting to very expensive self-insurance strategies.

Section 89 of the Condominium Act requires condominium corporations to fix and repair common elements. Determining the cause of such damage can be problematic at best.

Damage deposits for moving rarely offset the cost for damages caused by movers who are often more interested in getting the job done quickly rather than focusing on safety and ensuring the quiet enjoyment of neighbours. Damage deposits don't even come close to insurance deductibles, which is especially problematic for residents moving out when trying to recapture funds for damage.

The Burden to Security

Security guards have a multitude of things that they are responsible for, primarily the health and safety of residents and their guests. The dramatic COVID-related increase in parcel management has added greatly to this burden. It is unrealistic to expect that a security guard can do a pre/post inspection of move elevators and the loading bay and then follow movers throughout the building while performing their other assigned security duties.

Security would have to track the behaviour of movers. It includes loud yelling, smoking, monopolizing service elevators long past scheduled times, leaving site access doors unattended and open to trespassers, leaving unwanted furniture for the corporation to dispose of, and blocking hallways causing Ontario Fire Code violations. Additionally, there is unreported damage to hallways and other site areas.

When Damage is Found

Even with the best of intentions, residents and movers cause damage that they may not even be aware of. Post inspections are generally limited to service elevators and the loading bay, given time limitations of security guards providing for pre/post inspections.

When incident reports of found damage are submitted, property managers are often faced with residents who challenge the validity of who caused it. Most incidents of damage in hallways are left undetermined.

In most cases, the damage is repaired and the corporation cannot recapture funds and the high cost of insurance ramifications.

Preventing Such Problems in the First Place

Riskboss has conducted independent and comprehensive risk assessments of over 65 condominiums in the GTA. Best practices have been collected through the years that improve risk mitigation for residents and guests.

A **Move Guard Process** is something routinely recommended by Riskboss to offset the labour-intensive and expensive task of determining liability for damages and holding people accountable. And it's not just about damage. Residents routinely call security, taking guards away from their duties to correct the misbehaviour of movers and the monopolization of service elevators past assigned times.

The cost of the Move Guard Process is minimal. A security guard is hired to directly monitor and oversee the move at a minimum of four hours. It is well worth it, as the costs are paid by incoming/outgoing residents and not the corporation.

In the decades that Riskboss has been recommending the Move Guard Process, there has never been one complaint by incoming/outgoing residents. Not one. This is because everyone understands the costs involved of not having such a process, and the benefits of having someone in a position of authority to monitor moves throughout the site.

The Move Guard Process has proven itself to be a very beneficial addition to condominium processes. Make it a part of your toolbox to offset risk and damages. You will be glad you did.





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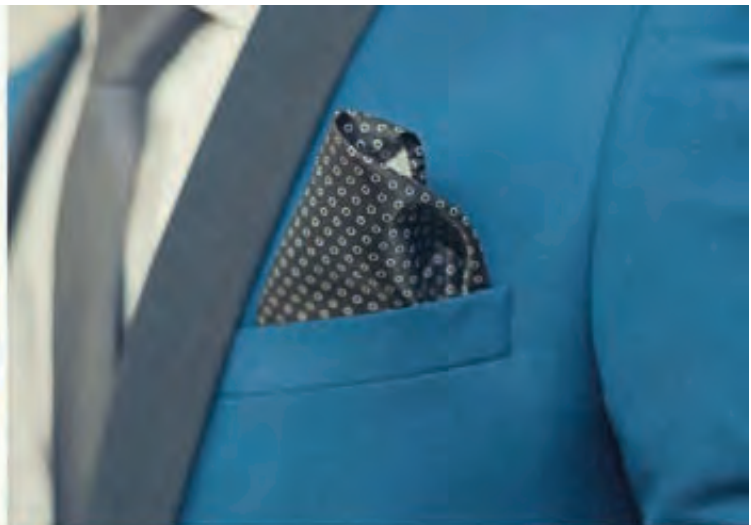
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Healthy Eating = Healthy Living

Healthy & Seasonal Cooking Advice from Canada's Top Chefs

By Chef Jonathan Goodyear & Chef Rory White.

Fall is a cooking season that everyone welcomes with open arms.

Fall is saying goodbye to light and delicate summer flavours and getting back to hearty braised dishes with warm spices and simplicity, letting the ingredients shine with as little manipulation as possible.



Chef Jonathan Goodyear & Chef Rory White
Photos from Top Chef Canada

A few favourite fall ingredients include:

- Peaches and cream sweet corn
- Squash- butter cup, kabocha, acorn, butternut
- Celery root
- Pumpkins
- Sunchokes
- Turnups
- New potatoes
- Apples
- Pears
- Kale

Just because you are using heartier ingredients, doesn't mean your meals need to be heavy. Something that we should always want to highlight is light and healthy dishes. With more global conversation around health and longevity, it is time to start really focusing on healthy food. And with so much amazing local produce, fall is a great time to work with these ingredients.

Here are two favourite fall recipes:

Roasted Butternut Squash Soup



Serving Size

2 Litres (approximately 8 cups). It serves 4-6 people.

Ingredients

- 2 whole butternut squash (also called Winter squash). Cut in half and remove seeds.
- 1.5-litres (approximately 6.5 cups) of vegetable broth
- 100ml of local honey
- 4 shallots, peeled and sliced
- 4 cloves of garlic minced
- Half of a bunch of thyme
- 1 teaspoon of cinnamon
- Salt and pepper to taste
- Olive oil for mixing

Directions

1. Pre-heat your oven to 350°F.
2. Toss your squash in a bowl with the olive oil, salt, pepper and 50ml of the honey.
3. Make sure to evenly coat the squash.
4. Place the squash skin side up on a baking tray and put it into an oven for 30 minutes or until tender.
5. Once cooked, allow it to cool slightly and remove the skin.
6. In a pot over medium heat, start to cook your shallots and garlic.
7. Once they begin to caramelize, add in the remaining honey, cinnamon and thyme.
8. Bring the honey to a slow simmer, making sure not to burn it.
9. After letting it simmer for 1-2 minutes, add in the vegetable broth and the peeled squash.
10. Bring the soup to a slow simmer for in-between 5-10 minutes to allow the flavours to come together.
11. After that, carefully transfer the soup to a blender and puree until smooth.
12. Taste your soup! Adjust the seasonings to your preference.

Plating Tip

For an extra plate-based boost, try folding in some torn green kale after you blend the soup.

Crispy Kale and Wheat Berry Salad with Truffle Vinaigrette and Cloth-Bound Cheddar



Serving Size

2 Liters (approximately 8.5 cups). It serves 4-6 people.

Ingredients for the Dressing

- 25ml of champagne vinegar
- 25 ml of local honey
- 2g of truffle oil
- 4g of Pommery mustard
- 60g of cold-pressed canola oil

Directions for the Dressing

1. In a bowl, whisk together the honey, vinegar, truffle oil and mustard to make a base.
2. Slowly whisk in oil to create an emulsification.
3. Taste and adjust for seasoning.

Ingredients for the Salad

- 2 cups raw wheat berries, cooked in vegetable broth
- 1 bunch green kale
- ½ cup dried cranberries, soaked in hot water for 20 minutes then dried
- 60 ml of truffle vinaigrette
- 1 piece of clothbound cheddar cheese, thinly shaved
- Olive oil for tossing the kale

Directions for the Salad

- Pre-heat your oven to 350°F
- Toss half of the kale you have in some olive oil and press between two baking sheets.
- Roast the kale for in-between 10-15 minutes or until crispy.
- In a large bowl, mix together squash, wheat berries, fresh kale, cranberries, and truffle vinaigrette.
- Allow it to sit for 5 minutes.
- Give the salad another mix and transfer it to your serving vessel.
- Top with crispy kale and cheddar cheese shavings.

For more about Chef Jonathan Goodyear

Read about Chef Jonathan Goodyear in [Toronto Life](#):

<https://torontolife.com/tag/jonathan-goodyear>

Follow Jonathan on social media

LinkedIn: <https://ca.linkedin.com/in/jonathan-goodyear-06694677>

Instagram: <https://www.instagram.com/jonathangoodyear/>

For more about Chef Rory White

Read about Chef Rory White in [Toronto Life](#):

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**Question from Lidia M.,
Property Manager in Newmarket, Ontario**

Q: Our Board asked me to get our security company to change their uniforms to our community logo and take off the Security patch to help us brand our building better. The security company advised that they cannot but couldn't explain why. I went online and couldn't find anything about it either. Can you help me understand this?

A: Yes - we can help with this. The Ontario Ministry of the Solicitor General oversees security guards. They prescribe very detailed directions to all security companies in Ontario to have two things on all uniforms: 1) The security company name; and 2) the word "SECURITY" in all caps directly under the name of the security company. All uniforms must comply with this direction. There are many other restrictions. Information can be found on the government website at www.ontario.ca/page/ministry-solicitor-general

**Question from Karl L-S.,
Board Member in Toronto, Ontario**

Q: Your articles are very interesting reading. I am on a Board that has mixed feelings about taking our service providers in-house, mostly to save the Harmonized Sales Tax (HST) on services. I believe that this is a way to keep costs low. The property manager is not a big fan of this. She referred me to you, stating that you may be able to tell us why.

A: The following analysis is provided to all condominiums for their information to caution against in-house staffing models.

Not unique to condominiums in Ontario and around the world, many residential condominiums in Ontario have been using an in-house staff model. Some employees have worked in communities since the building was built.

The main reasons for having in-house staffing are cost benefits and familiarity of employees. However, this is offset with the negative aspects of this type of employment model to the corporation, which are significant since condominium corporations are directly and solely responsible for all risk. All of it.

With ever-increasing stringent regulatory controls, organizations struggle in vain to keep up with changing regulations regarding their in-house staffing requirements. They are very often subjected to unrealized consequences of the in-house employment model.

While there are both advantages and disadvantages of the in-house and the outsourced staffing models, this is also dependent on the age of the business cycle of the corporation if in-house is the preferred model. At the beginning of a business cycle (new buildings), there are distinct financial benefits of the in-house model in that HST is not included. During an aging business timeline, however, the benefits of the HST exclusion are substantially offset by the tenure of in-house employees and the requirements of the corporation to pay regulatory (ESA) and Common Law termination pay. All organizations are susceptible to this detriment, and the payouts required for terminating longer-term employees can be substantial.

There has been a consistent move away from in-house service providers in favour of outsourced. The primary reason is that when you have in-house services, and in particular, security, the corporation is directly and solely responsible for all training, accreditations, and safety requirements. The corporation must become an 'Agency License' holder under the Ontario Ministry of the Solicitor General in order to hire security guards. Property management companies struggle to keep up with changing legislation, regulations, uniforms, and licensing requirements. They are not accredited to perform regulatory training, nor do they have the time to conduct this activity. Such training must be outsourced which is costly. Ministry regulatory inspections are unannounced, and when gaps are found, the consequences can be severe to the corporation.

Our strong advice is, and has always been, stay as far away from in-house services.

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A portrait of An Nguyen, a woman with long dark hair, wearing a white short-sleeved collared shirt. She is smiling slightly. The background is a low-angle shot of a tall brick building with many windows.

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