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**Spring-Summer 2024**



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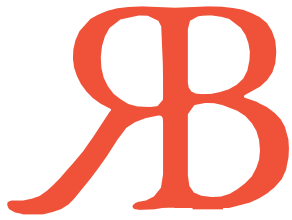
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# Riskboss Magazine

The Premier Source of Information on Organizational & Community Risk

Spring / Summer 2024: Volume 6, Issue 1

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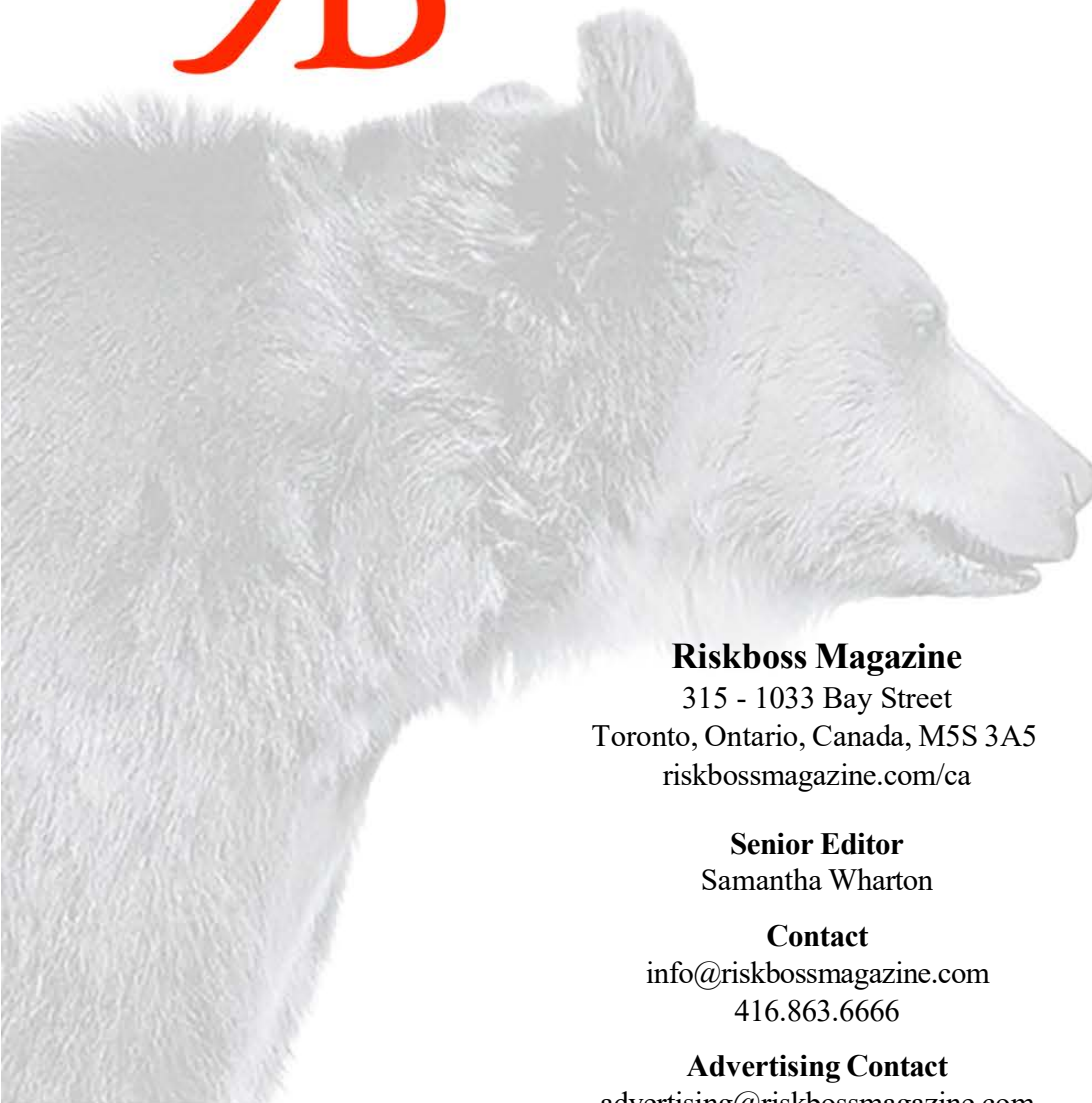
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## ***Editorial Commentary***

**By Samantha Wharton  
Riskboss Magazine Senior Editor**

We are experiencing difficult times in many facets of life, and condominium communities are feeling the impact. Condominiums across the GTA are dealing with dramatic increases in workplace harassment. Property managers are exiting the industry en masse - unseen amounts in previous years.

There is no time like the present to take a deep breath, pause and support each other, your neighbours and service workers like no other time in recent history.

In our last edition of Riskboss Magazine's Elephant in the Room, we wrote about Protecting Site Personnel. We received a lot of feedback on the content of this article. Thank you for your comments.

If you would like residents in your community to receive our magazine electronically, please drop us a line, and we will make it happen. Please let us know if you want to advertise in our next edition. Our advertising costs are the lowest in the industry.

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

### **WE HAVE HEARD FROM YOU - READER COMMENTARY**

#### **David - Canada Postal Worker**

*I was given one of your magazines by a friend in the hopes that you may be able to help me with a pet peeve that I have. Can you please ask your residents to put a sticker inside their mailboxes? "No Junk Mail or Flyers" is the standard notice that will alert us postal workers not to continue placing unwanted items that are destined for the recycle bin. My route has many condos and apartments and I see an unbelievable amount of waste that can be avoided. Thank you.*

#### **Riskboss Answer:**

*Thank you for your request. We will include this in our next Riskboss Magazine. Riskboss Magazine has also gone paperless and green because of similar comments.*

#### **Gloria - Past Board Member**

*Thanks for your magazine. I enjoy your articles very much. I was quite disturbed by reading the article on the shooting of the board members and how workplace harassment seems to be so common in condos lately. Your ideas to protect site employees resonated with me and I hope they do with others.*

#### **Riskboss Answer:**

*Thank you for your email. We hope that people are more understanding of the impact that workplace harassment has on others, and that organizations step up and protect their workers. It is not only the right thing to do but it is the law.*

#### **Alexandra - Current Board Member**

*I read your article about protecting our most precious resources which are our front-line resources. These are the people who make things happen and often without ever being seen. These are the people who protect us when we are sleeping, the people who take the brunt of abuse often by delivery people and visitors who don't respect our community. Next time you see one of our cleaners, security guards or our property manager, please thank them.*

#### **Riskboss Answer:**

*Thank you for your email. We wholeheartedly agree!*



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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.*

### ***Defunding the Police - Update - Properly Funding Emergency Response***

By Quintin Johnstone, CEO Samsonshield Inc / Riskboss Inc.

In the spring of 2021, Riskboss Magazine published an Elephant in the Room article about Defunding the Police <https://riskbossmagazine.com/wp-content/uploads/2023/12/Riskboss-Magazine-Spring-Summer-2021.pdf>. It is equally relevant today as it was.

The following is an update to that article given the recent events on police funding in Toronto. We hope that you read both the 2021 article and this update to highlight the issues that our first responders are facing.

We need to thank Jon Reid and the team at Toronto Police Association (TPA) for leading the ongoing grind to highlight inadequate resources that front-line police officers and support teams have been forced to work with for years.

Reported in the media, the Toronto Police Service (TPS) requested an operating budget increase for 2024. The increase request is reported to address declining response times of front-line police officers to calls for service. This request came with controversy.

Emergency calls were up 18% in 2023. Emergency response times to those calls for help sat at an unbelievable 22 minutes, this after a reported average 6-minute call hold to a 911 call taker. Noteworthy, it was the TPS Board itself that approved the benchmark minimum standard for priority one emergency calls at 6 minutes in 1995.

The 2024 budget ask by the TPS was for 307 new police officers, and more 911 call takers. This would bring the complement of front-line officers to well below the peak in 2009 when the population of Toronto was much smaller, and virtually the same as the complement of police officers twenty (20) years ago.

By contrast, between 2010 and 2023, the City of Toronto's population increased dramatically by 13% (460,000 people). During that same time of permanent resident expansion, Toronto lost 11% or six hundred (600) police officers.

The City of Toronto continues to increase in population by about 80,000 permanent residents per year. It is forecasted that the population of the City of Toronto will be 3.5 million by the year 2030. Are 307 new police officers enough to reduce 911 response times to the 1995 six (6) minute standard set by the TPS Board in 1995? Clearly not. Will we be ready for 2030? Very unlikely.

A shocking 60% of emergency calls for service have been recently reported as going unanswered as no cars are available to respond.

This is not a new phenomenon. In a June 2022 report by the Ontario Auditor General, reported that,

“In 2019, TPS did not meet its target of six minutes 72 per cent of the time for priority one and 92 per cent of the time for priority two calls for service.”

One of the tasks that cannot be outsourced is the expectation and call demand for response for front-line police officers in emergency situations. The public expectation is that someone is coming soon.

Advocates for defunding the police call for a reduction in police budgets with that money being reallocated to ‘more effective’ methods of community safety and security. Most people don’t know that this has already been quietly happening in Toronto for decades reallocating what once was a police job to other areas of the City budget.

After a decade and a half of reducing police officers along with “detasking” and zero-based hiring budgets while the population has risen exponentially is penny wise and pound foolish to those in the know. For those who see it up close and personal on the front lines, police officers hear the pain from hyper-frustrated residents.

There have been ongoing calls to further reduce the burden of responsibilities and expectations on emergency responders even more than what has already been attempted. Equally, there have been calls to increase resources to reduce emergency wait times.

The trend continues to move policing away from calls for service outside of their role and focusing on primarily on emergency response and community safety. When 911 calls are being affected, that’s it; there is no more room for cutting.

TPS police chief Myron Demkiw commented during the latest budget,

“As our city’s population grows at record levels, spreading our officers’ time any thinner by not hiring would lead to increased member burnout and less safe emergency response for Torontonians.”

The fight between the TPS and the City came down to an eleventh-hour capitulation by the mayor to allow the full budget request by the TPS Board. But what does that actually get them? This money has been earmarked to reduce response times, nothing more.

What do you need to do as a condominium Board on this issue? Increase operational and emergency readiness because frankly, the reduction in response times will take years to reduce to an acceptable level. Condominium communities need to be more self-reliant.



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# Generational Awareness for Business

## The Risk of Not Knowing

By Dawit Kiflu, President of Samsonshield Inc.

### Generational Awareness

Generational awareness and analysis have been a mainstream science in the academic and business world for some time. Each generation has unique to them, certain characteristics that differentiate them from other generations. All generations share certain traits, beliefs, customs, and behaviours unique to their age group. Age reveals two important things about a person: their position in their life cycle, and their membership in a group (cohort) of individuals who were born at the same time and, who have similar experiences. Other factors obviously have impacts that differentiate people outside of generational norms, such as place of birth, culture, religion, etc.

Generational awareness is used in a variety of ways, such as in advertising and political science as a tool to predict business and political trends and outcomes. Multigenerational workplaces could benefit from generational awareness. Understanding the generations can provide a distinct advantage in helping people with their needs and also, help people understand different perspectives, beliefs and points of view.

Riskboss will be highlighting one generation in this and each future edition. It is our goal to help readers understand the impact factors and traits of each generation. In analysing this information, it is important to be careful not to pigeonhole an individual in any age group with their generational characteristics, as people can and do often break generational norms. We hope that this helps to bridge gaps between the generations, assist in dealing with people you interact with, and reduce the risk of misunderstanding points of view.

YEARS	GENERATION NAME	<b>The Silent Generation 1928 - 1945</b>
1901 - 1927	<b>The Greatest Generation</b> (See Fall/Winter 2023 Edition for Details)	The Silent Generation (also known as the Traditionalist Generation) is a Western cohort directly preceding and are parents of younger Baby Boomers and Generation X Generations. People born into the Silent Generation are between the ages of 78 to 96 in 2024.
1928 - 1945	<b>The Silent Generation</b>	In the United States, the Great Depression of the 1930s and World War II in the early to mid 1940s caused people to have fewer children and as a result, this generation is relatively smaller than other generations. This generation has come to be known for conformity, traditionalism and compromising to the “silent majority”. Also known as “cautious conformists,” this generation worked hard and thrived by not rocking the boat especially during the postwar prosperity.
1946 - 1964	<b>Baby Boom Generation</b>	Education from the age of five to fourteen was compulsory for the Silent Generation. This was a generation where the use of automobiles was widespread. It is estimated that eighty-five percent of all British households owned a wireless radio by 1939.
1965 - 1980	<b>Generation X</b>	Some famous people born in the Silent Generation are Elizabeth Taylor, Robert Redford, Jack Nicholson, Al Pacino, Clint Eastwood and others. Interestingly only one president is from the Silent Generation, Joe Biden. By the 1950s, the US civil rights movement was well under way. led by some notables of the Silent Generation, namely, Martin Luther King and Malcolm X.
1981 - 1996	<b>Millennial Generation</b> <b>Generation Y</b>	The Silent Generation is known for the following characteristics: traditional values, financial prudence, interpersonal respect, hard work ethic, loyalty, and self-sacrifice. People from this time will likely not understand why workers move from company to company as they remained loyal to their employers for decades. They may also find the inability of other generations to sacrifice rather bizarre as they sacrificed much.
1997 - 2012	<b>Generation Z / IGen</b>	
2013 - 2025	<b>Generation Alpha</b>	The Silent Majority lived much of their lives without technology, so you can expect that face-to-face interactions at physical locations are preferred. The Silent Generation is driven by respect, dependability, and stability. They make great motivators as they believe in longer term investments in people and relationship building.

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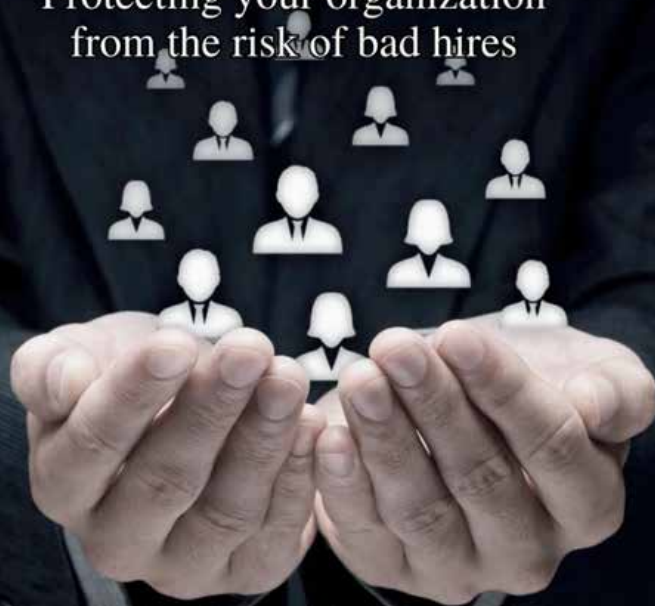
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## Legal Updates

### Condominium Record Access - What Is & What Is Not Allowed

By Tony Bui and Andrea Lusk of Gardiner, Miller, Arnold, LLP



The Ontario Condominium Authority Tribunal (“CAT”) was established in 2018, initially to deal with requests for condominium records. CAT decisions over the years have addressed the typical scenarios that arise, giving condo boards a considerable amount of predictability in responding to records requests.

Still, we continue to see broad, improper, or dubiously motivated requests.

At its core, the records request process is intended to promote transparency and provide an “open book” into the condo’s affairs. Naturally, that can only be achieved if owners can examine the condominium’s records. This also imposes an obligation on condos to keep “adequate” records. But it is important to note that the Act does not provide a blanket right to any and all condo records.

As a starting point, records requests must be “solely related to that person’s interests as an owner, a purchaser or a mortgagee of a unit, as the case may be, having regard to the purposes of the Act”. However, all a requestor needs to do is simply check off a box on their Request for Records affirming this is the purpose of their request. Virtually every request will check this box and there is nothing further required from the requestor. This presents practical problems, as we discuss below.

Similarly, requesting records is exactly as it sounds: the request must be for *records*. Submitting a records request to demand information, responses or answers from the board is not a proper “purpose of the Act.” Boards are entitled to reject such requests.

[McCoy v. SCC 119](#) is a CAT decision from March 2024 that deals with these points. The CAT recognized an “open book” principle to condominium records, but it carefully upheld the board’s decision to reject some of the owner’s requests as they were overly broad and sought information. The owner requested a host of items it believed were records, but the CAT ruled that not every document a corporation receives or produces must be kept as a record and that a request for information is not a record. The Act provides owners with other opportunities, such as the corporation’s Annual General Meeting, to ask for information.

The CAT also considered whether records are “adequate” or not. It acknowledged that “adequate” is not defined in the Act but relied on previous decisions to note that the requirement for “adequacy” confirms a tolerance for a degree of imperfection. Here, the owner argued that the requested meeting minutes were inadequate because there were gaps in dates relating to a building project; as examples, the owner argued that the minutes did not mention work stoppages or a leak she reported.

relating to this owner did not render the minutes inadequate. The CAT concluded that this complaint was with the management of the project versus a concern with adequate record-keeping. For example, the owner raised other unrelated complaints about how the board transacted business, why it made certain decisions, and its communication style: these were deemed “governance issues”, not “record keeping issues” and therefore outside of the scope of the CAT’s jurisdiction.

The decision then dealt with the “purposes relating to the Act” checkbox on the Request for Records form. Here’s where the condo got itself into some hot water: when it received the records request, management asked the owner to re-confirm that the request was made for “purposes relating to the Act” and sign a statement that they would not redistribute or publish the records. The owner argued this restricted her access to records. Though the CAT held that she was not required to sign the statement, it disagreed that this request “restricted” her access, noting:

...All owners would be entitled to receive the records Ms. McCoy is entitled to receive. In [a previous decision, the CAT wrote]:

As unit owners have a general right to communicate with one another in regard to matters and information of concern relating to their shared property and interests, I find that the Applicant is entitled to share with other unit owners the information she learns upon examination of the requested records.

However, Ms. McCoy was not required to sign the statement as a condition of receiving the records; it did not restrict her access to the records, rather it appears designed to restrict her use or to prevent her misuse of them.

So, what are boards to make of overly broad requests that cast as wide of a net as possible (also known as “fishing expeditions”)? In [Skoczylas v. PSCC 954](#), an owner requested the condo’s core records. These are key documents that should generally be provided without debate, such as the Declaration, By-laws and Rules. As well as “**all non-core records from 2000-2023**”; non-core records are essentially any records that are not core records.

The CAT determined that the owner received the records he was entitled to but the rest of the request was unreasonable.

Taking a broad view of the matter, the CAT found no evidence that the board was generally remiss or lacking in recording other decisions it made during this period, such as that failure to mention the items. The owner didn't help their case when they repeatedly raised irrelevant operational issues, requested the CAT order the condo to change its management practices (e.g. implementing online portals and high-speed scanners), alleged issues with the *information* in the records and not the record itself, and persisted in doing so despite being asked to stop by the CAT.

The CAT awarded the condo \$4,000 in costs, a rarity considering the CAT typically declines to award costs, even to successful parties and referred to a previous decision, concluding that the owner's request was "*overly broad, lacks specificity, is focused on finding imaged wrong-doing, and meets the general definition of a 'fishing expedition.'*"

These two cases provide helpful guidance for requestors and boards to submit and respond to records requests, respectively. Requests for records should request actual records (not information), be sufficiently clear (not merely a catch-all request for everything the condo has in its possession) and most importantly, they should be for a proper purpose under the Act (not to dictate how a corporation is governed). A slip-up on any of these points could jeopardize a records request and result in an expensive, and time-consuming CAT application.

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# Upping Your Game

## Training Tips from the King of Canadian Golf

By Danny King, Director of Instruction, Performance Academy

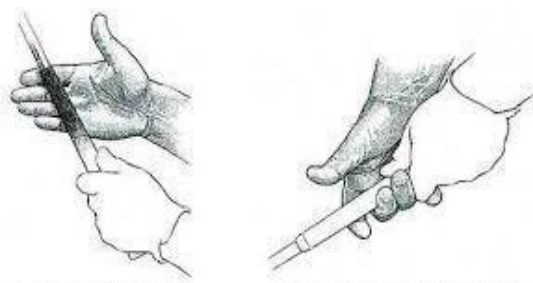
Every golfer can improve their game by becoming an expert by improving their soft skills during the set up and finishing positions while introducing an organic method to develop new motor patterns and while using a journal.

Soft skills can be practiced throughout your golfing career and will lead to increasing your distance off the tee, closer approach shots and more birdies. Here's a couple points to incorporate into your game and start changing the way you practice and play.



### Grip

In golf, the grip is the most important contact point, ultimately becoming the engine of the swing. Proper grip pressure is essential for consistent and effective golf shots. Here are some key grip pressure



points to keep in mind:

The golf grip is how you hold the golf club and is crucial for controlling the clubface and the direction of your shots. Here's a step-by-step description of the grip:

Lead Hand Placement (for right-handed golfers, this is the left hand):

- Hold the club in your lead hand (left hand for right-handed golfers).
- Position the club grip diagonally across the fingers so the club runs from the base of the pinky finger to the middle section of the index finger.
- The thumb should be placed slightly right of center on the grip (for right-handed golfers) or in the "1 o'clock" position.
- The grip pressure should be firm but not overly tight.
- The "V" formed between the thumb and the index finger should point towards your trail shoulder (right shoulder for right-handed golfers).

Trailing Hand Placement (for right-handed golfers, this is the right hand):

- Place the trailing hand (right hand for right-handed golfers) on the club, overlapping or interlocking the fingers with the lead hand.

- The grip should run more through the fingers of the trailing hand, with the club resting mainly on the base of the fingers.
- The thumb of the trailing hand should point slightly left of center on the grip (for right-handed golfers) or in the "11 o'clock" position.
- The "V" formed between the thumb and the index finger should also point towards your trail shoulder (right shoulder for right-handed golfers).
- Again, grip pressure should be firm but not too tight.

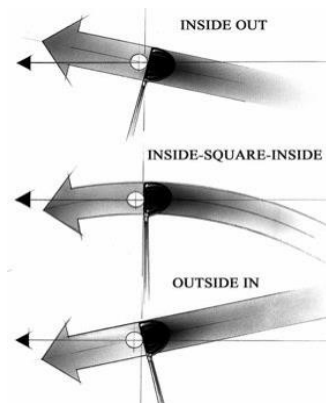
### Overall Grip Pressure

- The grip pressure should be consistent throughout the swing, firm enough to maintain control but relaxed enough to allow for fluid movement.
- It's important to note that while this description provides a general guideline for the golf grip, individual variations may occur based on hand size, grip preferences, and swing characteristics.

### Ball Position

Knowing the golf swing travels on an inverted circle, the ball must be positioned to accommodate every golfer's motion. Ball position will affect the club face and path of the club ultimately.

Absolutely understanding the dynamics of the golf swing and how ball position influences club face and club path is crucial for consistent ball striking and shot shaping. Here's how ball position can affect the club face and path in the golf swing:



**Inverted Circle Swing Path:** The golf swing is often described as a circular motion, where the club head travels on an inclined plane. This inclined plane forms an arc or circle around the body, with the swing bottoming out at or slightly after the impact point with the ball.

Effect of Ball Position on Club Face:

- Ball position influences where the club face makes contact with the ball during the swing. Placing the ball more forward in your stance (closer to your lead foot) tends to promote a more closed club face at impact, while placing it farther back (closer to your trailing foot) tends to open the club face.
- Adjusting the ball position can help golfers achieve the desired club face orientation at impact, leading to more consistent ball flights and shot outcomes.

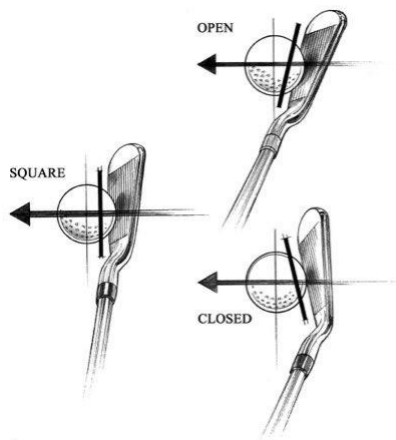
Effect of Ball Position on Club Path:

- The position of the ball in relation to the golfer's stance can also influence the path of the club head through impact. Placing the ball more forward in the stance tends to promote an outward (to the right for right-handed golfers) swing path, while placing it farther back promotes an inward (to the left for right-handed golfers) swing path.
- The combination of club face orientation and swing path at impact determines the initial direction of the ball flight.

**Accommodating Individual Swing Motions:** Every golfer has a unique swing motion, and the ball position must be adjusted to accommodate that motion. Factors such as swing plane, angle of attack, and release timing all influence where the ball should be positioned in the stance for optimal impact conditions.

**Experimentation and Adjustment:** Golfers should experiment with different ball positions during practice sessions to find the optimal position for their swing. Making small adjustments to the ball position can lead to significant changes in ball flight and shot shape.

In summary, ball position plays a critical role in determining the club face orientation and swing path at impact in the golf swing. By understanding how the ball position influences these factors, golfers can make informed adjustments to optimize their ball striking and achieve desired shot outcomes.



## React and Reflect

Using a journal can be a valuable tool for improving your golf game by helping you develop and reinforce new motor patterns. Take time to reflect after your practice session or round of golf noticing where your ball starts relative to your target and finish lines. Here's how you can effectively use a journal to enhance your skills:

- **Set Clear Goals:** Begin by setting specific and measurable goals for your golf game. Whether it's improving your swing mechanics, reducing your handicap, or mastering a particular shot, clearly define what you want to achieve.
- **Document Practice Sessions:** Use your journal to record details of your practice sessions, including the drills you're working on, the techniques you're focusing on, and any insights or observations you have during practice.
- **Track Progress:** Regularly review your journal to track your progress towards your goals. Note any improvements you've made, as well as areas where you still need to work.
- **Reflect on Performance:** After each round of golf, take some time to reflect on your performance. Note what went well, what didn't go as planned, and any patterns or trends you notice in your game.
- **Identify Areas for Improvement:** Use your journal to identify specific areas of your game that need improvement. This could be anything from your putting stroke to your course management strategy.
- **Experiment and Adapt:** Use your journal to experiment with different techniques and strategies, and note what works best for you. Be open to adapting your approach based on the results you see.
- **Stay Positive and Motivated:** Use your journal to maintain a positive mindset and stay motivated, even when faced with setbacks or challenges. Celebrate your successes and use any setbacks as learning opportunities.
- **Seek Feedback:** If possible, seek feedback from a coach or experienced golfer and use your journal to record their advice and recommendations.

By using a journal to document your golf journey, you can gain valuable insights into your strengths and weaknesses, track your progress over time, and ultimately improve your game by developing and reinforcing new motor patterns. Whether you're competing on a tour or competing against your friends on the weekend, enjoy the process and continue to accumulate good days on and off the course.

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## *Toronto History*

### **Toronto Dominion Centre**

By Bruce Bell, Toronto Historian

When the first phase of the Toronto Dominion Centre opened in 1967, our city was a much different place than it is now.

What is so fascinating about the TD Centre is that it looks pretty much the same as it did when it first opened, when elevator etiquette required a man to remove his hat but not put out his cigarette.

What makes the TD Centre a modern masterpiece of art and design is down to the genius who created it, Ludwig Mies van der Rohe a German-born American architect (March 27, 1886 to August 17, 1969) Mies for short (pronounced Mees).



The TD Centre was the brainchild of Allen Lambert, former President and Chairman of the Board of the TD Bank and t Phyllis Lambert (his sister-in-law and daughter of Seagram's Chairman Samuel Bronfman), who suggested Mies as design consultant to the architects, John B. Parkin and Associates and Bregman & Hamann with Fairview Corporation as the developer.

Even though, as law states, a Canadian architectural firm had to be signed on as lead architect, the TD Centre is all Mies. Phyllis Lambert had previously in 1958 hired Mies in collaboration with American-born Philip Johnson to build the Seagram Building on Park Ave in New York, and just like the TD did here, changed the skyline of Manhattan forever.

Some modernist architects, like Mies, could appreciate the merits of early 20<sup>th</sup> century architecture. But he believed that less was more, and if constructed using only the best materials then modern buildings sans exterior decoration and stripped down to their bare bones could hold their own as the next wave of architecture.

And that's why I love the TD Centre; its public spaces still have the all the original furniture and light switch covers that Mies had designed (however, his elevator ashtrays have since been removed). Another lasting component of Mies's fearless vision is that fresh cut yellow daisies in clear glass round vases are still placed throughout the main banking hall, with the same arrangement done on the 54<sup>th</sup> floor in the CEO's office.

He wanted his buildings to be organic, with a natural link between the customers on the banking floor and the big boss man upstairs. As Mies often stated, God is in the detail.

Toronto now had the largest, tallest, and biggest corporate office space in all of Canada, designed by the coolest architect in the world. However, over 100 buildings were demolished to create this urban paradise, including one of the most spectacular buildings in our history, the Bank of Toronto, designed in 1912 by the illustrious architectural firm Carrère and Hastings of New York City, who were the Mies van der Rohe of their day.

Bits and pieces of the majestic Bank of Toronto can still be seen at Guildwood Park, as well as a scale model on display in the present TD Centre banking hall.

Mies also designed a 690-seat movie theatre (only 1 of 2 theatres he ever built in his career) that was once part of the TD Centre's lower concourse. It was abandoned in 1978.

Some say the TD Centre casts too much of a dark shadow over the downtown core, and with the wind tunnel it created its hard to maneuver through it's canyons on all but the calmest days.

Yet it floats on a human scale with its massive black-steel and glass grouping of five towers (two more towers were added to the original three after Mies's death) all surrounding a plaza named Oscar Peterson Square in 2004, and a grass pasture complete with seven full size bronze cows designed by Joe Fafard.

When the TD Centre opened, it created breathtaking vistas both seen from afar and up close and became the symbol of the new Toronto, wealthy, powerful and full of promise.

#### **Bruce Bell**

Official Historian St Lawrence Market Toronto  
History Columnist for The Bridge Newspaper

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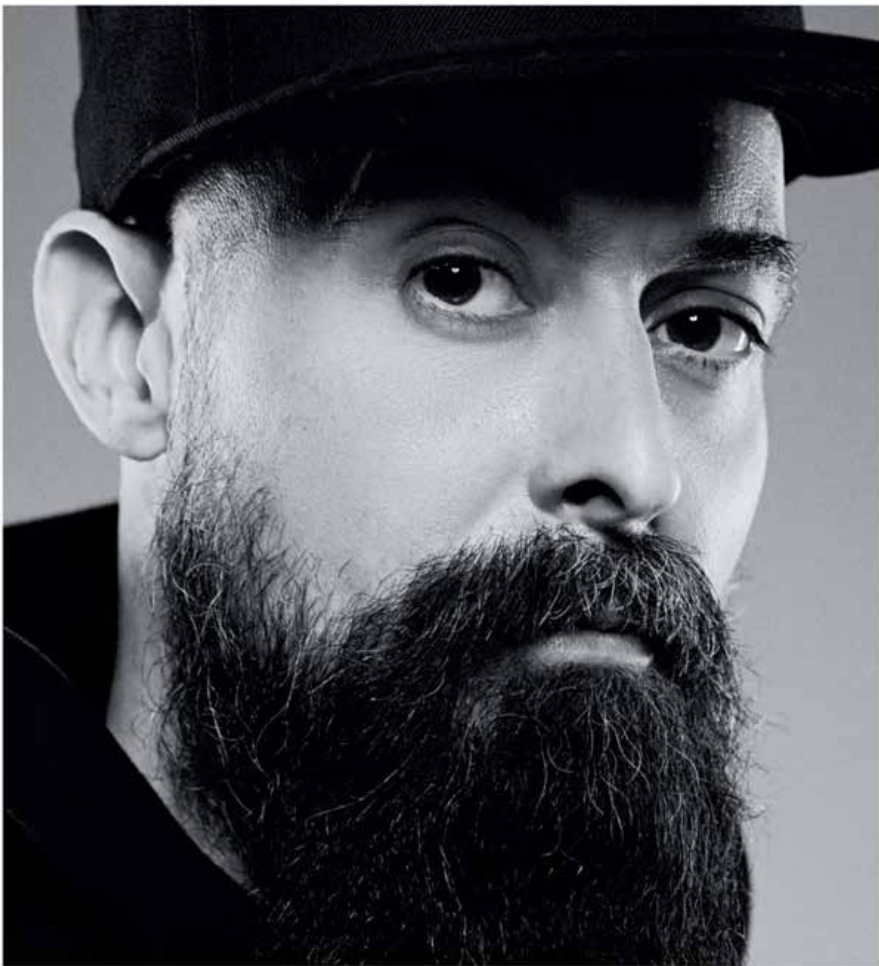
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# Artificial Intelligence - AI -

## What is it Really ?

By Kenrick Bagnall, Founder of KONCYBER



Artificial Intelligence (AI); we seem to be hearing more and more about it each day. We hear about banks using it in fraud detection, customer service chatbots, manufacturing automation, and even smart homes and social media. But what is AI and why should it matter to you and me?

### What is Artificial Intelligence?

Marrian Webster defines AI as, “Software designed to imitate aspects of intelligent human behavior, an individual program or set of programs designed this way, something (such as a robot) that operates by means of AI software.”

I decided that the best way to get a clear definition of what AI is, was to simply ask AI itself. Many of you reading this would have heard of the popular AI by the company OpenAI, called ChatGPT. ChatGPT is known as large language model (LLM) AI, more on LLMs later. I posed the following question to ChatGPT: “*What is the overall goal of Artificial Intelligence?*”

#### Answer:

*“The overall goal of Artificial Intelligence is to create machines or computer systems that can perform tasks that would typically require human intelligence. This includes the ability to learn from experience, adapt to new situations, understand, and process natural language, recognize patterns, reason, and solve complex problems. The idea is to mimic human cognitive abilities and decision-making processes to some extent, if not surpass them, in certain domains.”*

*Overall, the ultimate goal of AI is to create systems that can effectively and intelligently interact with the world, understand context, make decisions and benefit humanity in various aspects of life, including healthcare, transportation, education, entertainment, and more. While AI has made significant advances, achieving full artificial general intelligence (AGI) that matches or exceed human intelligence remains an ambitious and challenging long-term objective.”*

### Why are we now hearing more and more about AI?

I will suggest that four things have changed recently to bring AI more into the spotlight.

**Point One.** The algorithms or programming code and logic used to construct these systems have become far more complex. This complexity has been driven by more advanced and powerful programming languages that feed off of large data sets.

**Point Two.** The source data models that these systems (AI) can reference for learning have grown exponentially over the past three decades. This requires tremendous processing power to manipulate all of that data.

**Point Three.** Microprocessors including the advanced chips specifically designed for applications like blockchain and crypto currency, are now being used for the huge processing demands that AI places on very expensive computer systems.

**Point Four.** More money than ever before is being put into the development of AI-based systems. The likes of Google, Amazon, Facebook and Apple, have been pouring resources into AI recently. Add to this the similar contributions of Microsoft, IBM, Nvidia, Intel and more. It’s clear to see why AI has exploded into the mainstream in recent years.

### When Things Intended for Good Are Not Used That Way.

When we look back at the AI’s self-described definition and objective, we see an important line. AI is basically indented to make decisions and benefit humanity in various aspects of life. How often has it been witnessed that things designed for good end up being used by the criminal element for nefarious purposes? Can AI be used not only for the betterment of mankind, but in the wrong hands also be harmful to mankind? The simple answer is yes.

### AI, Future Crime & Public Safety.

In this section of my article, I will be referencing a research paper published by the University College London (UCL), Dawes Centre for Future Crime and AI-Enabled Future Crime. The paper was published in July 2020, and based on the content, I believe there are some conclusions that can be drawn.

Let’s set the stage with a brief review of *risk*. In traditional property and casualty, risk is generally measured by looking at the likelihood, severity, and impact of an event. At a high level, cybercrime risk considerations look at the susceptibility of a system, how accessible it is and how capable the threat actor (or cybercriminal) is.

The UCL study took into consideration the following four factors when considering cybercrime which was enabled with the help of AI.

- ⇒ The harm caused;
- ⇒ The profit gained by the criminal group, vastly financial and denominated in digital currency (Bitcoin);
- ⇒ How achievable is the crime, in terms of readiness and availability of the technology; and
- ⇒ How difficult is it to defeat (detect, prevent) the crime.

The study found many interesting things about AI and how it impacted cybercrime and the resulting impact on the public. To summarize for this article, the four most impacted areas of AI enable crime are as follows:

1. **Audio/Visual Impersonation**  
Impersonation of another person on video or audio. This could be the impersonation of children to relatives over video calls to gain access to funds.
2. **Tailored Phishing**  
Phishing is a social engineering attack that aims to collect secure information or install malware via a digital message purporting to be from a trusted party, such as a bank.
3. **Disrupting AI-Controlled Systems**  
As AI systems become ever more essential (in government, commerce, and the home), the opportunities for attack will multiply, leading to many possible criminal and terror scenarios arising from targeted disruption of such systems, from causing widespread power failures to traffic gridlock and breakdown of food logistics.
4. **AI-Authored Fake News**  
Fake news is propaganda that aims to appear credible by being, or seeming to be, issued from a trusted source.

With consideration to the UCL paper published in 2020, based on a couple years of research, we can fast forward to 2024 and look to see where things are today. A current look at Analytics Insight tells us the following about what's happening today with AI-enabled crime: Attacks against individual victims, both public and private sector organizations, and critical infrastructure, shows us the following top AI enabled cybercrime areas:

- a. **Advanced Persistent Threats (APTs)**  
A sophisticated, sustained cyberattack known as an advanced persistent threat (APT) occurs when an intruder enters a network undetected and stays there for a long time in order to steal sensitive data.
- b. **Deepfake Attacks**  
These employ artificial intelligence-generated synthetic media, such as videos or images, to impersonate real people and carry out fraud or disinformation campaigns.
- c. **AI-Powered Malware**  
Malware that uses AI has been taught to think for itself, adapt its course of action in response to the situation, and particularly target its victims' systems. Malicious software that uses AI to avoid detection and adapt to changing environments, makes defense more difficult.
- d. **Phishing**  
Using natural language processing and machine learning, attackers can create more convincing phishing emails and messages that are designed to trick individuals into revealing sensitive information.
- e. **DDoS Attacks**  
Distributed Denial of Service (DDoS) attacks use AI to identify and exploit vulnerabilities in a network, allowing the attacker to amplify the scale and impact of the attack.

By examining 1-4 from the 2020 UCL report and cross-referencing the current insights in a-e, we can form the conclusion that AI-enabled cybercrime does not mean "new crime". However, it does mean an increase by an order of magnitude in the sophistication and complexity of already existing attacks. Over a span of 4 to 6 years we have seen a marked increase in the effectiveness of AI-enabled fake news, deep fakes of public figures and celebrities, targeting phishing attacks and attacks in critical systems and infrastructure.

This combined with the growing use and sophistication of Large Language Models (LLMs). An LLM is a type of AI that can recognize (read, hear, understand) written or spoken words or text, and revert its output in the same format. Yes, you can talk to the AI, and it can respond back to you in a way you can understand. That is ChatGPT in a nutshell.

### **Closing Thoughts and Takeaways.**

What the defenders of our data networks we are seeing 4-6 years ago has not changed. It's the same crime only more sophisticated in its approach, execution, frequency, and voracity.

AI does pose a serious threat in terms of cybercriminals taking the technology meant for good and putting it to criminal use. But that's not what I would call a game changer. The game changer as I see it is when AI is powered by this thing called Quantum Computing and managed by the structure and capability of Blockchain Technology. The latter two will be for another article at some point in the future, but my point here is that current AI won't move the needle in terms of "new crime". But Quantum powered AI will be a game changer, the likes of which we have never seen before.

So, what do we do? This hybrid threat will force the expanded adoption of AI into all aspects of every organization's cybersecurity defenses program. It will force the use of AI in every government's infrastructure and public safety protection program. And, it will force law enforcement to adapt new investigative tools and techniques to function in a landscape of new technologies and new AI enabled crime.

For the everyday citizen, you and I must continue to secure our personal devices, use long and strong passwords, and password managers. We must secure our homes as with each passing month we install and attach even more Internet enabled devices. We must stay up to date on current threats and be aware of our own human vulnerabilities as we browse, check email and text messages and shop online. We must be hypervigilant as we are on the front lines for protecting our own personal devices and data.

Artificial Intelligence is here to stay. We have yet to see the best, and the worst of it.

**Kenrick Bagnall, Founder KONCYBER**  
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# *Flyerland in Condoland*

## Helping the Environment

By Ken Shibasaki, Senior Analyst at Riskboss Inc.

We received a request from one of Canada Post's finest, "Can you please ask your residents to put a sticker inside their mailboxes ..... **"No Junk Mail or Flyers"** .....

This request came as a result of this environmentally conscious postal worker seeing countless flyers and junk mail in condominium recycle bins destined for recycling centres and landfill sites.



Such material litters and often overflows recycle boxes at most condominiums. Most flyers are not recyclable depending in the material used, thereby contributing to the waste/recycle budget line item of all condominiums and of course our landfills.

The flyer and junk mail industry is shrinking rapidly. The market share of print media is being overwhelmingly overtaken by online media and search engines. Some research, however, does point to the fact that print media remains for some, the most effective method of delivering messaging prompting some diehard companies to still use flyers and junk mail, but it is not without significant cost to the environment.

Most will be shocked to learn that for years some Canadian recycling companies have shipped their trash (up to 40%) to governments that are willing to take it. In 2019, the Philippine government did an about face on one such an agreement to take such garbage turning 69 containers away from their shores citing, "The Philippines is not the world's dumpsite", this after decades of accepting Canadian garbage. Malaysia and several other countries followed suit shortly after.

According to online resources, reducing one tonne of junk mail saves 17 trees, 2.3 cubic metres of landfill, 31,400 litres of water, 4,200 kilowatt hours of energy, 1,600 litres of oil, and avoids 26 kilograms of air pollutants.

Governments are slowly moving towards Flyer and Junk Mail Free Zones. In May 2023, for example, Montreal banned flyers except for those who actually opt-in and request to receive junk mail, a move that was applauded by the climate-conscious. This move was to curb the over 40 million flyers annually that end up in local recycling centres. By opting in, those who still use flyers can maintain it.

Alarmingly, in 2013 Canada Post mailed more than 900,000 letters across the country hoping to convince people to remove "no flyer" stickers from their mailboxes. This was considered junk mail to many.

Canada Post continues its program of unaddressed ad mail paid for by companies to deliver and distribute flyers and other material. The letter hoped to convince residents that flyers, catalogues, product samples, and community notices can "Save you money and keep you connected with your local community."

This certainly flies in the face of the federal government's efforts and attempts to reduce the Canadian carbon footprint as Canada Post is a Crown corporation.

Fast forward to 2024, Canada Post has now done a 'sort-of' about face by offering all citizens a choice.

"Canada Post is proudly committed to serving every Canadian in every corner of the country. We respect Canadians' choices when it comes to receiving unaddressed advertising mail delivered by us. That's why our Consumers' Choice program offers a simple way for Canadians to stop receiving it. **It's your choice.**"

Flyer and Junk Mail Free Zones like Montreal and soon to be others are the trend due to public sentiment, but not without a fight. In May 2023, disappointed Montreal mayor pushed back on plans by Canada Post to continue delivering unsolicited flyers contrary to the 'Junk-free zone' by-law. Canada Post planned to deliver such flyers and junk mail in plastic bags hung from home doors.

Yannick Scott, the national director for the Canadian Union of Postal Workers who represents greater Montreal is reported by the CNC to have said, "We're caught in a catch-22 situation where, if our letter carriers are delivering, they might be fined by the city up to \$1,000 for doing their job. On the other hand, if they aren't delivering where they're supposed to, the corporation might discipline or even suspend our members."

And it's not just Canada Post. Newspapers have been benefitting from including flyers in their daily delivery for decades adding to their bottom, line but also to landfill sites.

Let's all do our part to help the environment by saying, "No Junk Mail or Flyers".

- ⇒ Lobby your local politician to assist by eliminating unnecessary junk mail in our communities.
- ⇒ Property managers can communicate with all residents to put a sticker inside their mailbox asking for no junk mail. After all, Canada Post said "It's your choice."
- ⇒ For those who still want to opt-in for flyers and junk mail, and will obviously be adding to the landfill sites, you still can, but at the cost to the environment.



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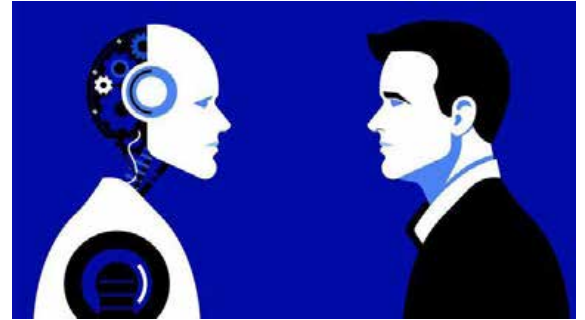


# Death of the Car Salesperson

## Will Technology Replace Humans in the Car Industry?

By Bobby Doaei, Award Winning Luxury Car Salesman

The automotive industry is changing rapidly, and as a result, automotive retail sales are changing with it. In major urban settings have you noticed something? Where are all the professionally trained salespeople who will meet and take clients from the beginning to the end of the deal all by themselves? A rarity now and soon to be forgotten. Is this progress? Debatable, I think, having watched this industry up close and personal for many years. Who will win in this new era? Certainly not the client, in my view.



The car sales industry is not for the lighthearted. It's a tough industry where reputations and integrity mean a lot if you want to maintain client relationships. Most new car salespeople don't make it in this industry. Being on 100% commission is tough in any industry but especially in car sales. Billionaire Jim Pattison who started out owning car dealerships, kept his sales teams 'motivated' by firing the lowest performing salesperson every month. This is a make it or break it industry.

After being a very successful car salesman in the luxury vehicle segment for over twenty years with 300+ clients, I believe that retail car sales are changing dramatically and not for the better, and certainly not to the advantage of clients. Now, it's all about corporations making more money and paying less to front line employees and salespeople. That's why I recently made the decision to leave the industry, but I still maintain a strong relationship with my clients.

Most dealerships are owned by corporations that have many locations with multiple brands. Even though dealerships are already profitable, especially the service departments, the main focus of dealer owners is on real estate. The business (dealerships) pays for the land and facilities. That is why the majority of these corporations have grown from owning just a single dealership to increasing their exposure and acquiring as many dealerships as possible.

Just like any business, corporations focus on reducing operating costs to improve the bottom line. This includes paying less commission because commissioned salespeople make up one of the largest segments of employee costs at dealerships.

Over the past few years, I have witnessed the reduction of vehicle commissions.-. Corporations are finding ways to cover their expenses and keep more profit by paying less commission to salespeople.

In some cases where the gross profits are large, dealers are removing most of the gross profits from these cars to improve their profits and avoid having to pay large commissions.

Having successful commissioned salespeople, especially those with a large client base acquired over many years, is perceived as a threat to dealership owners, as they become more irreplaceable the more successful they become.

This is something dealer owners dread not only from a profit perspective but also, from the salesperson maintaining control over the client relationship. In short, if the salesperson leaves for greener pastures, so do their clients. It leaves dealer owners to start all over again with a new top performing 'irreplaceable' car salesperson.

In response to higher costs draining their profits, dealer owners and corporations are clearly moving to operate car dealerships like a factory line, something you commonly see in an Apple store. The idea is that you will not have one individual helping you (a salesperson) throughout the whole process of buying a car, but many.

In such a factory line model, you will have a greeter who will triage and qualify people walking in, taking a call, or answering an email. Then you will get introduced to a product knowledgeable person who explains the features of your desired car and help you test drive it. Lastly, you will get handed off to the closer / finance person who will run the numbers and make the deal.

This sounds like a prelude to AI handling the client journey completely in the future, doesn't it? In my view, car sales will move more and more from brick-and-mortar locations to online sales. It's already begun with clients choosing options online even before the car is built. Technology and online buying are no doubt the future of car sales.

By having multiple individuals involved in each transaction and cutting out the commissioned salesperson, dealer owners can pay just above minimum wage, and replace these employees very easily with little or no impact to their profitability. As you can also imagine, this will change the relationship between the client and dealership significantly by providing more control to dealer owners.

Lower costs yes, but also the clients cannot be maintained by one 'irreplaceable' person that can hold the dealer owner hostage. This is a big win for dealer owners.

Even though almost all traditional car salespeople are on 100% commission and are promised to get a certain percentage of the profit on each vehicle transaction, it is the corporation that completely controls how much the salesperson will make and when they get their money. This can often be a moving target depending on how the economy is performing and who is in charge.

Owning a car is becoming a luxury only for those that can afford it. Rideshare services worldwide are growing dramatically as a result. I believe that as life becomes more expensive in the future, owning a car and knowing how to drive will not be for the many, but for the few elite and upper classes of society, just like owning a horse is today.

When you walk into a car dealership and get handed off to multiple people with separate and narrowly defined skillsets, it has been created by design by the dealer owner to make more money. When one of these people says, "I will have to speak to the manager," you know you are not speaking with the right person. When you buy a car, you are not in an Apple store. You are buying a very expensive item. Buying a car has unfortunately been relegated to buying a Smartphone in these new 'modern' dealerships.

Most young people nowadays cannot afford to buy a car due to the economy and many in this generation don't even have a driver's license, nor do they want one.

By contrast, when buying a house, experienced and professional realtors still take you through the client journey from the beginning to the end of the transaction and even after. It is an absolute necessity given that it is the largest and most complex purchase in most people's lives. Realty may be the last advocacy for the professional salesperson.

As I indicated, watching the way most car dealerships are moving, I left the industry. Yes, you guessed it. I moved to the real estate industry where my skills are still much needed and valued, but more importantly, where I can look after my clients' best interests properly. After all, that has been the secret to my success throughout my career. My bottom line has always been, only when my clients win, I win.

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# Gifts for Thee, not Them

## Securing Parents' Money on Their Children's Down Payment

By Ruth Kalnitsky Roth Partner, Head of Family Law Group, Brauti Thorning LLP

Are you helping your child buy real estate? Are your parents helping you out with a down payment? With housing prices hovering around unprecedented highs, parents are increasingly gifting or loaning their children funds to assist with their first down payment. But what happens to the money if your child separates from their live in partner or spouse?

The short answer is, it's complicated.



Generally, unmarried couples do not share in each other's property when they separate. However, jointly held assets, such as a home, are presumptively divided according to how the parties hold title. For married couples, the presumption is that the parties equally share all property accumulated during the marriage. The matrimonial home receives special treatment: it doesn't matter where the money came from to buy the property or how the title is held - both spouses are presumed to equally share the equity in the house.

As a result of property division rules in Ontario, without taking the appropriate precautions, any money that you give your child to use towards a home purchase is susceptible to being shared with their former partner in the event of a separation. Below are five precautions you can take to protect your or your parent's investment.

### 1. Paper Your Transaction.

The best way to protect money that is advanced for a down payment is to create a paper trail that clearly expresses whether the funds were meant to be a gift or a loan. Absent any evidence to the contrary, money advanced from a parent to a child for a down payment is presumed to be a gift.<sup>[1]</sup> The problem with a gift is that the money is less likely to be protected if your child separates from their partner since there is no corresponding debt that needs to be repaid by the parties enjoying the property.

A gift is defined by: (1) an intention to make a gift on the part of the donor parent, without expecting to be paid back and without requesting something of value in exchange for the money; (2) the child accepts the gift; and (3) the gift is delivered or transferred to the child.<sup>[2]</sup> The expectation to be paid back is key when determining whether a money transfer was a gift.<sup>[3]</sup>

The very definition of a gift means that the parent does not expect to be paid back by either their child or their child's partner in the event of a separation. It will not matter whether your child separates from their spouse, there will be no obligation for either party to pay you back. Should you intend for the money to be a gift, we recommend that you execute a gift letter signed by the parent(s), the child, and their partner, or better yet, enter into a cohabitation agreement acknowledging that the gift will be the sole property of the child who received it in the event of a separation. We highly recommend consulting with an experienced family law lawyer before transferring large sums of money whether it is as a gift or a loan, so

that all parties can be knowledgeable about the risks and potential consequences involved.

### 2. Consider Making it a Loan

A loan often offers more financial protection to a parent's money in the event of a separation because it creates a legally enforceable obligation between parties. When courts analyze whether a money transfer from a parent is a gift or a loan, the court considers the following factors:

- (1) Whether there are any documents evidencing a loan that are created or executed at the same time as money transfers hands. For example, is there a promissory note, or a loan document?
- (2) If so, there ought to be a repayment plan.
- (3) Extra helpful is if the recipient of the money has provided security for the loan if the child defaults on their loan repayments;
- (4) Whether there are advances to one child and not the parent's other children or advances of unequal amounts to various children. Money advances to all the children for a down payment on a house may be evidence of a gift if the transaction is not documented otherwise.
- (5) Whether there has been a demand for repayment of the loan before the child separated from their partner. If the parents did not demand repayment (or partial repayment) before separation, this could be evidence that the money was a gift;
- (6) Whether there was a partial repayment of the money before the separation occurred.
- (7) Whether there was any expectation or likelihood that the child would actually repay the loan to their parents.<sup>[4]</sup>

The above factors are evidence used to determine whether a money transfer is a loan or a gift. No matter what, refer back to the importance of papering the agreement – a contract that clearly specifies each party's role is vital in protecting large transfers of money. A loan or promissory note is most effective if it outlines a repayment plan, explicitly stating when repayment will begin and illustrates the terms of repayment. Ideally, the contract should be drafted and signed *before* the money is transferred to offer the best protection. We recommend that the parents, the child, and their partner all sign the contract to evidence that all parties were aware of the parents' intention for the money. A skilled lawyer can draft the contract, but each independent party will benefit from receiving independent legal advice to understand their rights and obligations.

### 3. Consider a Domestic Contract

In addition to either a gift letter or a loan document, a domestic contract can help minimize conflict surrounding finances in the event of a separation. A domestic contract can govern one issue (i.e. who the funds are going to in the event of a separation) or all of the financial issues in the event of a breakup. Domestic contracts can be prepared for both cohabiting and married couples and can outline the intention of the down payment at the time it is received.

For a cohabitation agreement to be presumptively enforceable, the contract should: (1) be in writing; (2) be signed by both parties; and (3) witnessed.<sup>[5]</sup> Although independent legal advice is not a prerequisite to a legally enforceable cohabitation agreement, a contract is less likely to be overturned if both parties had their own counsel informing them of their legal rights before signing and ensuring that the appropriate financial disclosure is made. Independent legal advice will provide an added layer of protection over the contract being overturned in the future.

A domestic contract can be signed at any point during a relationship but ought to be executed before large transfers of money occur.

### 4. Keep money separate and traceable.

If the help with the down payment is not intended to be shared in the event of a breakup, it would be prudent to make the funds as traceable as possible. Specifically, the person receiving the funds should be able to demonstrate that the money went directly from their parent to an account that is solely owned by the child. Co-mingling funds in a joint account held by the couple receiving the funds creates a presumption that the funds were meant for both of their uses. Keeping the funds separate can be evidence of the intention that the money was meant to benefit one child only.

Further, it is important to save copies of all of the documentation evidencing financial transactions, such as bank statements, wire transfer receipts, etc, following the trail of the money being transferred. This helps track the down payment back to the parent providing it and demonstrates what the money was used for. Please note that banks do not keep your financial documents indefinitely – keep copies of the relevant statements just in case you need them in the future!

Keeping the money separate and ensuring that it is traceable is not going to protect a down payment on its own, rather it acts as evidence in support of the fact that the money was never meant to be shared.

### 5. Lawyer Up

Last but not least, get legal advice. Every family's situation is different and every financial transfer is going to be reviewed on its own particular facts and circumstances. Talk to a lawyer about the conditions of the transfer, the reasons for it and the various options to protect yourselves before transferring funds.

Contact Brauti Thorning LLP at [416-362-4567](tel:416-362-4567) or email us at [vroth@btlegal.ca](mailto:vroth@btlegal.ca) to set up a consultation with one of our family lawyers to obtain individualized advice on your matter.

*Please be aware that the information provided in this article is for general information purposes only and does not, and is not intended to, constitute legal advice.*

- [1] [Pecore v Pecore](#), 2007 SCC 17 at para 24.
- [2] [McNamee v McNamee](#), 2011 ONCA 533 at para 24.
- [3] [Peter v Beblow](#), 1993 CanLII 126 (SCC), [1993] 1 SCR 980.
- [4] [Chao v Chao](#), 2017 ONCA 701 at para 54.
- [5] [Family Law Act](#), R.S.O. 1990, c. F.3, s. 55(1).



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# Healthy & Seasonal Cooking Advice from Canada's Top Chef

## Toronto's Return to Fine Dining

By Chef Rory White

As the season changes, we begin to move away from the hearty braised dishes of winter in search of the first signs of spring. For me, I know spring has officially sprung once white asparagus has arrived. As a young cook, it was the first luxury ingredient that I ever had my hands on. I recall carefully peeling it while making sure to keep its natural shape, poaching it until it was tender, but not overcooked. This experience, and many more just like it, helped build my love of fine dining.



Over the course of my career, I have worked in some of the top restaurants in Toronto: ones that focused on multi-course tasting menus featuring the best seasonal ingredients. And just like spring, a new season has arrived for Toronto -the return of fine dining.

About two years ago, the Michelin Guide (for the first time in its history) gave its coveted stars to some of Toronto's top restaurants, forever solidifying Toronto as a veritable dining destination. The guide has created a buzz in restaurants all across the country, inspiring chefs and restaurateurs to push forward and stake their claim to the highly coveted Michelin star.

I believe that the Michelin Guide coming to Canada was just the catalyst that Toronto needed to enter into a new era of delivering amazing dining and world-class cuisine.

The resurgence of fine dining in Toronto is not just about earning Michelin stars; it's about the artistry and dedication that goes into creating a memorable dining experience.

Fine dining is a symphony of flavours, textures, and presentation that captivate all the senses. It's an experience that transcends mere sustenance and elevates dining to a form of art.

One of the hallmarks of fine dining is the attention to detail in every aspect of the meal. From the selection of the finest ingredients to the meticulous plating of each dish, every element is carefully curated to delight and surprise the diner.

The chefs behind these culinary masterpieces are not just cooks; they are artists who use food as their medium to express creativity and passion.

The return of fine dining to Toronto signifies a shift towards a more refined and sophisticated culinary scene. It reflects the city's growing appreciation for gastronomy and its desire to be recognized on the global stage for its culinary excellence.

With the influx of talented chefs and innovative dining concepts, Toronto is poised to become a hub for fine dining enthusiasts from around the world.

The resurgence of fine dining in Toronto is also a testament to the resilience and creativity of the city's culinary community. Despite the challenges posed by the pandemic, restaurants have adapted and evolved to meet the changing needs of diners. From pivoting to takeout and delivery services to implementing stringent safety measures, the industry has shown its ability to innovate and persevere in the face of adversity.

In conclusion, the return of fine dining to Toronto symbolizes a renaissance in the city's culinary landscape. It is a celebration of creativity, craftsmanship, and culinary excellence that elevates dining to an art form. As Toronto continues to evolve as a dining destination, fine dining establishments will play a vital role in shaping the city's culinary identity and leaving a lasting impression on discerning diners.

### For more about Chef Rory White

Read about Chef Rory White in [Toronto Life](https://torontolife.com/tag/rory-white): <https://torontolife.com/tag/rory-white>

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#### Question from Board members in North York condominium David J., on behalf of the Board

**Q:** Our condo recently went through a rule change to make all of our rentals a minimum of one year. This has allowed us to rid ourselves of illegal short-term rentals, but not without some issues. We originally had our property manager call 311 at the City of Toronto for assistance, but that was not helpful. No one came or returned our calls. We then went through our corporate lawyer and we were able to force the owners to comply with our building rules. After doing some research on this topic we found that the City of Toronto created a by-law to regulate illegal short-term rentals, but it appears they haven't put resources in place to police the by-law. There are a lot of people upset about this online. Can you comment on what is actually happening for us? Thank you in advance.

**A:** Thank you for your question. We wrote about this in our Fall/Winter 2020/2021 Riskboss Magazine edition. At that time, Air B&B estimated that about two-thirds of their short-term rentals occurred in residential condominiums in Toronto. This means that it is very likely that as you read this, your condominium community may be impacted by illegal short-term rentals and not even know about it.

Mandatory registration for short-term rentals in Toronto commenced on September 10<sup>th</sup>, 2020, and became mandatory across the city. That means that all property owners/tenants that want to engage in short-term rentals have to registrar not only themselves, but also each and every tenant and also, pay administrative fees imposed by the City called Municipal Accommodation Tax (MAT). Is this occurring? Are people registering themselves and their tenants? Overwhelming, the answer appears to be no. Is the City effective in policing noncompliance? It appears that the answer is also no.

The City provided statistics effective September 30, 2023, on their efforts. According to the City 15,737 registration applications were submitted since the inception of the program in 2020. Of that, 1,292 applications were denied, 4,218 applications were cancelled, 1,299 applications are still under review, and 846 licences were revoked. 3,414 complaints were received by the City since 2020 and according to their records 96% of those cases have been closed. Of those, only 153 charges have been laid. 153 charges represent a 4% success rate.

15,737 applications for Toronto bylaw shortterm licenses may seem like a massive bureaucratic effort, and in fact, it appears it is when you look at this in a broader context. Compared to Airbnb's available units, let alone other short-term rental applications, this is just a drop in the bucket. For example, according to December 2023 data from AirDNA, there were 235,000 active short-term rental listings on Airbnb and Vrbo across Canada over the last 12 months.

In October 2023, the City began evaluating the implementation of the short-term rental bylaw to examine its progress and identify areas for improvement through public consultation. On February 27, 2024, the City of Toronto announced that they are reviewing the by-law, and a report will be published by the Planning and Housing Committee. City officials know that short-term rentals create high rents and low housing vacancy rates. In an effort to bring short-term rentals back into the long term marketplace, Toronto is looking to reduce that availability dramatically by reducing the opportunity for residential unit owners to operate short-term rentals to only 180 days a year.

There are many negative implications of operating such businesses in highrise communities that were never intended and zoned for short-term rentals. For example, when an owner takes possession of a newly built property, they have to declare whether it will be used for personal or rental use. Short-term rental use has HST tax implications. When an owner gets a mortgage and insurance, they also have to declare whether that property is for personal use or a rental property. Undisclosed changes in the intended use may void the mortgage and insurance. Some residents have misinterpreted the Toronto bylaw to mean that all properties throughout Toronto must allow short-term rentals. This is not correct. According to our analysis, research and opinions received from several prominent GTA condominium law firms, the Condominium Declaration and Building Rules may regulate standards with respect to the minimum rental periods. This means that if you have a resident that wants to engage in short-term rentals and your condominium Declaration or Building Rule has a minimum standard of six months or one year, they simply cannot operate such a business in that community.

Riskboss has revised the comprehensive White Paper on the topic of illegal short-term rentals in condominiums entitled, "Risky Business." It outlines the good, the bad and the ugly of conducting such business in residential condominiums. It also sets out a clear plan to mitigate such activities. Contact Riskboss to receive a complimentary copy and remember to ask for the no obligation risk tour of your community with one of our accredited experts. Ask also about the Riskboss Illegal Short Term Rental Prevention Program that eliminates such activities. We are always willing to provide advice on industry best practices and high impact, low-cost ideas to mitigate your risk.

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