

WEBINAR OVERVIEW: Condos & Covid-19 April 23, 2020

Question and Answer

Q. Regarding tenants' self-testing unit devices, are you referring to the building connected devices such as the mini horn/strobe, or the owner installed devices such as the Kidde smoke alarms, or both?

We would want both devices tested. Each of the devices should have a test feature as well as ensuring they are clean and in good repair.

Q. If there is construction in a unit in your condo, does the construction company need to comply with bylaws and CPA or the Health Act?

The construction company is an agent of the Condominium (or an Owner). If the Condo/Owner has to comply with legislation, then the Condo/Owner has to ensure the contractor also complies.

Q: Any insight on temporary bans for airbnb/short term rentals?

Have to look at your bylaws. Based on the recent Air BnB decision, Air BnB is a commercial use so if your bylaws says "no commercial use", technically the board should not be allowing Air BnBs, but the Bylaws do need to be reviewed to properly provide an opinion on this).

Q. Boards want to reduce services like landscaping and have resident volunteers to save money.

These types of requests may increase. Be aware that slip and falls/trip and falls (and general personal injury matters) are a big issue for condos and these types of claims are increasing. The condo should check with their own insurer to find out whether the condo has coverage in the event the volunteer causes of a) personal injury to others b) property damage and/or c) injury to volunteer himself or herself. The condo should also consider whether the owner has/needs to have adequate WCB coverage in place.

We usually recommend that the condominium hire professional contractors for this reason.

Q. Can we pass a new bylaw to allow electronic voting as we have a captive audience due to COVID-19 with people staying home?

Yes – you can pass a bylaw but need your 75% approval of owners/unit factors to do so.

Note that Ontario's Condo Act requires that a bylaw be passed before electronic voting can be used. Our Legislation is silent on this. You would be wise to have a bylaw to deal with issues of ID verification and tallying/certification of votes but in Alberta, you'd have to review your bylaws first to see if there is room for both electronic voting and electronic meetings without a bylaw change.

Q. Is it acceptable to name a floor and wing that has a case of COVID-19?

Information that COVID is present in various organizations has been shared publicly and can be shared as long as it doesn't identify an individual (or allow someone to easily figure out who an individual is). We would not identify the floor or wing (the smaller your "group" gets, the easier it will be for people to link private info with someone's identity). If you can obtain consent, then you can disclose in accordance with that consent.

All that said, I would look to guidance from health professionals on this as I am sure they have protocols in place and the board's best defense is that "we listened to the professionals".

Q. Are there any updates on usage of facilities such as library/hot tub/pool etc. in a condo?

This is an uncertain matter at this time, and will depend on various particulars related to your condominium.

Closing Note:

Always remember that your decisions need to be guided by the Condominium Property Act, the Regulations thereto, and your Bylaws. In particular, we suggest that you turn your mind to the following principles, found at section 28(2) of the Act:

Board of directors

28 (2) Every member of a board, in exercising the powers and performing the duties of the office of member of the board, shall

- (a) act honestly and in good faith with a view to the best interests of the corporation, and
- (b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.