

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

Requests for Accommodation During COVID Sonja Hodis | HodisLaw

Bio

Sonja is a Condo Lawyer, Mediator and Arbitrator. Sonja advises condominium boards and owners on their rights and responsibilities under provincial legislation governing condominiums as well as other legislation that affects condominiums such as Human Rights legislation. She represents her clients at all levels of court and tribunals. She also offers mediation and arbitration services to condos. Sonja is a Vice Chair for the Workplace Safety and Insurance Appeals Tribunal and has over 10 years of adjudicative experience. She is a past director at large of the National Executive Board of the Canadian Condominium Institute (CCI), a former President of the CCI Huronia Chapter and currently a director on the CCI Huronia Board of Directors. She can be reached at sonja@hodislaw.com

Presentation Overview

While COVID 19 has our minds and attention turned to many other pressing issues, it is important to remember that requests for accommodation under the Alberta Human Rights Act do not stop. It is also important to remember that a condominium's duty under the human rights legislation includes a procedural duty and a substantive duty. The procedural duty requires you to handle a request for accommodation in a timely and respectful manner. While our attention may be directed to other issues during COVID 19 it is important to make sure you don't ignore requests for accommodation and put them on the back burner to deal with down the road when things are less chaotic. Putting off dealing with a request for accommodation could result in damages being awarded against the condominium for breach of your procedural duties. It is very important that you deal with requests for accommodation in a timely manner despite any other issues you may be dealing with during COVID 19.

COVID 19 provides a unique set of circumstances that may allow a condo to claim that they can not accommodate a request due to "undue hardship" because the request creates a health and safety concern in light of the restrictions in place during COVID. While it is difficult to use the defence of "undue hardship" in most situations, COVID 19 may present a unique situation in which the defence could be used. If you are not familiar with handling requests for accommodation be sure to speak to your legal counsel about your specific factual circumstances and whether the undue hardship defence is available.

Links:

https://www.albertahumanrights.ab.ca/publications/bulletins_sheets_booklets/bulletins/Pages/duty_to_accommodate.aspx for a discussion about undue hardship and your procedural and substantive duties.

<http://www.hodislaw.com/Site/Resources.html> for an article on Planning your Human Rights Defence Strategy.