

**CONDO ADVISER WEBINAR**  
(EPISODE 26)

# **VACCINATION IN CONDOS**

**other COVID updates  
and Federal election**

September 1, 2021

# CONDO ADVISER CREW

Speakers	Firm
Sean Cornish (Manager)	Apollo Property Management
Josée Deslongchamps (Manager)	DES Services
Denise Lash (Lawyer)	Lash Condo Law
Jason Reid (Fire & Emergency Management)	National Life Safety Group
Rod Escayola (Lawyer)	Gowling WLG
Graeme MacPherson (Lawyer)	Gowling WLG
David Plotkin (Lawyer)	Gowling WLG

# AGENDA

Topic	
STEP-3 COVID restrictions	
Are Masks still required?	
Reopening Amenities	
Worker Safety in Condos	
Vaccination in condos	
Federal Election in condos	

## Step-3

- 3 Steps and a « Roadmap Exit » Step / No more coloured zones
- Since July 16
- What it means:
  - Masks in indoor common areas;
  - Indoor gatherings of 25 people/outdoor gatherings of 100
  - Fitness amenities, pools, and changerooms can open with restrictions
  - Safety plans are required;
  - Staff/employees must wear masks;
  - Short-term leasing may continue;
  - No more « essential services »

# REOPENING AMENITIES

(MANAGERS)

## Many condos have reopened their amenities with heightened protocols

- COVID Screening
- Advance Booking (electronic vs. binders)
- Reduced number of users (signs posting limited capacity)
- Reduced equipment
- Reduced time limits
- Limited to occupants (no visitors)
- Physical precautions (signs, air filters, disinfectant....)

# MUNICIPAL MASK BYLAWS

(DAVID)

- **By-laws that mandate masks still exist in many municipalities.**
- **Below are the expiry date and the date of last renewal for each municipality's by-law:**

Toronto	Set to Expire on: <a href="#">October 2, 2021</a>	Date of Last Renewal: <a href="#">June 9, 2021</a>
Ottawa	Expired on: <a href="#">August 26<sup>th</sup>, 2021</a>	
Mississauga	Set to Expire on: <a href="#">September 30, 2021</a>	Date of Last Renewal: <a href="#">June 16, 2021</a>
Brampton	Set to Expire on: <a href="#">October 1, 2021</a>	Date of Last Renewal: <a href="#">June 16, 2021</a>
York	Set to Expire on: Unknown	Date of Last Renewal: Unknown
Burlington	Set to Expire on: <a href="#">December 31, 2021</a>	Date of Last Renewal: <a href="#">January 19, 2021</a>

# PROVINCIAL MASK REQUIREMENTS

(ROD)

- **Masks still required under *Reopening Ontario Act***
- **Both under Step-3 and under the Roadmap Exit Step**
- **Usual exception (age, disability, medical conditions, Human Rights code)**
- **No evidence required in many cases**
- **Courts have limited mobility of unmasked users (egress and ingress, direct route)**
- **Applies to interior common elements unless the condo can ensure that people on the premises are able to maintain 2-metre physical distance**

# CONDO MASK POLICIES

(DENISE)

- **Condos can adopt/maintain their mask policies**
- **Provide for accommodation**
- **Review your policy**
- **May need to amend it to reflect changes at municipal level**
- **May need to change your signs**



# WHAT COMES AFTER STEP 3

(GRAEME)

## Roadmap Exit Step

- Suspended on August 17
- Mask requirements will continue to apply indoor common elements
- No restrictions on size of organized public events/gathering
- Screening at entrance will no longer be required (but why drop this now)
- Gym, Pools, amenities:
  - Capacity limits lifted
  - Screening lifted;
  - tracing info still required

# ONTARIO VACCINATION PASSPORT

(ROD)

- As of September 22, Ontarians required to provide proof of vaccination to access certain businesses, facilities and settings.
  - Indoor meeting and event spaces; and,
  - Indoor sports and fitness activities and personal fitness training, such as gyms, fitness and recreational facilities (with the exception of youth recreational sports).
- Not required for outdoor settings including patios.
- Not required for ineligible youth
- Medical exemptions: medical note required
- New requirement may apply to condo facilities. Waiting for regulation

# PUBLIC HEALTH UNIT – VACCINATION POLICIES

(DAVID)

- **Ottawa:** On Aug. 25, 2021, [Special Statement](#) “**welcoming**” the adoption of vaccination policies by organizations and workplaces.
- **Toronto:** On Aug. 20, 2021 [issued a statement](#) ***strongly recommending*** that local **employers** institute a **workplace** vaccination policy to protect their employees and the public from COVID-19, recommending at minimum that:
  1. Workers provide **proof of their vaccination**;
  2. **Unvaccinated employees provide written proof of a medical reason** from a physician or nurse practitioner that includes whether the reason is permanent or time-limited;
  3. **Unvaccinated workers complete a vaccination education course** on the risks of being unvaccinated in the workplace.
- If you condo has staff/employees on site and is located within the Toronto Public Health region, **you must adopt a vaccination policy.**

# VACCINATION POLICIES

(DENISE)

## Key elements of vaccination policies

- Educational component
- Proof of vaccination (when/how)
- Medical exemptions
- Deadlines for compliance
- Alternatives to vaccination (in certain cases and where possible)
- Enforcement and consequences
- Privacy considerations
- Contact person to deal with accommodations

# WHAT TO DO WITH EXEMPTION INFORMATION?

(DENISE)

- **May need to amend your privacy policy**
- **Delegate to contractors the collection of this information**
- **For your employees: keep this info in a separate, confidential file (not employment file)**

# VACCINATION ACCOMMODATION

(GRAEME)

- Under the *Human Rights Code*, accommodations must be granted for ***bona fide*** disabilities.
- Corporations must take steps to the point of “undue hardship” to accommodate;
- Contractors – Easier to require vaccinations
- Employees – Given ongoing relationship, a bit more delicate:
  - Enhanced PPE,
  - Regular testing, etc.

# VACCINATION INFO AND PRIVACY ?

(DAVID)

Justice K. Philipps, Superior Court (recent case): Ask “whether” not “why not?”

- [16] It is important to consider that the law understands privacy to exist on something of a sliding scale. Some things are more private than others. One’s core biographical information, for instance, carries higher privacy concerns than the contents of a trash bag one has left at the curb. [...]
- [17] **I think the real privacy interest lies in the desire an unvaccinated person might have to avoid having to reveal or explain a considered decision to forego the shot.** Covid-19 vaccination has been quite well received by the broader public and those who have decided not to get onboard are sometimes portrayed as contrarian or even irrational. **This is not a problem, however, for the simple reason that I will be asking only whether a candidate has been vaccinated, not why not.** Everybody knows that some people cannot be vaccinated due to a medical reason. No one would fault or look askance at anyone in such a circumstance. When a potential juror answers my question about whether s/he has been vaccinated in the negative, no one will know whether it is as a result of a medical excuse or another reason. As such, the prospective juror’s conscience-based decision-making process is not revealed or inquired into. A person who has decided to avoid vaccination is indistinguishable from those with medical excuses and cannot therefore have any concern about a negative reaction from me or anyone else.

# ELECTION TIME!

(GRAEME)

*The Condominium Act* is clear (s. 118) that condos cannot restrict **reasonable access** to the property by candidates for election.

The *Canada Elections Act* states that no one in control of a condo may prevent a candidate or their representatives from canvassing between 9 a.m. and 9 p.m.

**Exception: this does not apply to** multiple residence buildings whose residents' physical or emotional well-being may be harmed as a result of permitting canvassing or campaigning referred to in that subsection.



# ELECTION TIME!

(GRAEME)

**What about Electoral Signs?** The *Condominium Act* is silent on this. However, the *Canada Elections Act* tells us that:

No condo corporation may prohibit the owner of a unit from displaying election advertising posters on the premises of **his or her unit**. Wilfully breaching this rule can yield a \$2,000 fine or three months in prison!

The *Canada Elections Act* also confirms that condos may set **reasonable conditions** relating to the size or type of election advertising posters **and** may prohibit such posters in common areas.

# Condominium Corporation

Occupational Health & Safety Program

(JASON)

- [Occupational Health and Safety Act](#) (OHSA) serves to protect workers from health and safety [hazards](#) on the job.
- Sets out [duties](#) for all workplace parties and rights for workers. It establishes procedures for dealing with workplace hazards and provides for enforcement of the law where compliance has not been achieved voluntarily.
- OHSA applies to almost every worker, supervisor, employer and workplace in Ontario, including workplace owners, constructors and suppliers of equipment or materials to workplaces covered by the Act.
- OHSA does not apply to work done by the owner or occupant, or a servant, in a private residence or on the connected land.

# Condominium Corporation

Occupational Health & Safety Program

(JASON)

**Typical  
Table of Contents  
For a**

**Condominium  
Corporation  
(The Employer)**

**and the**

**Competent  
Supervisor (The  
Property Manager)**

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[HEALTH & .....](#)

# Condominium Corporation

Occupational Health & Safety Program

(JASON)

## Workers' rights include:

The "right to participate" to be part of the process of identifying and resolving health and safety concerns. This right is expressed mainly in the requirements for [Joint Health and Safety Committees](#) and representatives.

**The "[right to know](#)" about any hazards to which they may be exposed.** The requirements of the [Workplace Hazardous Materials Information System](#) (WHMIS) are an important example. In addition to this, workers have the right to information and training on building systems, processes required to perform their job safely.

The "[right to refuse work](#)" that they believe is dangerous. A worker may refuse work if he or she has reasonable grounds for believing that the work is dangerous to their own health and safety or to another worker. In this situation, the worker must immediately tell their Supervisor or a Manager that the work is being refused and why.

***The Act prohibits reprisals being taken against workers who exercise these rights.***

# EMPLOYER RESPONSIBILITIES

**Taking every precaution reasonable in the circumstances for the protection of a worker.**

**Appointing competent Supervisors.** Definition of a competent Supervisor – is qualified because of knowledge, training, and experience to organize the work and its performance, is familiar with the OHSA and regulations that apply to the work and has knowledge of any potential or actual danger to health or safety in the workplace).

Providing equipment, materials, and protective devices (e.g., guards on machines, safety harnesses, eye wash stations, gloves, etc.).

Providing equipment, materials, and protective devices that are maintained in good condition.

Ensuring equipment, materials and protective devices are used properly and in a safe manner.

**Providing information, and written / verbal instruction, and supervision to workers to protect the health and safety of the worker.**

**Developing and maintaining a health and safety program**

Posting a copy of the Occupational Health and Safety Act and Industrial Regulations and the corporations H /S Procedures in an accessible workplace location.

## Under Section 27 the Occupational Health and Safety Act (OHSA), Supervisors are required to ensure that:

Employees work in the manner and with the protective devices, measures and procedures required by OHSA and applicable regulations and workplace Policies and procedures. (e.g., Masks, gloves, safety harnesses, confining hair, jewelry, or loose clothing around moving parts, etc.).

**Employees are advised of the existence of any potential or actual danger to the health or safety of which the Supervisor is aware.**

**Employees are provided with written instructions as to the measures and procedures to be taken for their protection.**

Correct unsafe acts and unsafe conditions and promote a health and safety workplace environment.

Every precaution reasonable in the circumstances is taken for the protection of an Employee.

**Ensure that Employees are trained in safe work practices and job safety requirements associated with a particular job process and provide written instructions where appropriate.**

Report and investigate all injuries/illnesses/incidents to Employees and any property damage or loss of process.

Implement emergency plans and ensure that Employees have been properly trained to implement those plans.

**Regularly evaluate Employee performance and provide periodic feedback with respect to health and safety.**

# NEXT WEBINAR

- **Next webinar :**  
**Wednesday, October 6**
- **Info will posted on [CondoAdviser.ca](http://CondoAdviser.ca)**
- **You will need to register again.**

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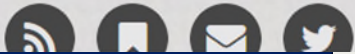
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# ENJOY THE SUMMER!

Wednesday, October 6, 2021






**QUESTIONS?**

**ROD ESCAYOLA**  
*Gowling WLG*




 Rod.escayola@gowlingwlg.com  
 +1 416 862-5787 ext. 58684  
 @EscayoLaw

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**GRAEME MACPHERSON**  
*Gowling WLG*

 Graeme.Macpherson@gowlingWLG.com  
 +1 416 862-5787 ext. 50051  
 @GraemeMacphers4

**KATHERINE GOW**  
*ACMO*

 kgow@Crossbridgecs.com  
 +1 416 510-8700  
 @KGowCondo


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**DAVID PLOTKIN**  
*Gowling WLG*

 David.plotkin@gowlingWLG.com  
 +1 416 862-5787 ext. 50238

**DENISE LASH**  
*Lash Condo Law*

 [dlash@lashcondolaw.com](mailto:dlash@lashcondolaw.com)


 +1 416 214-4130

 @LashCondoLaw

---


**SEAN CORNISH**  
*Apollo Management Property*

 [sean@apollomgt.com](mailto:sean@apollomgt.com)

 613-225-7969 ext. 260

**JASON REID**  
*National Life Safety Group*


 [Rod.escayola@gowlingwlg.com](mailto:Rod.escayola@gowlingwlg.com)

 +1 416-770-8005

---

**JOSH MILGROM**  
*Lash Condo Law*

 [jmilgrom@lashcondolaw.com](mailto:jmilgrom@lashcondolaw.com)



 +1 416-214-4133

**JUSTIN TUDOR**  
*Keller Engineers*

 [jtudor@kellerengineering.com](mailto:jtudor@kellerengineering.com)  
 +1 613-224-1594



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**Natalia Polis**  
*Lash Condo*

 [Natalia@lashcondolaw.com](mailto:Natalia@lashcondolaw.com)  
 +1 416 214.4135

---

**TRICIA BARATTA**  
*Gallagher Insurance*

 [Tricia\\_Size@ajg.com](mailto:Tricia_Size@ajg.com)  
 +1 519-963-2004

---

**JOSÉE DESLONGCHAMPS**  
*DES Services*



[desservices@rogers.com](mailto:desservices@rogers.com)  
+1 613-301-8570

**STACEY S. KURCK**  
*FirstService Residential Ontario*

 [stacey.kurck@fsresidential.com](mailto:stacey.kurck@fsresidential.com)  
 416.818.3530

---

**PENNY PUSITZ**  
*Results Lifestyles Inc.*

 [info@resultslifestyles.ca](mailto:info@resultslifestyles.ca)  
 905.338.3348 ext 5

---

**TANIA HALUK**  
*Wilson Blanchard*

 [tania.haluk@wilsonblanchard.com](mailto:tania.haluk@wilsonblanchard.com)  
 416.642-2807



**GOWLING WLG**