CONDO ADVISER WEBINAR
(EPISODE 18)

November 4, 2020

LEADING THE INDUSTRY

GOWLING WLG

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CRISIS PREVENTION CELL

Speakers	Firm
Katherine Gow (Manager)	ACMO
Rod Escayola (Lawyer)	Gowling WLG
Denise Lash (Lawyer)	CAI / Lash Condo Law
Graeme MacPherson (Lawyer)	Gowling WLG
David Plotkin (Lawyer)	Gowling WLG
Jason Reid (Fire & Emergency Management)	Lash Condo Law
Josée Deslongchamps (Manager)	DES Services

AGENDA

Topic	Speaker
Reopening Ontario – New colour coding	
Virtual AGMs	
Electronic voting	

COVID-19 UPDATE (GRAEME)

- Since October 10:
  - Ottawa, Peel and Toronto had gathering limits of 10 indoors and 25 outdoors
  - Many other closures, including gyms/fitness centres
  - Temporary measures last until November 7

So what happens next?

NEW CODING SYSTEM (GRAEME)

- **Green – Broadest allowance of Stage 3 Activities**
- **Yellow – Enhanced targeted enforcement, fines and education**
- **Orange – Enhanced measures, restrictions and enforcement without closures**
- **Red – Restrictions that are the most severe available before wide scale business closures**
- **Grey - Lockdown**

Proposed* Classification of Public Health Unit Regions

PREVENT (Standard Measures)		PROTECT (Strengthened Measures)	RESTRICT (Intermediate Measures)	CONTROL (Stringent Measures)
• Algoma Public Health • Chatham-Kent Public Health • Grey Bruce Health Unit • Kingston, Frontenac and Lennox & Addington Public Health • Haliburton, Kawartha, Pine Ridge District Health Unit • Haldimand-Norfolk Health Unit • Hastings Prince Edward Public Health • Huron Perth Public Health • Lambton Public Health • Leeds, Grenville & Lanark District Health Unit • Middlesex-London Health Unit • Niagara Region Public Health • North Bay Parry Sound District • Northwestern Health Unit • Peterborough Public Health • Porcupine Health Unit • Public Health Sudbury & Districts	• Region of Waterloo Public Health and Emergency Services • Renfrew County and District Health Unit • Simcoe-Muskoka District Health Unit • Southwestern Public Health • Thunder Bay and District Health Unit • Timiskaming Health Unit • Wellington-Dufferin-Guelph Public Health • Windsor-Essex County Health Unit	• Brant County Health Unit • City of Hamilton Public Health Services • Durham Region Health Department • Halton Region Public Health	• Eastern Ontario Health Unit • Ottawa Public Health • Peel Public Health • Toronto Public Health • York Region Public Health	LOCKDOWN (Maximum Measures)

Proposed classifications based on data for week of Oct 26th. Updated data will be used for final review by the CMOH and approval by Cabinet

Proposed Measures for Sports and Recreational Fitness

	PREVENT (Standard Measures)	PROTECT (Strengthened Measures)	RESTRICT (Intermediate Measures)	CONTROL (Stringent Measures)
Current Restrictions	Limits: • 50 people indoors (classes) • 100 people outdoors (classes) • 50 people indoors (area with weights or exercise equipment) • Spectators allowed (50 indoors and 100 outdoors) • Limit of 50 people per room basis if operating in compliance with a plan approved by the Office of the Chief Medical Officer of Health (Guidance for Facilities for Sport and Recreational Activities) • Team sports must be modified to avoid physical contact; 50 people per league			• Gyms and fitness studios closed • Fitness classes not permitted • Other classes in facilities have maximum of 10 patrons • Outdoor class, organized program or organized activity have maximum of 25 patrons • Team sports must not be practiced or played except for training (no games or scrimmage). No contact permitted.

Proposed	• 50 people indoors (classes)
	• 100 people outdoors (classes)
	• 50 people indoors (area with weights or exercise equipment)
	• Spectators allowed (50 indoors and 100 outdoors)
	• Limit of 50 people per room basis if operating in compliance with a plan approved by the Office of the Chief Medical Officer of Health (Guidance for Facilities for Sport and Recreational Activities)
	• Team or individual sports must be modified to avoid physical contact; 50 people per league
	• Exemption for high performance athletes and parasports
	• Limit volume of music (e.g., conversation level)/require use of microphone for instructor where needed to avoid shouting
		Measures from previous levels and:
		• Face coverings required except when exercising
		• Increase spacing between patrons to 3m for areas of a sport or recreational facility where there are weights/weight machines and exercise/fitness classes
		• Recreational programs limited to 10 people per room indoors and 25 outdoors
		• Require contact information for all patrons and attendance for team sports
		• Require appointments for entry; one reservation for teams
		• Safety plan available upon request
			Measures from previous levels and:
			• Maximum 50 people per facility (revoke CMOH approved plan) in all combined recreational fitness spaces or programs (not pools, rinks at arenas, community centres, and multi-purpose facilities)
			• Require screening of patrons, including spectators (e.g., questionnaire)
			• Limit duration of stay (e.g. 60 minutes); exemption for sports
			• No spectators permitted (exemption for parent/guardian supervision of children)
				Measures from previous levels and:
				• Gyms and fitness studios permitted to be open:
				  • 10 people indoors (classes)
				  • 25 people outdoors (classes)
				  • 10 people indoors (areas with weights or exercise equipment)
				• All sports and recreational programs in other facilities (arenas and multiplexes) limited to 10 people per room indoors and 25 outdoors.
				• Team sports must not be practiced or played except for training (no games or scrimmage).
				• No contact permitted for team or individual sports.

LOCKDOWN
Stage 1 / Pre-Stage 1

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ORANGE AREA - GYMS (GRAEME)

Orange area (Toronto, Ottawa, Peel, Eastern Ontario):

- 50 people maximum
- All patrons must be screened and provide contact information
- Appointments required
- Masks required (except when exercising)
- 60-minute time limits
- No spectators (except parents/guardians of children)
- 3m spacing between patrons where there are fitness classes/machines
- Indoor programs limited to 10 people
- Music must be lowered
- Safety Plan must be available upon request

PROTOCOL TO REOPEN AMENITIES (JASON)

CONDO - ADDRESS DATE

Amenities Re-opening Protocol
CONDO

The CONDO terrace amenity will include the terrace, the use of benches and seats, BBQ and terrace washroom. Safety and security is paramount for all occupants of the building.

The following are the reopening protocols for the terrace at the CONDO.

BUILDING STAFF

To protect both staff and residents within our condominium building, we have ensured that all service providers attending or working inside the building are doing their own COVID-19 workplace screening – before they enter the building – each day. We have received confirmation from all service providers that this is being completed. Building Service providers are not permitted to enter the workplace if they answer "yes" to the COVID-19 Public Health Questionnaire.

In accordance with the Corporation's Mask Policy, effective _____, all persons present on the Enclosed Common Areas are required to wear a Mask at all times, except as otherwise provided in the Policy. The Enclosed Common Area means the lobby, elevator, stairs

PROTOCOL TO REOPEN AMENITIES (JASON)

CONDO NAME TERRACE: HOURS OF OPERATION

The CONDO terrace will be open from 10:00 AM to 2:00 AM. Access to the terrace and/or BBQ will be available only to registered persons with a maximum of 12 people (plus one person for the BBQ). To register for the terrace, call the concierge desk at at 000-000-000. The terrace reservations have a maximum limit of 3 hours to enable other residents to enjoy and use the space. The BBQ will be reserved through Building Link in one hour time slots. A sign will be placed at terrace entrance confirming the restricted access.

One washroom will also be open for use by registered attendees of the terrace only.

*The terrace amenity (including but not limited to the use of benches and seats, BBQ and terrace washroom) are used at the users' risk (the "**terrace amenity**"). By using the terrace amenity, you assume the risk of becoming exposed to or infected by COVID-19 and that such exposure may result in personal injury, illness, permanent disability and/or death. By using the terrace amenity, you agree to defend, indemnify and hold harmless the Corporation and its current or former officers and directors, trustees, affiliates, condominium manager, agents, employees, independent contractors, consultants, advisors, vendors, volunteers, licensees and assignees*

PROTOCOL TO REOPEN AMENITIES (JASON)

CLEANING AND SANITIZING

Cleaning schedules have been enhanced to accommodate the reopening of the terrace and includes the use of the BBQ.

Building cleaning staff at the CONDO will utilize cleaning material approved by Health Canada and ensure the procedures for cleaning are followed at all times.

Cleaning and sanitizing of the following will occur:

- Terrace access / egress door knobs / handles, interior / exterior door faces, chair / bench touch points, and BBQ touch points, and the washroom.

Scheduled cleaning will occur by building staff at the following times and the facility will be closed for one hour from 3pm - 4pm for cleaning purposes. Cleaning will focus on the above touch points.

09:00 AM (Prior to opening)

PROTOCOL TO REOPEN AMENITIES (JASON)

SIGNAGE REQUIREMENTS

As part of this plan, the Condominium Corporation will issue an electronic copy of this plan, in its entirety (once approved by the Board) to each owner/resident in the building. This will serve to better assist residents in both understanding the requirements and detailed effort made by all to ensure a safe building. This is truly a partnership as we move forward.

In addition, the following signage will be installed to support this plan;

1) A printed copy of this plan will be available at the security desk if you wish to review it.

2) Social Distancing signage to serve as reminders to occupants of the amenity should be

PROTOCOL TO REOPEN AMENITIES (JASON)

HAND SANITIZER LOCATIONS

Hand sanitizer stations will be posted at each entrance of the amenity. (APPENDIX A)

CONDO TERRACE AMENITY RULES

- The Occupancy load for the terrace is no more than 13 people at a time (including one person for the BBQ area).
- Maximum time allowed on the terrace is 3 hours.
- All residents and guests must use hand sanitizer upon entering and exiting the terrace.
- BBQ's may be booked on an hourly basis through Building Link (only one person is allowed on the terrace under the BBQ reservation).
- Only one person is allowed at the BBQ station to ensure COVID-19 hygiene protocols are

PROTOCOL TO REOPEN AMENITIES (JASON)

Persons answering "yes" to any of the below questions on the day of entry into the amenity, <u>are not permitted to enter the terrace or use the amenity features</u> and should contact their healthcare provider:

1. *Have you travelled outside of Canada in the last 14 days?*
2. *Are you experiencing any symptoms of COVID-19 (e.g., shortness of breath, cough, sore throat, or fever)?*
3. *Have you been in close contact with a person showing symptoms or tested positive for COVID-19?*
4. *Have you been in close contact with a person with acute respiratory illness who has been outside of Canada in the last 14 days?*

PROTOCOL TO REOPEN AMENITIES (JASON)

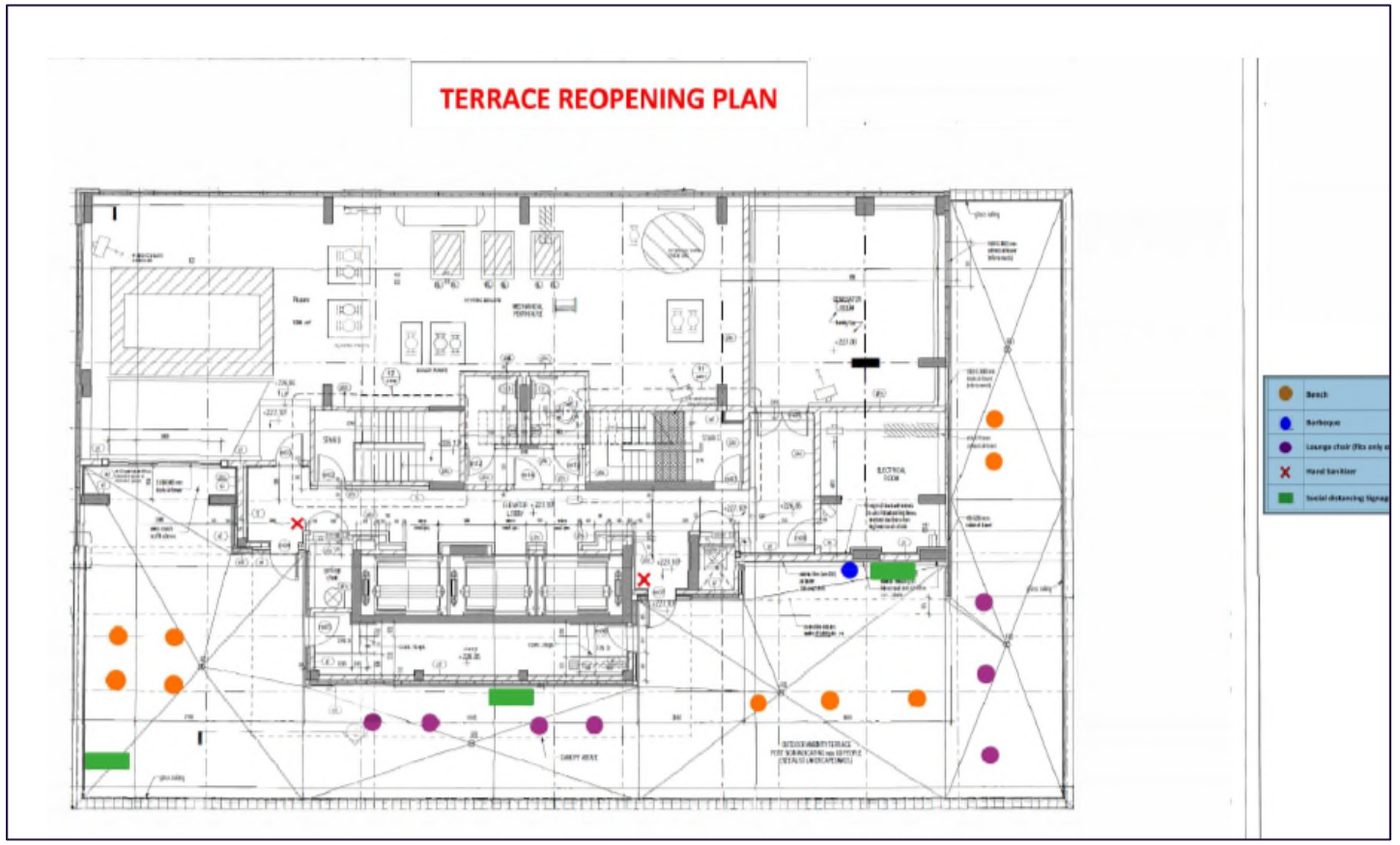
PUBLIC HEALTH NOTIFICATION

In the event that CONDO Management is contacted by public Health about a health alert, building management will utilize the information collected in the Terrace Amenity scheduling process to notify users of the amenity in the event we are directed to by Public Health. Scheduling of the amenities will require the following information: Full Name, Suite #, Emergency Cellular Contact Phone Number and date and time of booking and number of guests (including the resident making the reservation).

ONGOING SAFETY

Building Management will conduct periodic inspections of the amenity to ensure that the plan is being followed. This plan will be reviewed by building management frequently and as needed to

PROTOCOL TO REOPEN AMENITIES (JASON)



BILL 218: SUPPORTING ONTARIO'S RECOVERY ACT, 2020

(DAVID)

Put forth in October 2020:

- **2** (1) No cause of action arises against any person as a direct or indirect result of an individual being or potentially being infected with or exposed to coronavirus (COVID-19) on or after March 17, 2020 as a direct or indirect result of an act or omission of the person if,

  (a) at the relevant time, the person acted or made a good faith effort to act in accordance with,

  (i) **public health guidance** relating to coronavirus (COVID-19) that applied to the person, and

  (ii) any federal, provincial or municipal **law relating to coronavirus** (COVID-19) that applied to the person; and

  (b) the act or omission of the person does not constitute gross negligence.

PROTECTION FOR CONDO DIRECTORS?

- Those who are protected:
  - Healthcare workers and institutions; Frontline workers who serve the public everywhere from grocery stores to restaurants and retail stores; Businesses and their employees; Charities, **non-profit organizations** (which we believe would cover condo corporations); and Coaches, volunteers and minor sports associations.
- To benefit from the protection, directors and condos must make a "good faith effort" to act in accordance with:
  - public health guidance relating to COVID019; and,
  - any federal, provincial or municipal laws relating to COVID-19.
- Those not acting in compliance with such guidance (or those not making a good faith effort to act in compliance with them) may not benefit from this protection.
- **In other words, those always looking for "creative" loopholes are not likely to benefit from this protection.**

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NEXT WEBINAR

- **Next tentative webinar :**

  Wednesday, Dec. 2 @ 5pm

- **Info will posted on CondoAdviser.ca**
- **You will need to register again.**

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SEE YOU NEXT MONTH !

Wednesday, Dec. 2 at 5PM

LEADING INDUSTRY EXPERTS

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QUESTIONS?

ROD ESCAYOLA
Gowling WLG

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

KATHERINE GOW
ACMO

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

GRAEME MACPHERSON
Gowling WLG

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

DAVID PLOTKIN
Gowling WLG

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

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DENISE LASH
Lash Condo Law

dlash@lashcondolaw.com
+1 416 214-4130
@LashCondoLaw

SEAN CORNISH
Apollo Management Property

sean@apollomgt.com
613-225-7969 ext. 260

JASON REID
National Life Safety Group

Rod.escayola@gowlingwlg.com
+1 416-770-8005

JOSH MILGROM
Lash Condo Law

jmilgrom@lashcondolaw.com
+1 416-214-4133

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JUSTIN TUDOR
Keller Engineers

jtudor@kellerengineering.com
+1 613-224-1594

TRICIA Size
Gallagher Insurance

Tricia_Size@ajg.com
+1 519-963-2004

Natalia Polis
Lash Condo

Natalia@lashcondolaw.com
+1 416 214.4135

Josée Deslongchamps
DES Services

desservices@rogers.com
+1 613-301-8570

Gowling WLG (Canada) LLP is a member of Gowling WLG, an international law firm which consists of independent and autonomous entities providing services around the world. Our structure is explained in more detail at gowlingwlg.com/legal

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