

CONDO ADVISER WEBINAR

(EPISODE 20 !!)

BACK
TO
THE FUTURE

January 13, 2021

LEADING THE INDUSTRY



SPEAKERS

Speakers	Firm
Sean Cornish (manager)	Apollo Property Management
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
Declaration of emergency (Take II)	
Reporting Obligations (Letters of instructions)	
Vaccinations in Condos	
Protections for directors who follow Public Health	
Slip and falls – new protocol	

COVID-19 UPDATE

(GRAEME)

- **New Declaration of Emergency**
- **What is the same?**
 - Masks are required in indoor common elements;
 - Indoor organized public events and social gatherings are prohibited;
 - Outdoor organized public events and social gatherings are limited to 5 people (down from 10)
 - Gyms, pools, recreational amenities must be closed;

- **What has changed?**
 - Stay-at-home order (more details coming on this today);
 - Employees who can work from home, must do so;
 - Masks are recommended outdoors (when social distancing is impossible);
 - Non-essential construction work has been restricted (further details to be released); and
 - Non-essential retail stores must open after 7AM and close no later than 8PM (this doesn't apply to groceries, pharmacies, convenience stores, gas stations, or takeout/delivery)

These measures to remain in place until at least February 11, 2021.

[Province's summary of COVID Response Framework \(as of Jan. 12\)](#)

FIRE DEVICE INSPECTION

(JASON)

Can fire prevention device inspections be delayed?

5.7.1.3 All *field devices* shall be tested on a yearly basis, except in the event that a device cannot reasonably be made accessible for safety considerations (for example, continuous process operations, energized electrical equipment, radiation, and height), the device and its location shall be recorded and identified as “inaccessible” in the remarks column of the report similar to that shown in Appendix E3.2, Individual Device Record. The last *test* date shall also be recorded in the remarks column of E3.2. Those *field devices* identified as being inaccessible as noted in the remarks column of E3.2, shall be *tested* at least once every two years.

REPORTING OBLIGATIONS

(DAVID)

Toronto's Letter of instructions (Jan. 4)

Ottawa's Letter of instructions (Dec. 18)

- Obligation to report when two « **people** » test positive w/i 14 days
- « in connexion to the workplace »
- « **Worker** »: employee, independent contractor, manager, directors, officer, owners, partner, shareholder, volunteer, student
- « **workplace** » any land, premises, location or thing at, upon, in or near which a worker works

REPORTING OBLIGATIONS

(DAVID)

- **Resources**
 - Toronto's [Reporting Letter of instructions to workplace](#) (Jan. 4)
 - To report cases: 416.338.7600
 - Ottawa's [Reporting Letter of instructions to workplace](#) (Dec. 18)
 - To report cases: 613.580.2424 ext. 26325

REPORTING OBLIGATIONS

(JASON /DENISE)

- What does it mean to employers
- What does it mean for condos
- What message to send to owners
- How to deal with information on infected owners

VACCINATION IN CONDOS

(ALL)

- Can condos require vaccination?
 - For owners?
 - For staff/employees?
- Can vaccinated owners demand access to amenities?
- Should condos get involved in immunization campaigns?

PROTECTION FOR CONDO DIRECTORS WHO FOLLOW PUBLIC HEALTH PROTOCOLS?

(DAVID)

- The *Supporting Ontario's Recovery Act, 2020* is now in effect! (Retroactive to March 17 declaration of emergency in Ontario).
- What does this do for CondoLand?
 - Targeted protection for those who are making an honest effort to follow public health guidelines and laws, including Condominium Corporations and Directors
- What do you need to do?
 - Make a **good faith and honest effort** to follow the ever-changing **public health guidelines** (federal, provincial, municipal).
- This is in addition to the protection already found in the *Condominium Act* for directors who act honestly, in good faith and who exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

SLIP AND FALL NEW PROTOCOLS?

(GRAEME)

- *Occupier's Liability Act* amendment will drastically change how “slip and fall” claims will work;
- How to bring a claim: Must provide a written notice of claim **within 60 days** of the injury to the “occupier” of the premises or the contractor who removes the snow/ice.
 - Exceptions: If the injury results in death or if a court finds there is a reasonable excuse for the delay and the defendant's ability to defend is not prejudiced.
- How is this relevant to condos?
 - The condominium is the “occupier” of all of the common elements. This means that if someone slips on the common elements, they can sue the condo if they provide the written notice within 60 days
- What to do if your condo gets a written notice?
 - Serve it on the ice/snow removal contractor without delay, ideally within the 60 day-window.
- When does this take effect?.... We don't know.

NEXT WEBINAR

- **Next webinar :**
Wednesday, Feb. 3
- **Info will posted on CondoAdviser.ca**
- **You will need to register again.**

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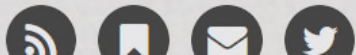
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SEE YOU NEXT MONTH !

Wednesday, FEB. 3





LEADING INDUSTRY EXPERTS



QUESTIONS?

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