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Coronavirus (COVID-19) and Condos – Meetings, Messaging and Maintenance

Concerns about coronavirus (also known as “COVID-19”) are, of course, in the forefronts of all of our minds. As the number of cases of coronavirus increase across the country, and with cases now confirmed in Eastern Ontario, we are receiving questions from our clients about what this means for the condominium industry. Questions include:

- Does the Corporation have a duty to ban gatherings in party rooms?
- Should we proceed with our Annual General Meeting?
- Do we have an obligation to provide hand sanitizers in the common areas?

For many residential condominium owners, their condominium unit is both their primary investment and more importantly, their home. So, these concerns are being expressed not only in relation to the functioning of the condominium community, but also to the potential impact on the personal comfort and safety of owners in their homes. Many condominiums are close communities, with frequent contacts between members of the community. Also, condominium communities hold meetings (and in fact are legally required to meet!). The point is



that the potential sharing of infectious agents is a key concern for all condominium communities and their Directors and Managers. They have a key role to play in this (now recognized) pandemic.

As a result, we need to turn our minds to certain key issues which will impact the day to day lives of those living in, and servicing, the condominium community.

Meetings: Formal and Informal Gatherings

We are now seeing gatherings, meetings and sporting events being cancelled to limit the spread of infection. As a result, some of our clients are struggling with whether to permit or postpone various types of gatherings onsite, such as aquafit classes, private parties or formal or social meetings of owners.

Furthermore, with AGM season upon us, questions are also arising as to whether it makes sense to postpone annual general meetings, or to consider alternative methods of conducting meetings of owners.

The Public Health Agency of Canada recently issued a guideline for risk-informed decision-making in relation to mass gatherings during the Covid-19 outbreak (read it here). While all of the criteria set out in the guideline may not be relevant to condominium corporations, the document does contain very useful information on what factors a community should consider in relation to the cancellation or postponement of a gathering. Each condominium community will need to consider whether there are risk factors which would lend themselves to a cancellation or a postponement of an AGM, such as:

- The presence of confirmed or presumptive cases of coronavirus in the community;
- The ability to arrange for social distancing in the venue of choice;
- The expected volume of attendees at the AGM; etc.



In the greater likelihood that the AGM proceeds, the document also includes risk mitigation strategies, including:

- Providing handwashing or sanitizing stations;
- Ensuring a venue that allows for social distancing;
- Allowing for virtual or live-stream attendance (in the case of condominiums, this includes participation by proxy);
- Avoiding serving refreshments via buffet;
- Staggering arrivals (i.e. at registration or voting areas), etc.

While Section 45(2) of the Condominium Act, 1998 requires that an AGM be held within 6 months of the end of the fiscal year, circumstances may arise – particularly in these challenging times – which make this impractical, unadvisable or even impossible. In such a case, we encourage Boards and management to consult with legal counsel on next steps.

Messaging: Communications to Owners

In times such as these, effective and timely communication within the community can help to provide comfort to owners that the Board of Directors (and Management) are giving these matters proper attention. Boards can consider sending an initial notice to residents along the following lines:

Your Board of Directors (and Management) is making every effort to stay apprised of the ongoing evolution of the coronavirus situation in our local and/or larger community, and its potential impact on our condominium corporation.

We are keeping apprised of any cases, or possible cases, of coronavirus in the larger community, and will do the same should any cases or possible cases develop in our condominium community. We will make every effort to keep owners apprised of all developments, of which we become aware, which may impact our community.

We will also be taking all reasonable precautions in relation to maintenance, cleaning and sanitization of the common elements to reduce the risk of infection on the premises.

In the meantime, we encourage all residents to stay apprised of general information about coronavirus, including symptoms, treatment, reporting, and general health and well-being, to refer to updated federal, provincial or municipal public health agency advisories, and to follow all recommended protocols as established by the various agencies.

We repeat the concerns and recommendations that have been expressed by so many other organizations:

- *Be sure to frequently and thoroughly wash your hands.*
- *Where possible, try to avoid large gatherings of people.*
- *Avoid handshakes. Elbow and fore-*