

## CAI Canada Advocacy Update – Closing Amenities – Ontario Condominium Corporations

CAI Canada supports legislation that keeps condominium communities safe and limits a condominium corporation's liability as common areas and amenities reopen in communities where the condominium corporation acts in good faith, in the best interests of its residents and complies with Provincial and Federal Guidelines and Regulations. CAI Canada also supports the CAO's interpretation of the recent restrictions announced by the Province of Ontario on January 5, 2022 that all indoor sports and recreational facilities and indoor recreational amenities are required to close.

The new restrictions, introduced in response to the Omicron variant, require condominiums to close their gyms, meeting or event spaces, pools, saunas, billiard rooms, and all other indoor recreational amenities. Most outdoor recreational amenities, however, are permitted to remain open. These restrictions will help limit a condominium corporation's liability and prevent the spread of COVID-19 amongst residents and service providers in condominium communities.

Reg 263/20 (amended by O. Reg 2/22) requires all facilities for indoor sports and recreational fitness activities and indoor recreational amenities to close (except for limited exceptions, such as facilities for training Olympic athletes and, subject to certain conditions, facilities used by persons with a disability). Meeting and event spaces are limited to non-condo related purposes.

The Regulations requiring closures apply to all businesses and "places" and are not therefore limited to commercial facilities. There is no carve out or exception for these facilities within condos, even if they are reserved and used by only one unit at a time.

Those condos that opened up their amenities are now required to temporarily close them to comply with the new restrictions and help limit the spread of COVID-19.

The CAO's guidance and update for condos as we revert to Step 2 of the Reopening Plan is available here: <https://www.condoauthorityontario.ca/covid-19-update-for-the-condominium-sector/>

Advocacy and Legislative Committee, CAI Canada