

# Flags on Condominium Property

Canada Day and Canada's 150th Birthday celebrations are fast approaching. As we get closer to July 1, the display of the Canadian flag and flags bearing the Canada 150 logo will be ubiquitous on both public and private properties.

Condominium boards should be aware of the condominium corporation's rights and responsibilities regarding the display of flags on the condominium property.

The *National Flag of Canada Act*, provides that every person in control of a condominium building is encouraged to allow the Canadian flag to be displayed in accordance with the Canadian flag protocol. A complete prohibition of the display of the Canadian flag on the condominium property could be a contravention of this legislation, as well as a violation of section 58 of the *Condominium Act, 1998* which provides that all condominium rules must be reasonable.

However, in order to address aesthetic and liability concerns, a condominium corporation can enact rules that govern the display of the Canadian flag on the condominium property, such as:

- limits on the size of the flag and the number of flags displayed;
- designating where flags can be displayed on the property;
- requiring that faded and tattered flags be removed; and
- requiring that flags comply with flag protocol etiquette and rules.

Note that the *National Flag of Canada Act* only applies to the display of the Canadian flag and does not create any right to display flags of other countries or sports banners and logos. The display of flags of other countries could be very controversial depending on the political climate and the ethnic makeup of the condominium residents. The display of sports banners and logos could negatively affect the uniform exterior appearance and decorum of the condominium property.

Condominium corporations should consult legal counsel to assist with drafting condominium rules regarding flags on the condominium property to ensure compliance with all legislation.