



Date: March 18, 2024

Attention: The Hon. Doug Ford, Premier of Ontario  
The Hon. Doug Downey, Attorney General of Ontario  
The Hon. Todd McCarthy, Minister of Public and Business Service Delivery

Re: **Safety and Security in Condominium Communities**

---

Gentlemen,

Further to our letters dated December 15, 2023, and January 17, 2024, we are writing on behalf of the **Association of Condominium Managers of Ontario (ACMO)**, the **Toronto & Area Chapter of the Canadian Condominium Institute (CCI-T)** and the Canadian chapter of the **Community Association Institute (CAI-C)** to present further recommendations related to safety and security in Ontario Condominiums.

Our first two recommendations, attached as Exhibits 1 and 2 to our prior letters, addressed suggested revisions to the Condominium Act.

The attached exhibit 3 is a copy of a letter we have sent to Minister Paccini, suggesting a revision to the Occupational Health and Safety Act to extend protections to condominium directors and officers in addition to workers.

We would welcome the opportunity to meet with you to discuss these important concerns.

Signed

Eric Plant, President, ACMO  
Lyndsey McNally, President, CCI-T  
Sally Thompson, Vice-President, CAI-C

Encls. Exhibit 3

cc. Marit Stiles, Leader, New Democratic Party of Ontario; Leader, Official Opposition  
Bonnie Crombie, Leader, Liberal Party of Ontario  
Mike Schreiner, Leader, Green Party of Ontario



March 18, 2024

**BY EMAIL (Minister.MLITSD@ontario.ca) REGULAR MAIL**

The Hon. David Piccini  
Minister of Labour, Immigration, Training and Skills Development  
14th Floor, 400 University Avenue  
Toronto, Ontario M7A 1T7

Minister Piccini:

**Re: Occupational Health and Safety Act  
Recommended changes to ensure protection for Directors and Officers of  
Condominium Corporations**

In recent years, and particularly since the tragic shooting at Bellaria Residences on December 18, 2022, it has become clear that the duties and protections respecting violence and harassment in Ontario Condominiums are inadequate.

More than 1.7 million Ontarians of all ages and backgrounds live in condominiums and we have a collective responsibility to foster strong communities that are safe. Condominium board directors, managers and owners are expressing very real and serious concerns about their safety and privacy rights. A growing number of board directors and officers (the vast majority of whom are unpaid volunteers) are resigning, not running for re-election, or failing to enforce condominium rules because they fear for their personal safety. It is becoming more challenging to encourage owners to volunteer to serve on their board.

We are writing on behalf of **Association of Condominium Managers of Ontario (ACMO), the Toronto and Area Chapter of the Canadian Condominium Institute (CCI-T), and the Canadian Chapter of the Community Associations Institute (CAI-C)**, as a voice for condominium corporations in Ontario, to seek your assistance in implementing additional protections, within the Occupational Health and Safety Act ("OHS") for condominium directors and officers.

As you know, the OHS is a key piece of legislation that is designed to maintain health and safety in the workplace. This legislation includes provisions to protect "workers" in the "workplace". Unfortunately, the wording and definitions in the OHS fall short of providing necessary protection for volunteer Directors and Officers of condominium corporations.

When reviewing the legislation, it is clear that the OHS applies to workers in condominium corporations. A Condominium property, or part of the property, is a "workplace" every time the Condominium Corporation hires a superintendent, a cleaner, a snow removal contractor, a landscaper, a roofing contractor, a concrete contractor, a paving contractor, an elevator contractor, etc. In other words, every time a Condominium Corporation hires someone to do work, the Condominium property contains a workplace.

While it is clear that every condominium employs workers as defined under the OHSA, there is some confusion about the specific obligations of condominium corporations. This confusion leads to gaps in protection. We explain further as follows:

### **No clear protections for directors and officers of condominiums in the OHSA.**

Currently, the protections of the OHSA apply to workers on the condominium corporation property. There is an obligation for all condominium corporations to have a policy addressing violence and harassment. However, this does not clearly extend to condominium board directors and officers.

Many condominium corporations develop their own policies that include their directors and officers in the policy. However, without legislative support (confirming directors and officers are workers under the OHSA), there is an argument that the policy wording related to directors and officers is insufficient without a condominium rule being passed. The reason being that policies, in the condominium setting, govern the actions of the Board only. In order to put a positive obligation on owners and residents to comply with the violence and harassment policy, a rule would be required. It can be difficult to pass rules, in particular when there are problematic owners in the community.

In order to provide protection for directors and officers and all members of the condominium community, there are amendments that can be made to the OHSA to enshrine protections for directors and officers and avoid allowing owners to overrule essential protections. These include:

- Amendments to the Act or passing a Regulation to include directors and officers as “workers” under some circumstances
- Specifically mandate condominium corporations as workplaces and confirm the policies that are required.
- Include a requirement that owners, residents, and guests of the condominium corporation are bound by the provisions of any violence and harassment policy. This would avoid the need for each corporation to have a rule.
- Provide regulatory support to condominium corporations to take swift action in the event that an owner, resident, guest, employee, etc. breaches a provision of the violence and harassment policy.

Our proposed wording of new regulation:

### **Occupational Health and Safety Act, R.R.O. 1990, REGULATION #TBD: CONDOMINIUM CORPORATIONS**

1. The purpose of this Regulation is to make the Act apply to condominium corporations in a manner that is consistent with the *Condominium Act, 1998*.
2. The Act applies to all condominium corporations in Ontario which shall be considered workplaces under the Act.
3. Part III.0.1 of the Act applies to all persons who are elected or appointed as directors and / or officers of the condominium corporation in accordance with the *Condominium Act, 1998* and the condominium corporation’s Declaration and By-laws.
4. The following conditions and limitations apply to the application of the Act to condominium corporations:

1. Directors and officers do not count towards the number of workers regularly employed by the condominium corporation for the purposes of Part III.0.1, Section 32.0.1(3).

Item 4 is suggested to avoid unnecessary burden on smaller condominium with five directors.

## **Lack of awareness of existing obligations under the OHSA**

There are many condominium corporations in Ontario that do not have “employees”. Condominium corporations without employees will not always be aware that the condominium is still considered a workplace, at least when there are workers on site. Additionally, some condominium corporations just don’t turn their minds to the obligations and duties under the OHSA.

Our associations can take a role in communicating these obligations to condominium corporations to help increase awareness related to the OHSA. However, we recommend that the Ministry also undertake an initiative to communicate these obligations to condominium corporations.

The above-noted initiatives will assist in making condominium communities safer and assist directors and officers in fulfilling their duties and obligations.

On behalf of ACO, CCI-T and CAI-C, thank you for considering the comments and concerns set out above with respect to the necessary changes to the OHSA.

We welcome an opportunity to meet with you to discuss these concerns and recommended changes to the legislation.

Yours truly,

Signed

Eric Plant, President, ACO  
Lyndsey McNally, President, CCI-T  
Sally Thompson, Vice-President, CAI-C

cc. The Hon. Doug Ford, Premier of Ontario  
The Hon. Doug Downey, Attorney General of Ontario  
The Hon. Todd McCarthy, Minister of Public and Business Service Delivery  
The Hon. Marit Stiles, Leader, New Democratic Party of Ontario; Leader, Official Opposition  
The Hon. Bonnie Crombie, Leader, Liberal Party of Ontario  
The Hon. Mike Schreiner, Leader, Green Party of Ontario