



Date: June 12, 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, January 17, 2024 and March 18, 2024, we are writing on behalf of the **Association of Condominium Managers of Ontario (ACMO)**, the **Toronto & Area and Eastern Ontario Chapters of the Canadian Condominium Institute (CCI)** 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.

Our third recommendation was 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. They have asked us to provide examples of violence in condominiums and we are assembling this information.

Our fourth recommendation relates to changes to the Criminal Code of Canada. We have attached a copy of a letter sent to Minister Virani, Minister of Justice and Attorney General of Canada.

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

Signed

Eric Plant, President, ACMO
Brian Antman Acting-President, CCI-T
Sally Thompson, President, CAI-C

Encls. Exhibit 4 – Letter regarding possible Criminal Code Changes

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



June 12, 2024

BY EMAIL

REGULAR MAIL

The Honourable Arif Virani
Minister of Justice and Attorney General of Canada
House of Commons
Ottawa, ON
K1A 0A6

Dear Minister,

Representing the Association of Condominium Managers of Ontario (ACMO), the Toronto and Area and Eastern Ontario Chapters of the Canadian Condominium Institute (CCI), and the Canadian Chapter of the Community Associations Institute (CAI-C), we write this letter to request tougher sentencing laws for individuals who commit violent crime, or attempt to commit violent crime, against condominium directors, officers, condominium managers and related support staff.

In recent years, particularly following the mass shooting at Bellaria Residences in Toronto on December 18, 2022, it has become evident that the current safeguards concerning violence against directors and managers within condominium settings in Canada are insufficient. With over 2 million Canadian households living in condominiums, it is our collective duty to foster safe condominium living and working environments. However, directors, condominium managers and related support staff are voicing genuine and significant apprehensions about their physical safety.

It is alarming to see a rise in incidents where condominium directors, condominium managers and related support staff are subjected to physical assault while carrying out their responsibilities. Actual, attempted or threatened violence not only jeopardizes their well-being but also undermines their ability to effectively fulfill their duties. A growing number of directors, the majority of whom are unpaid volunteers, are stepping down, declining re-election, or hesitating to enforce condominium regulations due to concerns for their personal safety from abusive residents. Encouraging owners to volunteer for board positions is more difficult under these circumstances. Many condominium managers feel equally unsafe and are leaving the profession.

Section 269.01 of the *Criminal Code of Canada* currently provides that an assault on a public transit operator is considered an "aggravating circumstance" when considering the appropriate sentence. The purpose of this provision is to provide an additional deterrent to protect transit operators while

performing their duties. This same rationale applies to those who are fulfilling their duties under various forms of condominium legislation across the country.

In considering possible amendments to section 269.01, we propose to extend the protections of 269.01 from transit operators to also include condominium directors, condominium managers and/or agents of the condominium or strata corporation.

Proposed Amendments

The Criminal Code could be changed by amending section 269.01(1) as follows (proposed additions in red):

*Aggravating circumstance — assault against a public transit operator, **condominium operator***

*269.01 (1) When a court imposes a sentence for an offence referred to in paragraph 264.1(1)(a) or any of sections 266 to 269, it shall consider as an aggravating circumstance the fact that the victim of the offence was, at the time of the commission of the offence, a public transit operator, **or a condominium operator** engaged in the performance of his or her duty.*

Definitions

(2) The following definitions apply in this section.

Condominium operator means an individual who is a member of a board of directors of a condominium corporation, a member of a strata council of a strata corporation, a condominium manager, or another individual engaged in the operation of a condominium or strata corporation.

Consideration could also be given to extending this project to all those who are assaulted during the performance of their duties, not just in a condominium setting but we have focused our attention on the condominium industry.

Tougher sentencing measures are necessary to deter acts of violence and ensure the safety of those who serve our condominium communities. By imposing stricter penalties on individuals who engage in assaults against condominium directors, officers and managers, the federal government can send a clear message that such behaviour will not be tolerated and that our criminal justice system takes these violent offenses seriously.

We seek your support in implementing additional safeguards under the *Criminal Code of Canada* for condominium directors, officers, condominium managers and related support staff. These persons have a duty to enforce provincial condominium legislation and the governing documents of the condominium corporation that they serve. A person who, through violence, interferes or attempts to interfere with someone who is discharging their duties in this regard should face an increased criminal penalty.

On behalf of ACMO, CCI-T and CAI-C, thank you for considering the amendments set out above with respect to the necessary changes to the Criminal Code.

We welcome an opportunity to meet with you to discuss these concerns and recommended changes to the *Criminal Code of Canada* to protect directors, officers, condominium managers and related support staff from coast to coast.

Yours truly, Signed

Deborah Howden, Health and Safety Committee Member
Armand Conant, Health and Safety Committee Member
Eric Plant, President, ACMO
Brian Antman, Acting-President, CCI-T
Sally Thompson, President, CAI-C

cc.

James Maloney, Parliamentary Secretary to the Minister of Justice and Attorney General of Canada
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
The Hon. Michael S. Kerzner, Solicitor General of Ontario