

PUBLICATION

COVID-19 and Your Condominium Corporation

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March 25, 2020

We, like all of you, have been inundated with communications regarding the COVID-19 pandemic. This is a trying and stressful time for everyone, and we had not planned on contributing to the mass of emails and mail-outs on the subject. We have received many questions, though, about how a Condominium Corporation should handle its affairs and what it can and cannot do in these circumstances. To assist you we will share some of our frequently asked questions. Please be aware that the answers to these questions are fluid and can change daily in this unprecedented time.

As you know, a Condominium Corporation is governed by the *Condominium Property Act*. The Corporation, through its Board, is responsible for the control, management and administration of the Corporation's Common Property, and its real and personal property. The Corporation does not have the authority to do anything or take any action that reaches beyond the authority given to it through the *Act*.

What does this mean? It means that there are limits to what the Board can do, even in light of this pandemic.

Can the Condominium Corporation bar visitors, including contractors, from attending at a particular Unit?

Remember, the Condominium Corporation governs the Common Property, but the Unit remains the property of the Owner. So long as a visitor is attending at the invitation of a Resident or Owner, the Board cannot deny them entry. Situations involving hotel or guest house type stays may be different.

The Board can ask Owners to confirm with all visitors prior to their attendance that they have not travelled in the 14-days before their attendance and have no signs or symptoms of the virus. The Condominium Corporation may also wish to post at the entrances to the building(s) and in the elevator(s) one of the signs the Alberta Government has created asking people not to enter or visit in the event they are unwell and has provided signs on [their website](#) available to download.

Can the Board make an Owner or Resident tell them if they are sick?

While the Board can ask Owners to tell them if they are symptomatic, they have no legal authority to force Owners or Residents to provide this information. Instead what the Board might wish to do is canvas Owners and

Residents to see who is able and willing to assist in providing aid to those that are required to self-isolate due to illness or as a precaution. They can then advise the Owners that in the event they are required to self-isolate, to please contact the Board and assistance will be made available to them. Please remember that if you as a Board do learn that someone is ill, you can advise the Owners that someone within the complex is symptomatic but cannot advise the Owners who that person is as releasing the name or Unit of that person would be a privacy violation.

Does the Condominium Corporation have to provide hand sanitizer?

The Condominium Corporation is obligated to make the common areas safe for residents. How this is done is up to you. You are not obligated to provide each Resident with hand sanitizer, but assuming you can find some it would be advisable to make hand sanitizer readily available in the common areas. In addition to this, the Condominium Corporation should be increasing the cleaning and sanitizing of Common Areas, and in particular anything that is frequently handled such as doors, mail boxes and elevators.

Can the Condominium Corporation close or bar access to building amenities (i.e. gyms, pools)?

Yes, as the Condominium Corporation governs the Common Property it can, and likely should, be closing all non-essential building amenities.

If a Resident is quarantined, does the Board have to arrange for their dog to be walked, their mail to be picked up or their garbage to be taken to garbage room?

The Condominium Corporation has no legal obligation to make any arrangements for someone in quarantine. On the other hand, while it isn't required it would be beneficial, and if possible should be considered. The Board may wish to canvas Owners and Residents to see who is able and willing to providing assistance to those under quarantine, and what assistance they can provide (i.e. groceries, dog walking, mail, garbage disposal). Advise the Owners that they can contact the Board in the event they are required to self-isolate.

Can the Board force someone to self-isolate?

No, the Condominium Corporation does not have the legal authority to force someone to self-isolate. You can encourage someone to self-isolate, but in the event they refuse, there is no recourse.

We at McLeod Law hope all of you, your loved ones and friends remain healthy and safe. We are available to assist you, and are happy to help. Please take care of yourselves and we'll be seeing you again when we come out of this on the other side.

Please remember that we are by no means authorities on the COVID-19 virus, and under no circumstances should anything we say be construed as us telling anyone to seek, or not seek, medical attention. Additionally, as with all of the content provided on our website and through social media, this document is provided for general information. It is not to be construed as formal legal advice under retainer or to be relied upon as advice for any particular purpose by any person or organization. Please contact our office or other qualified legal counsel if you require assistance with any particular legal matter.