



## **Revised Mask Policy (October 23, 2020)**

### **In interior common areas**

#### **OCSCC 696 and OCSCC 711 (the “Corporation”)**

#### **PREAMBLE**

**A. WHEREAS** COVID-19 is a disease that is communicable from person to person in close contact, primarily through respiratory droplets that are released through the nose and mouth and whereas it carries the risk of serious complications such as pneumonia and respiratory failure and may cause prolonged illness or death, especially in the most vulnerable and those with underlying health issues;

**B. WHEREAS** on March 11, 2020, the World Health Organization declared the spread of COVID-19 to be a pandemic;

**C. WHEREAS** since March 17, 2020, the Province of Ontario and many municipalities, including Ottawa, have declared an emergency and have since passed numerous orders in council, regulations, directives, by-laws and policies to reduce the risk of community infection;

**D. WHEREAS** on July 15, 2020, the City of Ottawa passed a temporary by-law mandating the wearing of masks or face covering while in Enclosed Public Spaces and whereas this by-law was amended on August 26, 2020 to make masks mandatory in condominiums’ interior common areas;

**E. WHEREAS** on August 2, 2020, the province of Ontario amended its regulation O. Reg. 364/20 adopted pursuant to the *Reopening Ontario Act* to mandate face masks while on condominium interior common elements in certain circumstances;

#### **F. WHEREAS:**

**a.** pursuant to the *Condominium Act* (the “Act”), the Corporation is mandated, through its board of directors, to control, manage and administer the common elements and has an obligation to ensure that no person permits a condition to exist or carries on an activity in the common elements that is likely to cause injury to an individual;

**b.** pursuant to the *Act* and the *Occupiers Liability Act*, the Corporation must take reasonable steps to ensure the reasonable safety of those entering the premises;

**c.** pursuant to the *Occupational Health and Safety Act* (“OHS”), the Corporation has an obligation to maintain a safe and healthy workplace and to take all necessary precautions to protect those who work on the Corporation’s property

**G. WHEREAS** COVID-19 continues to be transmitted in Ottawa, leaving the population, and the residents of this Corporation, susceptible to this infection, especially as more businesses and services reopen in the Province and city;

**H. WHEREAS** the temporary mandatory requirement to wear masks while in enclosed common areas is deemed to be a reasonable, practicable and effective method of limiting the spread of COVID-19 for the health, safety and well-being of the Corporation’s residents;

**THEREFORE** the Board of Directors of the Corporation adopts the following temporary Policy:

## ***Mandatory wearing of mask***

1. No one is permitted to enter or remain in any enclosed interior common areas at the Corporation unless that person is wearing a mask or face covering as defined in this Policy;
2. The mask shall be a cloth (medical or non-medical) mask, balaclava, bandana, scarf or other similar item that securely covers the mouth, nose, and chin, and that is in contact with the surrounding face without gapping (hereinafter, “Mask”);
3. In this Policy, “Enclosed Common Areas” include, but are not limited to, the vestibules, lobbies, hallways, interior staircases, elevators, fitness room, amenity/meeting or party room, parking garage, and any other interior common use facilities, including any interior shared facilities, but does not include the units (as defined in the Declaration), exclusive use balconies or terraces or other exclusive use common elements, or exterior common elements (hereinafter, “Enclosed Common Areas”);
4. Owners and residents are required to ensure that all occupants, invitees, guests, agents, visitors, contractors and any other persons who may be present on the Corporation’s property in connection with such owner or resident’s unit comply with this Mask Policy.

## ***Exemptions***

5. This Policy does not apply to:
  - a. Children younger than two (2) years of age, or children who are under five (5) years of age chronologically or developmentally and who refuses to wear a Mask and cannot be persuaded to do so by their caregiver;
  - b. A person with a medical condition, including breathing or cognitive difficulties, or a disability that prevents them from safely putting on, removing or wearing a Mask, or from doing so without the assistance of another person; and,
  - c. Persons who are reasonably accommodated by not wearing a Mask or face covering in accordance with the *Ontario Human Rights Code* or the *Accessibility for Ontarians with Disabilities Act*.
6. No person shall be required to provide proof of any of the exemptions set out in paragraph 5 above.
7. It is permitted to temporarily remove the Mask where necessary for the purpose of:
  - a. actively engaging in an athletic or fitness activity while in the fitness room; or,
  - b. an emergency or medical purpose.

8. Employees and agents of the Corporation are exempt from this Policy while:
  - a. Within an area designated for them and not for public access such as (but not limited to) the office, storage rooms, mechanical rooms or meeting room, unless they are providing a service, assisting or interacting with residents, visitors or members of the public, or
  - b. While within or behind a physical barrier preventing the transmission of the virus.

Employees and agents shall wear a Mask or face covering while working in an Enclosed Common Area where they are exposed to, or at risk of being exposed to, members of the public, including owners and residents.

9. The Board of Directors may, from time to time, designate certain portions of the common elements as locations in which persons are exempt from the requirement to wear a Mask, so long as said portion of the common elements is not available for public access.

### ***Signage***

10. During the effective period of this Mask Policy, signage will be posted by the entrances of our premises advising of this Mask Policy, the City of Ottawa's By-law, and their requirements.

### ***Hand Cleaning Stations***

11. During the effective period of this Mask Policy, alcohol-based hand sanitizing stations will be made available at all entrances of the premises.

### ***Enforcement***

12. Every individual on the Corporation's property has a right to an environment that is reasonably safe. The failure to wear a Mask as required by this Mask Policy exposes others present on the property to risks deemed unacceptable and unnecessary by the Corporation.
13. In the implementation of this Mask Policy, the Corporation relies on the good faith of its owners and occupants and on their sense of civic duty and collective desire to look after one another's health and well-being.
14. Deliberate, serious and/or repeated breaches to this Mask Policy constitutes a breach of Ottawa's Municipal By-laws No. 2020-186 as amended, which may result in a fine as provided for in the *Provincial Offences Act* and will be treated as a breach to section 117 of the *Condominium Act*, which prohibits anyone from permitting a condition to exist or an activity to be carried that is likely to cause injury to an individual. Such breach may result in enforcement steps being taken by the Corporation, the cost of which may be charged back to, and collected from, the unit associated with the person in breach of the Policy.



15. Occupants are not expected to “police” one another or to enforce this Policy but may relay to management any concerns they have with respect to this Policy or its enforcement.

***Effective Period***

16. This Policy is in effect as of October 26, 2020 and will stay in effect until the Board deems it safe to repeal.

Dated October 23, 2020.