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## Condo Smarts

Headline: Condo COVID updates revisited

Topic: COVID-19

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Written by: Tony Gioventu

**Dear Tony:** Our strata corporation has chosen to leave our pool and our exercise room open for the use of residents in our building. Many of our owners are concerned about the risks of spreading the virus and pressuring our strata council to rethink this option. To manage the openings, the strata council are requiring anyone who is using the facilities to sign a waiver; however, they are not monitoring the use of the facilities other than a voluntary sign in sheet, and the council have taken the position that the waiver has indemnified the corporation from all liability or responsibility. If it was this simple wouldn't everyone just be asked to sign a waiver? We are deeply concerned our residents are at risk, and we are concerned our council misunderstands the application of a waiver.

*Vanessa R.T. Surrey*

**Dear Vanessa:** In addition to the orders from the medical health officers, the increased risk of spreading the virus, and the *Indoor Individual Exercise Requirements*, issued by the BC Centre for Disease Control on March 31, there is a significant amount of confusion in residential communities over what orders apply and how the facilities are managed. There is also a decision from the Civil Resolution Tribunal that without an order from an authority, a strata corporation requires a 3/4 vote at a general meeting to shut down a facility as it would constitute a significant change in the use or appearance of common property or a common asset. Compound this with strata corporations feeling comfortable because they have liability waivers, and we have conflicting practices across the province.

What's the best solution? Establish best practices for your corporation to ensure the health and safety of your residents. While strata corporations may apply the use of liability waivers, the waiver may indemnify the

corporation, but it does not discharge the strata corporation from complying with any health orders; including its obligations to properly staff the facilities, closely monitor and record the users and activities, maintain the best standards possible for janitorial and sanitization, and prevent gatherings or overlapping activity that could increase the risk of the virus spreading. WorkSafe BC protocols also apply for any staff who are managing and interacting in the facilities with any of your residents.

At this time, it is critical that operational maintenance to common areas such as lobbies, elevators, hallways, waste facilities, and the mechanical systems that are designed to provide a routine delivery of fresh air and pressurization within multi story buildings are maintained at their highest levels. Make up air systems are designed to pressurize hallways and prevent vehicle exhaust from travelling up elevator shafts, reduce the risk of smells or smoke migrating between strata units, and introduce fresh air throughout the building. They are only effective if they are operational and the filters should be changed on a routine schedule, monthly or quarterly.

Community education often has the best effect. Distribute posters reminding everyone to wear a mask, wash their hands, don't gather in groups, and stay isolated if they have symptoms, tested positive for COVID-19, been in contact with someone who has tested positive or has travelled outside the country in the last 14 days. It is too easy to become complacent when the impact of COVID-19 is not close to home. CHOA has posted a number of updated guides and publications to the web site this week that identify these issues and orders. Go to [www.choa.ca.ca](http://www.choa.ca.ca) and click on COVID-19 updates.