



COVER STORY

Get Ready for LCBO Home Delivery

Are We Exposing Ourselves to Liability by Accepting Deliveries of Alcohol?



For many condo dwellers, one of the most desirable condo amenities is 24/7 concierge service. Whether you've misplaced your key, want to book the movie room, have guests visiting, or just want a friendly smile as you come and go, a concierge provides a level of convenience second to none.

And who can forget about all the packages your concierge accepts on your behalf, storing it away in the (likely undersized) mailroom until you arrive home.

There's something exciting about being notified that a package is waiting for you at concierge. Perhaps it's the nostalgic feeling you get when you receive an unknown box, like a present on your birthday or Christmas morning. Maybe you're just relieved you don't need to leave work early to go to the post office because you weren't home between the hours of 8:00 a.m. and 6:00 p.m. for the delivery. Whatever the reason, it's great to be able to arrive home

to your package waiting for you.

While many condos accept deliveries on behalf of residents, for a variety of reasons, some have made it policy not to accept any parcels, and others are somewhere in between, limiting the type (perishable vs. non-perishable), quantity, or size of parcels that would be accepted for residents.

Enter LCBO's home delivery service. And – right on cue – a lawyer suggesting the Corporation may be exposing itself to liability by accepting deliveries of alcohol.

Home Delivery

LCBO's e-commerce website permits anyone who confirms they are over the age of 19 to place an order for delivery of alcohol. Canada Post then delivers the shipment, typically within two to four days. Where there is no concierge, or if the concierge does not accept deliveries for residents, Canada Post will attempt delivery to the

resident's door, failing which, they will leave a note for the resident to pick up the package at the nearest Canada Post location. Conversely, where deliveries are accepted by concierge, Canada Post will leave the delivery with the concierge on duty.

Similar to the cashiers at the LCBO, Canada Post will not deliver LCBO shipments to individuals (residents or concierge) who appear to be under the age of 25 without confirming their age. Shipments will also not be delivered to individuals who appear intoxicated.

Boards are always looking for ways to improve the condo and the residents' experience, particularly measures which can be undertaken for little or no cost. The convenience afforded by accepting LCBO packages might just be another to add to the list. But before your mailroom starts looking more like your neighbourhood pub than a storage room, the following potential

ILLUSTRATION BY STEVEN GUARNACCIA

drawbacks and issues should be considered.

Supplying Alcohol to Minors

Ontario's *Liquor License Act* makes it an offence to knowingly supply liquor to a person under the age of 19. If a corporation's concierge staff supplied alcohol to a minor, the potential liability and repercussions could be significant.

Concierge staff are not ordinarily in the business of checking or verifying the identification of residents. Staff should be educated on the relevant portions of the *Liquor License Act* to ensure that all laws with respect to distribution of alcohol are complied with, if the corporation wishes to accept alcohol delivery on behalf of residents.

The corporation should advise residents picking up alcohol to always expect to show identification to the staff to confirm they are legal drinking age. Staff should receive training on identification requirements and should not feel embarrassed or hesitant to request identification. When in doubt, staff should request identification.

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The corporation may consider a policy where, regardless of age or frequency within which residents receive alcohol shipments, residents are required to produce identification. This takes any guesswork out of the legal drinking age requirement, and reduces the likelihood that the concierge will distribute alcohol to minors. A zero tolerance policy with respect to alcohol distribution to minors and appropriate disciplinary measures should be implemented in the event of a breach.

In addition, a detailed log, noting the date,

time, name, and age of the recipient could be kept by concierge for future reference by the Corporation, in the event an issue or dispute arose with respect to the concierge providing alcohol to a resident. This type of log could also raise privacy implications for the Corporation, which could be proactively dealt with through implementing a privacy policy.

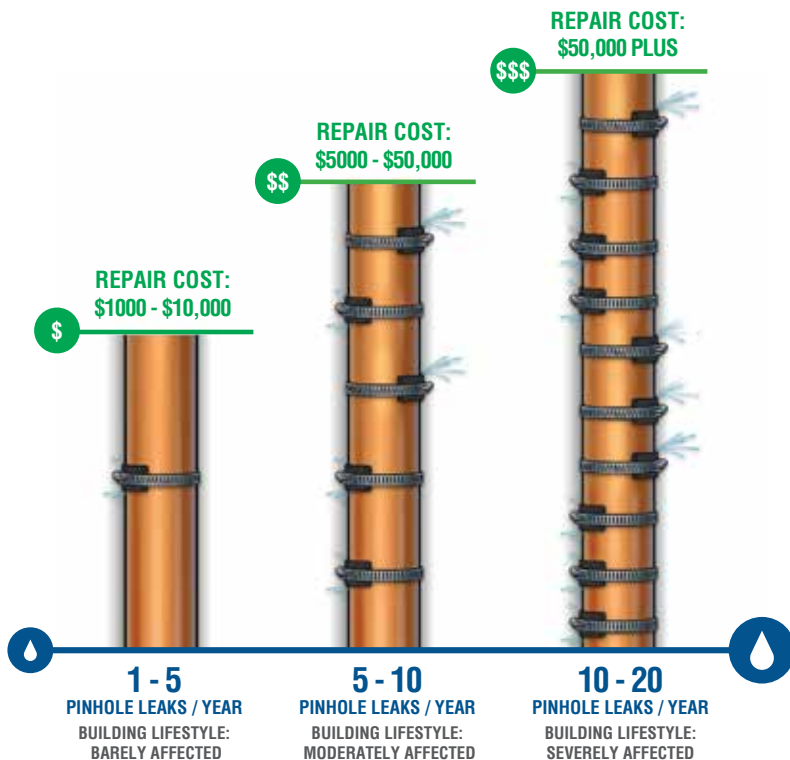
Training

Corporations that decide to accept alcohol shipments should implement strict policies and procedures for their staff.

Policies with respect to storage practices, record keeping, and training with respect to safe weight lifting restrictions in accordance with the *Occupational Health and Safety Act*, are matters with which all guards should become familiar, in addition to policies with respect to identification requirements.

Staff should receive training and be familiar with the Corporation's policies to ensure compliance, consistency, and reduce the chances of liability. The necessary training must also be provided to temporary or fill-

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in concierges who work at the corporation. Despite a condo's best intention, even the most careful and highly trained staff can create a situation where the Corporation is exposed to some liability. These practices will help mitigate risks to the Corporation of an incident and potential liability.

Space

Space is often at a premium in condos. For many condos, mailrooms were constructed prior to the proliferation of online ordering. Generally designed for envelopes or small parcels, mailrooms are now home to sometimes dozens of shipments a day, from farm-fresh produce in an insulated bag, to china from your gift registry, to your monthly subscription to a sock club, and everything in between. There is often just not enough space in the mailroom to accept all of these deliveries, which has led many condos to introduce size or weight restrictions for deliveries they will accept.

Whether a few cases of that new Vintages Pinot Noir on sale can fit in the mailroom is something the Corporation will have to consider. Similarly, policies outlining the length of time that a resident has to retrieve the shipment could be established, as well as what the Corporation will do with abandoned shipments.

Contracted Companies

Instead of liability falling squarely on the Corporation where the Corporation employs the concierge, in situations where concierges are supplied by a contracted company, that company would also attract potential liability. As such, the contracted company may have or introduce its own policies with respect to alcohol deliveries. The Corporation should discuss these policies with the company to determine how to work together to best service the Corporation's needs.

Practices, procedures, as well as the contractual arrangements between the Corporation and the contracted company can help determine an appropriate allocation of responsibility in the event of liability.

Theft or Loss

One of the problems corporations face when accepting deliveries for residents is theft, misplacing packages or mixing up deliveries.

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Whether through human error, theft, or otherwise, there are times when a package goes missing, is misplaced or becomes damaged. Who takes the blame? The board, management, concierge? All of them? Before you know it, you receive a letter from a disgruntled resident, or worse; you're all in small claims court fighting over the missing package.

One way to mitigate this risk is to have all residents who wish to have parcels accepted on their behalf sign waivers, releasing the board, management and concierge from liability in the event of loss or error. While the waiver may not completely absolve the parties from liability, it can help protect the Corporation and limit potential liability.

A Corporation's mail or storage room should be protected from unauthorized entry. The introduction of alcohol into these rooms demands an even higher level of protection and caution.


The shipments from the LCBO will be clearly marked as coming from the LCBO. With just a short time in an unlocked and unattended mailroom, an unauthorized individual would easily be able to locate an LCBO shipment, leading to theft and potential liability, particularly if the individual is a minor. Before accepting alcohol deliveries, make sure that the storage area can be locked and that steps are implemented to ensure the concierge practices extra care in the mailroom.

Liability

There is little doubt that accepting delivery of alcohol would expose the Corporation to more liability than not accepting delivery of alcohol. The purpose of this article is not intended to advocate for or against

accepting alcohol shipments, but rather, to highlight some of the considerations for corporations in making a decision about alcohol deliveries.


In much the same that hosting a movie night or a holiday party also exposes the corporation to some liability, a condominium corporation should not necessarily shy away from a practice because doing so may expose it to potential liability. After weighing the risks, considering the level of exposure, and implementing the appropriate safeguards, many corporation activities that could have attracted liability are successfully implemented without issue.

When it comes to accepting alcohol deliveries on behalf of residents, each corporation should determine what is best for its building and its residents. 

President's Message

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important initiative for your CCI-Toronto Chapter to monitor so that we can keep you, our members, informed.

I look forward to working with many of you over the next two years as we work through all the changes our industry faces. 



Sally Thompson, M.Sc., P.Eng.



Interview: Sally Thompson

Listen to Murray Johnson interview new CCI Toronto President Sally Thompson as they discuss her goals and directions for CCI Toronto over the next two years, in this extended audio interview at www.condopodcasts.com