



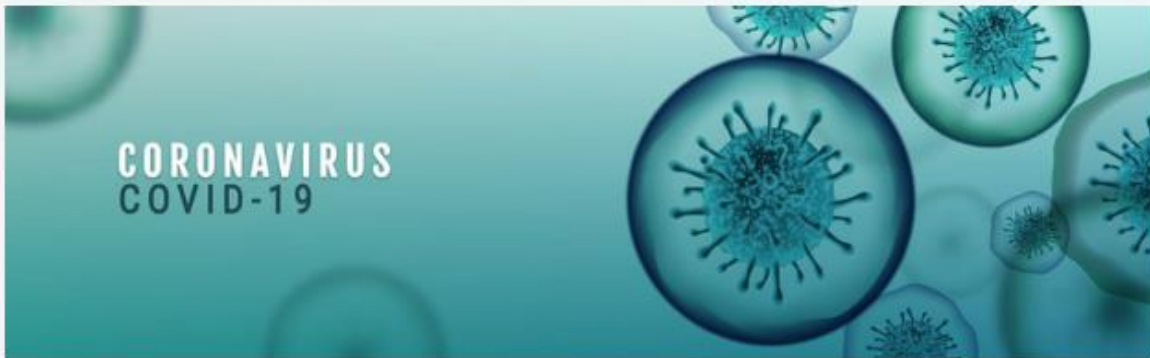
# DAVIDSON HOULE ALLEN LLP

## Condominium Law

MARCH 25, 2020 BY DHA TEAM

## COVID-19 FAQ – Issue #2: How Will Building Operations Be Affected?

By now, many will have seen the Ontario government's published list of "Essential Businesses" which will be permitted to remain open over the next 14 days and likely beyond (also check out our [previous blog post on this topic](#)). While this may provide some guidance regarding the availability of condominium management and maintenance services, we hope to answer some further questions on everyday building operations in this blog post.



### **How should deliveries to condominium buildings be handled?**

In our view, at a time like this, deliveries to residents will be extremely important. Many condominium corporations will therefore want to have a system in place for safe handling of packages/parcels arriving at the condominium building. In this regard, we offer the following option:



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Rather than having courier, Canada Post, and other delivery personnel enter the condominium building and locate specific units, all parcel deliveries could be received by a staff member (such as a concierge). The staff member could be instructed to “wipe down” each package that arrives using disinfecting wipes [please note: these wipes should not be flushed down the toilet as they can cause blockages in drainage pipes which may result in backups and floods.] and store the packages in a safe location. These packages could then be delivered by the staff member to the particular unit or retrieved by the receiving resident. The particular “recipient of parcels” should also be instructed to carefully and frequently wash his or her hands and to carefully avoid touching his or her face (while working). Also, he or she should launder his or her clothes and carefully shower or bathe when done with work. In short, this person would follow “super safe” practices. [See our previous blogs in relation to safe practices.]

Ultimately, each condominium Board will of course have to determine what is the safe and effective way for parcels to be handled in their particular condominium.

### **Should there be a list of residents who have tested positive for COVID-19 for emergency evacuations?**

In our view, it is wise to keep a list of residents who are *known to the condominium corporation* to be COVID-19 positive or awaiting test results. In our view, the corporation can request this information and the particular owners will likely cooperate.

The condominium corporation could then use this information to enhance and control safety in the condominium. For one thing, such residents may or may not require assistance during an evacuation, but maintaining such a list may nevertheless be helpful to emergency personnel who arrive on scene during such an emergency evacuation.

In addition, the corporation could work to control the movements of individuals who have tested positive for COVID-19 by severely limiting their movements on the common elements, by asking that these individuals consult with the condominium prior to any such movements, and by insisting that they follow extremely safe practices (dictated by the corporation) any time they are required to use the common elements. Among other things, these individuals may be required to follow extra safe social distancing and sanitizing any time they must use the common elements. As another option, staff or other residents may be engaged (or may volunteer) to move items (like bags of garbage or groceries) from and to the unit of the COVID-19-positive individual (to minimize the need of the COVID-19-positive individuals to be on the common elements). We stress: Even COVID-19-positive owners have a right (subject to proper restrictions imposed by the corporation) to move through the common elements in order to access and exit their units. It’s not legally possible to totally prevent this.... but it is legally proper in our view to place significant restrictions on such movements.



We want to note, as we mentioned in [COVID-19 FAQ – Issue #1](#), that residents cannot of course be *forced* to disclose whether they have tested positive. However, they can certainly be *asked* to provide this information to the condominium corporation to help in maintaining safety and hopefully preventing/slowing the transmission of the virus within the building. **Such a list and/or information regarding residents' health status should otherwise be kept confidential by the condominium corporation.**

We hope this information is useful to you. Keep checking back for more FAQ and other blog posts from us!

Stay tuned to [Condo Law News](#) to keep up to date on the latest developments in condominium law!

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