



## Strata Corporations and Covid Restrictions

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Although many of the Covid related restrictions imposed throughout the winter have now been lifted, those that remain continue to apply to strata corporations in certain situations. The remaining restrictions apply to “indoor events” such as general meetings (AGM’s and SGM’s) and events held in a common room or amenity facility. Those same requirements, however, do not apply to events held within a strata lot itself.

The current Public Health Officer Orders impose vaccination and mask requirements in certain settings. The Gathering and Events Order requires all persons 12 or older who are attending “indoor events” to be fully vaccinated (regardless of the size of the event). The Face Coverings Order requires persons 5 or older at those same events to wear a mask. It also requires masks be worn in certain amenity facilities and the common areas of commercial strata corporations.

### Meetings

If a strata corporation intends to hold an in person general meeting then, as the “organizer” of the event, it is required to ensure that only persons with a vaccine card or an exemption certificate attend the meeting. That requirement is the same whether the meeting is held at the strata corporation (other than in a strata lot) or elsewhere.

This means having someone check both the person’s identification and scan the vaccine card using the approved electronic application ([BC Vaccine Card Verifier App](#)) before allowing them entry. There is no need to record that information and given the risk of retaining it, the strata corporation should not. Those persons who do not meet the vaccine card requirement cannot be permitted entry to the meeting. They will need to give a proxy to a vaccinated person who can attend in their place (or attend electronically if that is an option).

Masks must be worn during the meeting except if the person has a health condition which renders them unable to do so. If a person wishes to remove their mask to speak, they must be at least two meters from any other attendee when speaking.

The application of these requirements to strata council meetings is unclear. Where a meeting is held within a strata lot they do not apply. For meetings held elsewhere, council members arguably fall within certain exclusions contained in the order. Persons attending an event in an “official capacity” are not considered to be a “participant” to whom the vaccine card requirements apply. Observers, however, would likely fall within the “participant” category.

### **Other Events**

Since the definition of an “event” includes gatherings “a social celebration of a significant event” and “recreational education or classes” it captures many other uses to which the common room or amenity facility might be put (i.e. a birthday party or a hobby group). As such, the vaccine card requirements would apply to those events as well.

Mask requirements apply only where the event is recreational or business in its nature.

Although the strata corporation is not the organizer of such events it remains indirectly responsible for compliance with those requirements, since the Order prohibits *allowing* a place to be used for an event except in compliance with the order. As such, steps should be taken to ensure that the owner or tenant organizing the event is taking steps to comply with the vaccine card and mask requirements.

### **Fitness Facilities, Gyms and Pools**

Where such facilities are located within a strata corporation they are exempt from the vaccine card requirements. Residents and guests can both use the facility without the need to confirm vaccination. However, there is a requirement to wear masks (except when exercising) in such facilities if they are located in a separate building (i.e. amenity building) or there are multiple users of the facility present at the same time.

### **Going Further**

A strata corporation wishing to impose its own restrictions on use or requirements for vaccination in order to access services and facilities not captured by the mandatory requirements of the Public Health Officer’s Orders should seek legal advice as there are several potentially problematic legal issues to navigate (i.e. compliance with its duties under the *Human Rights Code*, the *Personal Information Protection Act* and the *Strata Property Act*).

*This article is intended for information purposes only and should not be taken as the provision of legal advice. Shawn M. Smith is lawyer whose practice focuses on strata property law. He frequently writes and lectures for strata associations. He is a partner with the law firm of Cleveland Doan LLP and can be reached at (604)536-5002 or [shawn@clevelanddoan.com](mailto:shawn@clevelanddoan.com). He can be followed on Twitter @stratashawn.*