

Strata corporations urged to be cautious in facilities reopening

Condo gyms would need monitors to ensure distancing, hygiene

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Strata corporations can start re-opening some closed social or recreational facilities but must do so with caution under health authorities' or WorkSafeBC guidelines, a Vancouver strata lawyer says.

Gyms, pools, hot tubs and meeting or social spaces in B.C.'s 30,000-plus strata corporation buildings were impacted by health authority orders, which saw such amenities closed to contain COVID-19 spread.

And, said Clark-Wilson law firm lawyer Veronica Franco, reopening can begin but a great deal of care – some of which might stretch past the budgets of some strata corporations – must be observed.

Above all, Franco said, the duty of care to keep buildings clean remains. Touch points such as doors or elevator buttons must be kept sanitary.

And, she said, just because businesses are restarting, that doesn't mean stratas should return to normal operations.

"It's not the all-clear," she said.

And, Condominium Homeowners Association of B.C. executive director Tony Gioventu agrees.

"A very high level of caution" must be adhered to, he said, citing health and WorkSafeBC guidelines. "The same rules are going to apply in gathering places that are interactive, whether it's gyms, pools or meeting spaces."

Franco said the Fraser, Interior and Vancouver Island health authorities ordered gyms and other recreation facilities closed. That extended to stratas, she said.

While Vancouver Coastal Health issued no such order, the City of Vancouver did, Franco said.

Effective May 19, Fraser Health announced a change in its order on indoor gyms and fitness facilities, saying any reopening must involve development of a plan following safety measures laid out by the provincial health officer and WorkSafeBC.

However, guidelines require physical distancing, equipment disinfectant and a staff member to monitor activities. And that might hamper strata corporations.

Franco said having a person on hand to monitor a facility might not be feasible given the cost. Further, she said, some owners might oppose such an expenditure given their own financial circumstances as a result of the pandemic.

“It’s not going to be cheap to have someone watch the facility,” she said. “A lot of strata corporations are trying to control expenses.”

The issue of council and annual general meetings has also been a concern due to the inability of people to gather for such purposes.

Many have had to be put off until gatherings are possible. As well, the aversion to technology or lack of computers may disenfranchise some owners, Franco explained.

“There’s lots of people who are uncomfortable with that,” Franco said of electronic meeting options.

Both Franco and Gioventu said stratas also have a duty of care to contractors or employees to ensure workplaces are safe.

Gioventu said if working conditions were not thought safe, WorkSafeBC would treat concerns of employees or contractors in the same way when dealing with strata corporations.

“You’re an employer, so you have certain workplace obligations,” Gioventu said.

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Opening of Winterra’s amenities will be discussed at the next council meeting, June 8thposted in the minutes.