Toronto Standard Condominium Corporation No. 2322 (the "Corporation")

COVID-19 Temporary Mask Policy (the "Mask Policy")

1. Background, Rationale, and Authority

The Corporation is committed to complying with its obligations to keep its property safe and to take steps to help protect the health, safety, and well-being of its residents, guests, services providers, and other persons on the Corporation's property.

COVID-19 has been declared a pandemic by the World Health Organization. COVID-19 is readily communicable from person to person and carries a risk of serious complications such as pneumonia or respiratory failure, and may result in death.

The City of Toronto (the "**City**") has passed a by-law requiring the wearing of masks or other face coverings within enclosed public spaces and within "Enclosed Common Areas" of condominium buildings (the "**Bylaw**") to protect the health, safety and well-being of persons and the economic, social and environmental well-being of the City.

The City has deemed it necessary for establishments and condominium corporations to implement measures to better prevent the spread of COVID-19 within enclosed public spaces and Enclosed Common Areas, as it is difficult to maintain physical distancing in these areas. The Bylaw requires establishments and condominium corporations that have enclosed public spaces or Enclosed Common Areas adopt a policy to ensure that persons wear a mask or face covering, as it has been determined by the City to be a necessary, recognized, practicable and effective method to limit the spread of COVID-19, thereby helping to protect the health, safety, and well-being of the residents of the City.

The Corporation has the obligation to ensure that its property is reasonably safe:

- Pursuant to section 17(2) of the *Condominium Act, 1998* (the "**Act**"), the Corporation has a duty to control, manage and administer the common elements of the Corporation;
- Pursuant to section 26 of the Act, the Corporation is deemed to be the occupier of the common elements for the purpose of determining liability resulting from a breach of the duties of an occupier of land;
- Pursuant to section 117 and section 119 of the Act, the Corporation has an obligation to ensure that no person permits a condition to exist or carries on an activity in the common elements that is likely to cause injury to an individual; and
- Pursuant to the *Occupational Health and Safety Act* ("**OHSA**"), the Corporation has an obligation to maintain a safe and healthy workplace and take all necessary precautions to protect those who work on the Corporation's property.

In accordance with its authority and obligations under the By-law, Act, OHSA, and the Corporation's governing documents, the Corporation has adopted this policy by resolution of the Board of Directors.

2. Definitions

"**Mask**" means a mask, balaclava, bandana, scarf, cloth or other similar item that covers the nose, mouth and chin without gapping.

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"**Enclosed Common Area**" means the lobby, elevator, stairs, parking garage, and any other communal interior common elements or amenity areas in the Corporation.

3. Requirement to Wear Mask and Obligations of Owners

All persons present in an Enclosed Common Area are required to wear a Mask, at all times, except as otherwise provided in this Policy.

Owners and residents are required to ensure that all occupants, invitees, guests, agents, and any other persons who may be present on the Corporation's property in connection with such owner or resident's unit comply with this Mask Policy.

Masks are not required to be worn while on the exterior common elements or exclusive use common elements.

Temporary removal of a Mask is permissible only where necessary for the purpose of engaging in an athletic or fitness activity in the amenity areas, and only in accordance with any conditions or requirements established by the Corporation, from time to time.

4. Exemptions

Notwithstanding Section 3 of this Mask Policy, the following individuals are exempt from the requirement to wear a Mask:

(i) children under two years of age;
(ii) persons with an underlying medical condition which inhibits their ability to wear a Mask;
(iii) persons who are unable to place or remove a Mask without assistance;
(iv) employees and agents of the Corporation within an area designated for them and not for public access, or within or behind a physical barrier; and
(v) persons who are reasonably accommodated by not wearing a Mask in accordance with the Ontario Human Rights Code.

5. Enforcement and Costs

The Corporation is optimistic that the existence of this Mask Policy will help to educate those who access its property about the importance of a properly worn Mask and that enforcement steps will not be necessary to elicit compliance.

Any person who fails to wear a Mask as required by this Mask Policy is exposing others present on the property to risks deemed unacceptable and unnecessary by the Corporation. Every individual on the Corporation's property has a right to an environment that is reasonably safe.

In accordance with its obligations under the By-law, Act, and OHSA referred to in Section 1 of this Mask Policy, any owner (and tenant, if applicable) who fails to comply with this Mask Policy will be subject to enforcement steps by the Corporation. These enforcement steps may include, but are not limited to: warning letters from the Corporation, compliance letters from legal counsel, and, where repeated and/or flagrant breaches occur, a compliance application against the offending owner (and tenant, if applicable).

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All costs incurred by the Corporation by reason of a breach of this Mask Policy by any owner, including legal costs, will be charged back to the unit and may be recovered by the Corporation against such owner in the same manner as common expenses.

6. Effective Date

This Mask Policy shall be effective on July 31, 2020, and shall be in effect until revoked by a resolution of the Board of Directors, upon consideration of the guidance of public health officials.

7. Signage

During the effective period of this Mask Policy, signage will be posted at all entrances to the building containing the following text (or text that is substantially similar):

> *All persons entering or remaining in enclosed common areas on these premises shall wear a mask or face covering which covers the nose, mouth and chin as required under City of Toronto By-law 541-2020.*

8. Training

Service providers who work at the Corporation will be trained in the requirements of this policy and the Bylaw.

9. Contact

Any questions about this policy may be addressed to the Condominium Manager.

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