



CAO Anti-Harassment Rule Sample

Provided by the Condominium Authority of Ontario for Promoting Safe & Respectful Condo Communities

Disclaimer

In keeping with the CAO's goals of improving condo living and supporting healthy condo communities across Ontario, this Anti-Harassment Rule sample has been drafted for consideration by condo corporations to include in the corporation's Rules.

The attached rule sample has been designed to support condo corporations in Ontario with establishing clear, consistent, and transparent processes for addressing the prevention, preparedness, and response to harassment in their condo community.

The CAO recognizes that each condo community is unique and may already have provisions within its existing rules on this matter. As such, the Board should consult with their legal counsel to carefully consider any revisions to existing rules and to ensure that the appropriate protocol set out in the *Condominium Act, 1998* is followed for passing and implementing any new or revised rules.

The CAO welcomes any feedback to further refine and improve the rule sample so that it can be used to support condo communities across Ontario.

<CONDOMINIUM CORPORATION NAME>

(the “Corporation”)

ANTI-HARASSMENT RULE

This Rule is made under section 58(1) of the *Condominium Act, 1998*, R.S.O. 1990, c. C.19, and its Regulations, as same may be amended from time to time (the “Act”) for the purpose of promoting the safety, security and welfare of the owners and of the property and assets of the Corporation and to prevent the unreasonable interference with the use and enjoyment of the units, the common elements or the assets, if any, of the Corporation.

Definitions

For the purpose of this Rule, reference should be made to the following defined terms:

Harassment means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome or offensive, abusive, threatening or intimidating, whether verbal or physical, including, without limitation, bullying, discrimination or sexual harassment, as further defined below.

Examples of harassment may include, but are not limited to:

- Bullying, pranks, vandalism, hazing or aggressive behaviour;
- Demeaning or abusive supervision, communication or instruction;
- Offensive or intimidating communications of any nature whether in person, by telephone call, email, text, post, blog or other social media communication;
- Offensive, intimidating, or verbally abusive comment, jokes or behaviour that disparages or ridicules any particular individual or group, or an individual’s membership or perceived membership in one of the protected grounds under the Ontario Human Rights Code, R.S.O. 1990, c H. 19 (the “Code”); and
- Sexual advance, touch or demand that the recipient does not welcome or has not consented to receive.

Bullying is defined for the purposes of this Rule as any inappropriate act or comment by an individual who knew or reasonably ought to have known that it would harm, humiliate, intimidate or isolate another individual.

Discrimination is defined for the purposes of this Rule as any form of unequal treatment based on a protected ground under the Code.

Protected grounds are defined in the Code, and for purposes of this Rule, shall include:

- Race;
- Ancestry;
- Place of origin;
- Colour;
- Ethnic origin;
- Citizenship;
- Creed;
- Sex;
- Sexual orientation;
- Gender identity;
- Gender expression;
- Age;
- Record of offences;
- Marital status;
- Family status; and
- Disability.

Sexual harassment means any comment or conduct that would constitute harassment based on the sex, sexual orientation, gender identity or gender expression of an individual by another individual.

Dangerous activity means any activity or conduct that is likely to damage the Condominium property or cause injury or illness to an individual residing or working within the Condominium community.

Rule Provisions

1. Each owner, resident, Board member, officer, employee, or service provider of the Condominium has a right to freedom from harassment, and each owner has the right to peaceful enjoyment of his or her dwelling and the shared use and enjoyment of the common elements of the Condominium, subject to the Rules of the Corporation and the Act.
2. Pursuant to section 117(1) of the Act, no person shall cause any condition to exist or activity to take place within a unit or the common elements or assets of the Corporation if the condition or activity is likely to cause damage to the Corporation's property or assets or illness or injury to an individual.

3. Pursuant to section 117(2) of the Act, no person shall carry on or permit any activity within a unit or the common elements or assets of the Corporation that results in any nuisance, annoyance or disruption to an individual in a unit or the common elements or assets of the Corporation.
4. For the purposes of this Rule, any conduct that meets the definition of harassment above may be considered a nuisance, annoyance or disruption.
5. Each owner, resident, Board member, officer, employee or service provider of the Condominium acting alone or in concert with others, shall ensure that when interacting with any other resident, Board member, officer, employee or service provider for the Condominium, that the owner, resident, Board member, officer, employee or service provider does not (a) engage in any form of harassment as defined herein, and/or (b) permit any dangerous activity within a unit or the common elements that is likely to cause damage to property or injury or illness to an individual.
6. Residents are encouraged to report any suspected, threatened, attempted, or actual incident of harassment or dangerous activity by immediately notifying the Board of Directors or the condominium manager on a confidential basis by filing a complaint under this Rule.
7. Upon receipt of a complaint under this Rule, the Board of Directors for the Corporation shall undertake an initial assessment of the complaint and where the Board deems it necessary, take reasonable action to investigate the complaint having regard to the safety and security of the residents and to prevent the unreasonable interference with the use and enjoyment of the units, the common elements or the assets, if any, of the Corporation and to enforce this Rule. Depending on the gravity of the situation, the Corporation may contact any authority having jurisdiction in order to promote the safety and security of the individual and the Condominium property.
8. The Corporation shall ensure that any investigation process it undertakes is conducted in a fair and timely manner while at all times taking all reasonable steps to respect the privacy of all parties involved, subject to governing laws of Ontario and Canada.
9. No individual filing a complaint under this Rule shall be subject to retaliation or reprisal in any manner for reporting an incident or for participating in an investigation under this Rule.

10. In undertaking an initial assessment or an investigation, and except in an urgent situation involving the safety and security of an individual or the Condominium property, the Board shall follow the protocol set out in this Rule to ensure that all parties involved are treated fairly and reasonably by the Board through the investigation process.
11. Investigations by the Board under this Rule may include, but are not limited to, reviewing any documentation or physical evidence, speaking with the parties involved and/or any other parties having direct knowledge of the incident, and consulting with, notifying and/or securing advice or direction from appropriate professionals and/or any government authority having jurisdiction.
12. At the conclusion of the Corporation's investigation, the Corporation's Board shall issue a report on the matter which will be filed as a confidential record of the Corporation and shared with the parties directly involved on a confidential basis.
13. The Board may also, if it deems advisable, at any time during the process, contact, consult or engage any government authority having jurisdiction, in order to ensure the safety and security of the individual or the Corporation's property.
14. Where the Board determines after investigation that it requires specific corrective action by an individual or group in order to comply with this Rule, the Board shall provide written direction directly to that individual or group on any corrective action to be taken or implemented.
15. The investigation by the Board of an incident under paragraph 3 above shall follow the protocol set out below, except in the case of an urgent situation that requires immediate action to protect the safety and security of an individual or the Corporation's property or assets:
 - a. First incident: following an investigation by the Board, a written report, which may include direction from third party or parties advising the Board, from the Corporation's Board setting out the specific provision(s) of this Rule that has or have been violated shall be delivered personally to the offending individual which shall include the steps required and timing within which to comply with this Rule.
 - b. Second or continuing first incident: following a further investigation by the Board, a written report setting out the specific provision(s) of this Rule that have been or continue to be violated shall be delivered personally to the offending individual along with a demand for compliance from the Corporation's legal counsel which shall include the steps required and timing within which to comply with this Rule.

- c. For any further incidents of harassment involving the same offending individual, the Board shall consult with its legal counsel and shall be entitled to take all legal steps available to it to enforce compliance with this Rule by the offending individual, including, but not limited to, filing an application with the Condominium Authority Tribunal and/or a court of law.
16. In order to secure the safety and security of the parties involved, the Corporation may, at its discretion, provide any information or file any report it deems advisable in connection with the complaint with external authorities having jurisdiction, including, but not limited to, the Workplace Safety and Insurance Board, the Province of Ontario, emergency health services and/or the police.
17. In accordance with section 55 (4) of the Act, the Corporation shall take all reasonable steps to protect the privacy of all parties involved and the record of the investigation with all information in the possession or control of the Corporation related thereto shall be kept confidential to the parties involved, except if disclosure of same is required by law or to seek legal or other professional advice or assistance to the Board.
18. Corporation shall periodically review and amend this Rule as necessary to ensure consistency with the evolving needs of the community and any changes in applicable laws and regulations.
19. This Rule, and any steps taken by the Board in engaging any external authority having jurisdiction, is expressly made to ensure the safety and security of the owners, residents, Board members, officers, employees and service providers of the Condominium community and to prevent the unreasonable interference with the use and enjoyment of the units, the common elements or the assets, if any, of the Corporation. This Rule is not intended to and shall not be interpreted to relieve the individual complainant or any party involved of their obligation or responsibility, where applicable or advisable, to report a crime or potential crime or other emergency to an appropriate authority.

SCHEDULE A: ANTI-HARASSMENT INCIDENT REPORT SAMPLE

<CONDOMINIUM CORPORATION NAME> INCIDENT REPORT

Report Received by: Name: _____ Title: _____

Date Report Received (YYYY-MM-DD): _____

Time Report Received (HH:MM): _____ AM PM

COMPLAINANT INFORMATION					
Name					
First Name			Last Name		
Address					
Street		Unit/Suite	City	Province	Postal Code
Phone		Cell		Work	
Home		Cell		Work	
Role <input type="checkbox"/> Owner <input type="checkbox"/> Resident / Tenant <input type="checkbox"/> Director <input type="checkbox"/> Condo Manager <input type="checkbox"/> Other, please specify _____					

INCIDENT INFORMATION					
Date (YYYY-MM-DD)			Time (HH:MM) <input type="checkbox"/> AM <input type="checkbox"/> PM		
Location					
Street		City	Province	Postal Code	Country
Description (what happened, who was involved, how it happened, factors leading up to the event, etc.)					

<p>Was anyone injured? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, provide a description of the injuries:</p>
<p>Were there any witnesses to the incident? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, provide the name and contact information of the witnesses:</p>
<p>Was any action taken by the condo corporation and/or its agents? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, provide a description of the action taken:</p>
<p>Will any further action be taken by the condo corporation and/or its agents? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, provide a description of the further action that will be taken:</p>

Signature of Board President or Director: _____

Date (YYYY-MM-DD): _____