

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 and can be adapted for each condo corporation for inclusion in the corporation's rules. This sample is separate from any requirements under the *Condominium Act, 1998*, S.O. 1998, c. 19 (the "Condo Act") and is not required under this framework. It is also distinct from the requirements to have a workplace harassment policy pursuant to section 32.01 of the Ontario *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1.

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 rule sample includes definitions of key terms and outlines rights, responsibilities, and suggested enforcement steps for condo communities to consider implementing to help address these situations and support safety, security, and well-being in their community.

The rule sample has been designed to address the different harassment scenarios that may arise in a condo community, considering interactions between directors, owners, residents, employees, and service providers.

By specifying these measures in a rule, condo owners and condo corporations may be able to file a case with the Condominium Authority Tribunal (CAT) to resolve disputes involving nuisance-type harassment as set out by government regulation. More severe forms of harassment (e.g., threats of violence, sexual harassment, etc.) that fall under section 117(1) of the Condo Act would continue to be resolved through the courts.

The CAO recognizes that each condo community is unique and may already have anti-harassment provisions within existing rules on this matter. The condo corporation's Board of Directors should consult with their legal counsel to carefully consider implementing a harassment rule or any revisions to existing rules and ensure that the appropriate protocols set out in the Condo Act are followed.

Please note that any revisions made to the sample by the condo corporation may impact the corporation's ability to submit disputes involving nuisance-type harassment to the CAT.



In order to maintain the potential ability to file disputes related to nuisance-type harassment with the CAT, corporations should consult with their legal counsel before making any changes to the rule sample. For example, changes to the definitions or section 4 of the rule sample may have implications for applications made to the CAT.

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

[To help the CAO with future enhancements to the sample or any other related materials, please complete the feedback survey.](#)

<CONDOMINIUM CORPORATION NAME>

(the "Corporation")

ANTI-HARASSMENT RULE

This Rule is made under section 58(1) of the *Condominium Act, 1998*, S.O. 1998, c. 19, and its Regulations, as may be amended from time to time (the "Condo 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:

Board or **Board of Directors** is defined for the purposes of this Rule as the individuals elected or appointed under the Condo Act and responsible for managing the affairs of the Corporation.

Property is defined in section 1(1) of the Condo Act as the land, including the buildings on it, and interests appurtenant to the land, as the land and interests are described in the description and includes all land and interests appurtenant to land that are added to the common elements.

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 (religion);
- 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 Corporation property or cause injury or illness to an individual residing or working within the Corporation.

Rule Provisions

Part 1 – Prohibited Activities

1. Each owner, resident, Board member, officer, employee, or service provider of the Corporation has a right to freedom from harassment, and each owner has the right to peaceful enjoyment of their dwelling and the shared use and enjoyment of the common elements of the Corporation, subject to the Rules of the Corporation and the Condo Act.
2. Pursuant to section 117(1) of the Condo 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 property or assets of the Corporation or illness or injury to an individual.
3. Pursuant to section 117(2) of the Condo 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 is prohibited.
5. Each owner, resident, Board member, officer, employee or service provider of the Corporation acting alone or in concert with others, shall ensure that when interacting with any other owner, resident, Board member, officer, employee or service provider of the Corporation, that they do 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.

Part 2 – Complaint Procedure

6. All 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 owners, residents, Board members, officers, employees, or service providers 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 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 Corporation property.

8. The Corporation shall ensure that every investigation process is fair. The Corporation shall conduct investigations in a safe 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 filing a complaint or for participating in an investigation.

Part 3 – Investigation Protocols and Policies

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 Corporation 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. The Board may also consult legal counsel at any time.
11. Investigations by the Board under this Rule may include, but are not limited to:
 - a. Reviewing documentation and/or evidence.
 - b. Communicating with the parties involved.
 - c. Communicating with others having knowledge of the incident.
 - d. Involving appropriate professionals and/or any government authority having jurisdiction.
12. At the conclusion of the Corporation's investigation, the 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 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.

Part 4 – Outcomes

15. The investigation by the Board of a complaint under section 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 complaint: following an investigation by the Board, a written report, which may include direction from a 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 to the offending individual and include the steps required and timing within which to comply with this Rule.
 - b. Second or continuing first complaint: 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 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. Further complaints of harassment involving the offending individual: the Board shall consult with the Corporation's 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 a tribunal application.
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 Condo Act, the Corporation shall take all reasonable steps to protect the privacy of all parties involved and the record of the investigation. All information in the possession or control of the Corporation related thereto shall be kept confidential to the parties involved, except if disclosure is required by law or related to legal or other professional advice or assistance to the Board.
18. 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 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. 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 COMPLAINT REPORT SAMPLE

<CONDOMINIUM CORPORATION NAME> COMPLAINT 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					
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.)					

Was anyone injured? ☐ Yes ☐ No

If yes, provide a description of the injuries:

Were there any witnesses to the incident? ☐ Yes ☐ No

If yes, provide the name and contact information of the witnesses:

Was any action taken by the condo corporation and/or its agents? ☐ Yes ☐ No

If yes, provide a description of the action taken:

Will any further action be taken by the condo corporation and/or its agents?

☐ Yes ☐ No

If yes, provide a description of the further action that will be taken:

Signature of Board President or Director: _____

Date (YYYY-MM-DD): _____