



Showings of Listed Condo Properties During the Ontario State of Emergency

CCI-Toronto's Legislative Committee is aware that there is an ongoing debate within the condominium industry about whether individual showings for condo units are still allowed during the COVID-19 state of emergency in Ontario. We recognize that many of CCI-Toronto's members are realtors themselves, or that realtors serve on their condominium's Board of Directors. We also recognize the serious danger that the COVID-19 pandemic presents, especially to condominium communities with vulnerable populations.

Section 4 of Schedule 3 of the [Ontario Regulation 82/20](#), made under the *Emergency Management and Civil Protection Act* (the "**EMCPA**"), prohibits real estate agents from hosting, providing, or supporting open house events. The Real Estate Council of Ontario ("**RECO**"), the delegated administrative authority in Ontario responsible for regulating real estate, has similarly declared that in-person open houses are prohibited.

However, the Ontario Real Estate Association ("**OREA**") has published a [press release on May 5th 2020](#), urging that in-person real estate showings for the sale or lease of condominium units are still permitted, as long as real estate professionals follow provincial and local public health guidelines on social distancing and other safety measures.

Given that many condominium corporations have enacted restrictive visitor policies that may prohibit non-essential visitors from attending the premises in-person, there are considerations on both sides of this debate.

On the one hand, condominium corporations can impose restrictions on an individual owner's rights to their own unit. In fact, this compromise between individual property rights and the good of the collective community is a fundamental compromise inherent in the concept of condominiums. Moreover, virtual tours or videoconferencing technologies can often substitute for an in-person showing; a seller may use their smartphone or tablet to videoconference with a particular buyer and show them around the unit electronically, without the need for in-person contact.

On the other hand, it is understandably difficult for people to make what may be the largest purchase of their life without having seen the property in person. The people who are viewing the units may soon become owners of the condominium community themselves. Furthermore, because COVID-19 may be around for many months to come, condominiums should start adjusting to this "new normal".

Each condominium community is unique, and the types and layouts of condominium corporations can differ vastly; for example, a one-storey industrial condominium has different considerations than a high-rise residential condominium with only a couple of elevators, narrow hallways, and several "bottleneck" points for individuals. Accordingly, each condominium corporation will have to assess its unique circumstances on a case-by-case basis. Boards of Directors were elected by the unit owners to govern their specific condominiums, which often involves weighing competing interests at play in their particular community – and often, the Board will seek assistance from a variety of experts who are on hand to help guide them with that task.

CCI-Toronto's Legislative Committee urges each of its condominium corporation members to obtain professional advice from their Condominium Manager and their condominium's legal counsel regarding whether any in-person real estate showings will be permitted during the health crisis; if they will, then what specific protocols or policies the condominium may implement. For example, a condominium corporation may wish to consider that if the real estate agent can produce a conditional agreement of purchase and sale for the unit, then the condominium may consider making an exception to its visitor policy for the particular in-person showing, provided that all public health requirements are followed by the persons in attendance.

Ultimately, it is a judgement call that each condominium corporation may be tasked to make about whether to allow in-person real estate showings during this COVID-19 pandemic, and what protocols the condominium community is implementing in order to balance the collective interests in the health & safety of its residents along with the property rights of individual unit owners during these novel and unprecedented times.