
DATE 24 June 1999

TO/DEST. Co-ordinator, Planning and Environment Committee

FROM/EXP. Councillor Alex Munter

SUBJECT/OBJET **PROTECTING THE RIGHT OF CONDOMINIUM OWNERS TO FLY THE CANADIAN FLAG**

RECOMMENDATION

That Planning and Environment Committee recommend that Council approve that a condition be included, as one of the standard conditions in the registration of all new condominium corporations, stating that condominium by-laws may not ban the flying of the Canadian flag and can only regulate the display of the flag to ensure it is done in a safe manner that does not interfere with the reasonable use of the other units by their tenants/owners.

BACKGROUND

André Audet, a World War II navy veteran residing in a Kanata condominium, was recently asked by his condominium board to take down the Canadian flag he had proudly hung on his balcony. The board was applying one of its by-laws, which states that “flower boxes or any other objects shall not be placed or hung from balcony railings”.

Out of deference to Mr. Audet’s war record and his unwillingness to take down what is such an important symbol to him, the condominium is making an exception to its by-laws and allowing the flag to stay.

This type of situation has occurred elsewhere in Ontario and in Canada before. It raises an important question: should condominiums be able to stop their members from flying the Canadian flag?

This proposed policy would allow condominiums to put limits on the flying of the Canadian flag to ensure that there were no safety problems and that it would be done in a way that respects other owners and tenants. However, this policy would prevent future condominium boards from banning the flag altogether, as many currently do.

The Canadian flag is an important national symbol in a country that is losing many of those symbols. Condominium boards should not be able to stop Canadians from expressing their pride in Canada, its constitution and its values by flying the flag.

Inserting the recommended clause into all future condominium registrations would ensure that all owners of condominium units in the future would have the right to fly our country's flag. This can not be done retroactively, so no existing by-laws can be changed or would be affected by this policy. Only new condominiums registered in future would see this by-law apply.

The Region has a broad authority, pursuant to the *Planning Act*, section 51, to impose conditions for the approval of condominiums. A condition that would prohibit a condominium corporation from banning Canadian flags would be possible under this section. It would not infringe upon freedom of expression as the condition would not require the Canadian Flag to be displayed but rather present each owner or tenant with the opportunity to display the Maple Leaf.

*Approved by
Councillor Alex Munter*