

#### **4. PROTECTING THE RIGHT OF CONDOMINIUM OWNERS TO FLY THE CANADIAN FLAG**

##### **COMMITTEE RECOMMENDATION**

**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.**

##### **DOCUMENTATION**

1. Councillor Alex Munter's report dated 24 Jun 99 is immediately attached.
2. Copy of correspondence dated 9 Jul 99 from Chuck Murphy, Dominion President, The Royal Canadian Legion, immediately follows the report.
3. An Extract of Draft Minute, 13 Jul 99, follows and includes a record of the vote.

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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**

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### 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*

THE ROYAL CANADIAN LEGION



LA LÉGIION ROYALE CANADIENNE

THE PRESIDENT

LE PRÉSIDENT

9 July 1999

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OTTAWA, ONTARIO K2P 0R7

File: 29-1

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To Whom It May Concern:

I am of the understanding that the Region's Planning and Environment Committee will be meeting on 13 July 1999. One of the matters to be discussed is the current regulation in regard to the flying of Canadian flags from the balconies of condominiums. I recently read the story of the veteran who was told he could not do this as it was in violation of current regulations. I also understand that this is a fairly common regulation in condominiums.

The Royal Canadian Legion and its 500,000 members constitute the largest veterans-based organization in Canada. As such we are always very interested in matters of this type. This is especially true when common sense seems to get lost in the plethora of regulations with which we must all deal. In this case the question arises, how can anyone rule against, or ban the simple patriotic act of flying our national flag on any day, let alone Canada Day? It would be understandable perhaps if some danger were inherent in the act. Perhaps patriotism from those who fought for this great nation is considered by some to be a danger. I would hope not.

I have just returned from a business visit to Europe, specifically Germany and the Netherlands. I find it amazing that our national symbols seem to receive more respect there than here. In Holland I visited with the Legion's godson, His Highness Prince Floris, whose mother, as you may remember, was born in this city. Our flag and our veterans are revered in his country and flying a Canadian flag is deemed a form of deep respect. Here, it seems to be deemed a nuisance. Should that be the case this country needs help. I believe, however, that this is simply a case of ill-conceived regulation overcoming patriotic tradition and common sense. Hence I must state the support of The Royal Canadian Legion for a change to the current rules as proposed by Councillor Alex Munter.

Yours truly,

Chuck Murphy  
DOMINION PRESIDENT

Extract of Draft Minute  
Planning and Environment Committee  
13 July 1999

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CANADIAN FLAG**

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-Councillor Alex Munter's report dated 24 June 1999

**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.**

CARRIED  
(G. Hunter dissented)