



Flags on Condominium Property

By [Barbara Holmes](#) on October 11, 2011



John Carmichael, Member of Parliament for Don Valley West recently introduced a [private member's bill](#) that prohibits any person to prevent the displaying of the national flag of Canada so long as the flag is displayed in a manner befitting this national symbol, the display is not for an improper purpose or use and the flag is not subjected to desecration.

In the event of a contravention of the legislation, the Attorney General of Canada can commence proceedings pursuant to which the Court may grant a temporary restraining order or injunction and order a person to comply with the legislation. The Court is entitled to punish any person who contravenes or fails to comply with any restraining order, injunction or other Court order by a fine in the discretion of the Court or by imprisonment for a term not exceeding two years.

The governing Conservative Party has indicated that it supports this bill.

This bill will cause concern for many condominium corporations that currently have provisions in their declarations and rules which restrict what can be displayed on condominium property. These restrictions are in place to maintain a certain look/image of the property in order to enhance property values, and to prevent anything on the property that could possibly be a danger and pose liability issues for the Corporation.

This bill raises a number of questions in the context of condominiums:

- Will this allow the installation of flagpoles on the condominium property?
- Will owners be entitled to place the flag anywhere on the Corporation's property, not just on their unit or exclusive use common elements?
- Is every owner entitled to install a flag? How many flags are allowed?
- Who is responsible to ensure that the flag is displayed in accordance with the proper flag protocol? Can the flag be removed if it is not in compliance with the flag protocol?



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- Who assumes liability for the flag and flagpole? Whose responsibility is it if a flag pole falls and causes property damage and/or personal injury?
- What happens if owners want to display other flags, claiming that they are being discriminated against by not being entitled to fly the flag of any other country?

Judging by the brevity of the bill it looks like no consideration was given to these questions. More details need to be provided in the legislation, particularly in view of the harsh penalties in the event of non-compliance.

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