



## Defibrillators in Condominiums

By Denise Lash on April 21, 2011

Many Condominium Corporations are thinking about the health and safety of their residents, especially those communities in which there is an aging population.

There are many steps that a board of a condominium can take to assist residents in improving their lifestyles. But how far should a board have to go in accommodating its residents and is there any potential liability?



One measure that some Corporations have taken, is the installation of automated external heart defibrillators on the common elements. The use of a defibrillator is governed by the Regulated Health Professionals Act which provides that only regulated health professionals may use defibrillators, subject to an exception that a defibrillator may be used during a emergency in the provision of first aid.

In Ontario, legislation was introduced to protect owners and operators of premises which have installed defibrillators, from civil liability. The Chase McEachern Act (Heart Defibrillator Civil Liability ) of 2007 which came into force on July 3, 2007 grew out of an incident which occurred involving an 11 year-old boy, Chase McEachern, who passed out when jogging in gym class on Feb 9, 2006. All resuscitation attempts failed.

Prior to Chase's death, having had a rare heart condition, Chase had wanted to see more defibrillators installed in public places. It was this very reason that Chase's family created a fund and started a campaign which eventually led to the legislation.

The Act protects any person from liability for damages that occur in relation to their use in the attempt to save a life in an emergency (unless damages are caused by gross negligence)

The Act also protects owners and occupiers of premises (condominium corporations) on which the defibrillator is installed, from liability for any harm which may occur in relation to the use of the defibrillator, provided that the defibrillator was made available for use in good faith, without gross negligence and is properly maintained.

Prior to this Act, Ontario's Good Samaritan Act protected persons from liability when they provided voluntary emergency medical or first aid, but it was not clear as to whether this would cover a situation in which a defibrillator was used.

**Every year in Ontario, over 6500 people die of cardiac arrest.**



## Condo Reporter

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Although CPR can assist, more than 90% of people in cardiac arrest require electrical shock from a defibrillator to restore the heart to a normal heart rhythm. Having a defibrillator in a condominium corporation, may save lives and is just one step that can be taken by a board to improve the lives of its residents.

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