



Freedom of Expression in Condos- Political Signage and Flags

By Denise Lash on April 26, 2011



Robin Sears, senior partner at the Toronto public affairs firm Navigator Ltd. and a former NDP strategist, feels that it is one's democratic right to display campaign signs, regardless of whether there are any restrictions in a condominium's Declaration or rules. In, last Thursday's Toronto Star article, Sears states "Sadly, some landlords and some condo associations still use a combination of municipal bylaws and community rules to frustrate local campaigns."

We have seen this issue being raised before when owners wish to erect not just signage but flags of different nationalities, including the Canadian Flag. Many Canadians are now feeling that it is more important than ever to support their country in light of today's political climate and showing support, often means displaying flags, banners or other such "patriotic" symbols.

In a free and democratic country, condominium unit owners, like freehold homeowners, have their basic right to freedom of expression. However, when one chooses to buy into a "community" certain limitations may be imposed upon this basic right.

Condominium living in and of itself brings with it the obligation to follow a set of community rules and standards with which owners must live by. In order for the majority of residents to enjoy a condominium lifestyle, a mechanism for governance must be established. This mechanism takes the form of the Condominium Act, 1998, the declaration, by-laws and rules. The board of directors is given the responsibility of ensuring that the *Condominium Act* and condominium documentation are strictly complied with.

Placing items upon common elements, even if these common areas are exclusively used by an owner, may be prohibited or restricted in some manner. Unfortunately a political supporter or a patriotic owner, or even perhaps an owner enjoying the holiday spirit by stringing up lights or placing a wreath on an exterior door, may first have to establish that he or she has the right to do so.

So what's the benefit and why do condominium owners live by these imposed restrictions which prohibit the ability to freely express oneself?

Just imagine a high-rise condominium with balconies displaying signs, overhanging decorative tapestries, draperies of different colours, flower pots with dead plants, velvet portraits of Elvis...



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Some items may be pleasant to look at and others may not be. After all, beauty is in the eye of the beholder.

A condominium corporation which has strict controls over what is placed or displayed on the common elements by maintaining uniformity in appearance, may find a noticeable difference in market values (i.e. higher values) of its units compared to a condominium with few controls.

Many condominium corporations have established design review committees, which develop policies to standardize the exterior appearance of a condominium. These policies are then incorporated into a manual and distributed to residents and are also included with status certificates to prospective purchasers.

It is important, as part of the establishment of policies that there be a means of ensuring that these controls can be enforced against all owners in a fair and effective manner.

Since many condominium corporations have operated for years without these types of controls in place, it may not be easy to introduce. If a board of directors wishes to impose a system of review and controls, a meeting of owners should be called for the purpose of advising the owners and seeking their input. Let the owners decide as a whole if they want political signage and flags to be displayed on their property.

I believe that with the appropriate explanation and willingness on the part of all owners to enhance the value of their communities, a responsible control and review process can be created to operate effectively for the benefit of everyone.

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