

July 29, 2020

To Whom It May Concern,

**Subject: Campaigning and Displaying Campaign Signs in Multi-Residential Properties**

The City of Ottawa's 2020 By-election to elect a city councillor for Ward 19 – Cumberland will take place on Monday, October 5, 2020.

This letter advises of rules in effect for the 2020 Cumberland By-election that relate to campaigning and displaying campaign signs in multi-residential properties. These rules are set out in the [Municipal Elections Act, 1996](#) ("MEA"), which is the legislation that governs municipal elections in the Province of Ontario.

Briefly, the provisions include the following:

- 1. All candidates and their representatives have a right to access apartment buildings, condominium buildings, non-profit housing cooperatives or gated communities between 9 a.m. and 9 p.m. for the purposes of campaigning within the permitted hours.**
  - Specifically, no person who is in control of such a multi-residential property may prevent campaigning from occurring within the permitted hours (i.e. between 9 a.m. and 9 p.m.) at the doors to the apartments, units or houses within the property.
  
- 2. A tenant or owner in a multi-residential property has a general right to display campaign signs on his or her rented premises or unit.**
  - That said, a landlord or person acting on a landlord's behalf, or a condominium corporation or its agent, may set "reasonable conditions" with respect to the size or type of sign that may be displayed.
  - A landlord or person acting on a landlord's behalf, or a condominium corporation or its agent, may also prohibit campaign signs from being displayed in the common areas of the building.
  - Under City of Ottawa by-laws, the first day an election sign may be placed on private property is Thursday, August 6, 2020.

The above-noted changes result from Bill 181, the *Municipal Elections Modernization Act, 2016*, which amended the MEA after receiving Royal Assent

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on June 9, 2016. Some additional information regarding the rules is provided below.

Due to COVID-19, candidates are reminded to review the campaigning guidelines that were provided by Ottawa Public Health. These guidelines were provided to candidate when they filed their nomination and they are also available on [ottawa.ca/vote](http://ottawa.ca/vote) under the Key Dates and Resources section.

Please note that congregate living settings for vulnerable populations, such as Long-term Care Homes and Retirement Homes, may restrict access to members of the public as a result of the ongoing COVID-19 pandemic. Please consult with the [Ministry of Health](#) for regular updates and directives respecting access restrictions for these settings.

## **1. Campaigning in Multi-Residential Properties**

Section 88.1 of the MEA provides candidates or their representatives a right to access apartment buildings, condominiums, non-profit housing cooperatives or gated communities from 9 a.m. to 9 p.m. for the purposes of campaigning within the permitted hours. The right of access for campaigning within the permitted hours (i.e. between 9 a.m. and 9 p.m.) exists equally for all candidates and their representatives, as follows:

### *Access to residential premises*

**88.1** No person who is in control of an apartment building, condominium building, non-profit housing cooperative or gated community may prevent a candidate or his or her representative from campaigning between 9 a.m. and 9 p.m. at the doors to the apartments, units or houses, as the case may be.

The *Residential Tenancies Act, 2006* (Section 28), *Condominium Act, 1998* (Section 118) and the *Co-operative Corporations Act, 1996* (Section 171.24) also provide candidates and their representatives access to the building for the purpose of canvassing within the permitted hours, as follows:

### *Residential Tenancies Act, 2006*

**28** No landlord shall restrict reasonable access to a residential complex by candidates for election to any office at the federal, provincial or municipal level, or their authorized representatives, if they are seeking access for the purpose of canvassing or distributing election material.

### *Condominium Act, 1998*

**118** No corporation or employee or agent of a corporation shall restrict reasonable access to the property by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly or an office in a municipal government or school board if access

is necessary for the purpose of canvassing or distributing election material.

*Co-operative Corporations Act, 1990*

**171.24** No non-profit housing co-operative or servant or agent of such a co-operative shall restrict reasonable access to the housing units of the co-operative by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly, any office in a municipal government or a school board for the purpose of canvassing or distributing election material.

## **2. Displaying Campaign Signs in Multi-Residential Properties**

Under Section 88.2 of the MEA, a tenant or owner in a multi-residential property has a general right to display campaign signs on his or her rented premises or unit. That said, a landlord or person acting on a landlord's behalf, or a condominium corporation or its agent, may set out reasonable conditions with respect to the size or type of sign that can be displayed. A landlord or person acting on a landlord's behalf, or a condominium corporation or its agent, may also prohibit campaign signs from the common areas of a building, as follows:

*Display of signs at residential premises*

**88.2** (1) No landlord or person acting on a landlord's behalf may prohibit a tenant from displaying signs in relation to an election on the premises to which the lease relates.

*Same, condominium corporations*

(2) No condominium corporation or any of its agents may prohibit the owner or tenant of a condominium unit from displaying signs in relation to an election on the premises of his or her unit.

*Exception*

(3) Despite subsections (1) and (2), a landlord, person, condominium corporation or agent may set reasonable conditions relating to the size or type of signs in relation to an election that may be displayed on the premises and may prohibit the display of signs in relation to an election in common areas of the building in which the premises are found.

Please note, in accordance with the City of Ottawa's [Temporary Signs on Private Property By-law](#) and [Signs on City Roads By-law](#):

- The first day an election sign can be placed on **private property** is **Thursday, August 6, 2020**.

- The first day an election sign can be placed on **public property** is **Saturday, September 5, 2020.**

I trust that the information provided above is of assistance. For questions about these matters, please visit [ottawa.ca/vote](http://ottawa.ca/vote) or contact the Elections Office by phone at 613-580-2660 or by email at [elections@ottawa.ca](mailto:elections@ottawa.ca).

Yours truly,

A handwritten signature in black ink, appearing to read "M. Rick O'Connor", enclosed within a thin black rectangular border.

M. Rick O'Connor, CMO  
City Clerk