

## Effect of the Amendments to the *Human Rights Act*: What happens now?

By Stephanie Whyte

The *Alberta Human Rights Amendment Act, 2017*, comes into force on January 1, 2018. This adds "age" as a protected ground under sections 4 and 5 relating to goods, services, accommodations, facilities and tenancy.

For Condominium Corporations, the changes to the Legislation and more importantly, the exceptions include the following:

- A Condominium Corporation that has an age restriction in place BEFORE January 1, 2018 will not immediately be offside the Act when this Legislation comes into force;
  - In the event the existing age restriction is 55 years of age or older the Corporation need not be concerned. This will continue to be allowed;
  - In the event the existing age restriction is for less than 55 years of age, the Corporation has 15 years (to December 31, 2032) in which to become compliant by:
    - Adopting an age restriction of 55 years of age or older. Note that the requirements for amending Bylaws is not impacted by the Human Rights Legislation, and a Special Resolution will still be required. In the event the Bylaws are amended, those who are younger than the newly adopted age restriction shall not be considered non-complaint and may remain in occupancy; or
    - Allowing the age restriction to expire. In the event a Corporation has not amended their Bylaws, on January 1, 2033 they will no longer (legally) be subject to an age restriction.
- Projects with an age restriction of 55 years or older will continue to be allowed, even if not in existence on January 1, 2018.

For Homeowners Associations:

- Section 4.2(1) of the new Legislation exempts Condominium Units, Cooperative Housing Units and Mobile Homes, but does not exempt Homeowners Associations;
- Any Homeowners Association that has an age restriction of less than 55 years of age will be offside the *Human Rights Act* as of January 1, 2018;
- If the age restriction is 55 plus, it is possible that section 4.2(2) which allows age restrictions of 55 plus at premises in which every unit or site is reserved for occupancy by one individual who has reach at least 55 years of age may allow these to continue.

For further information about the *Human Rights Act* amendments, please contact the author or any member of our Condominium Law Group.