



## **Other provisions of Bill C-31 in force during by-elections**

### **Access of candidates to gated communities and to public places**

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#### **Issue:**

What are the recourses available to candidates who are refused access to gated communities or to public places?

#### **What are the changes brought about by the enactment of Bill C-31?**

The *Canada Elections Act* already required administrators of apartment buildings, condominium buildings or other multiple-residence buildings to provide access to candidates and their representatives. This right will now also extend to gated communities.

As well, persons in control of a building, land, street or other place that is open without charge to the public must now allow access to candidates or their representatives for campaigning purposes. There are exceptions, when campaigning in or at such a place would be incompatible with public safety or the function and purpose of the place.

#### **How will these changes be applied?**

Elections Canada does not intervene in disputes between candidates and third parties. Candidates may wish to seek advice from their political parties or their counsel on this matter. A complaint may be filed with the Commissioner of Canada Elections who will deal with the complaint in accordance with the standard procedure.

A letter signed by the Chief Electoral Officer to assist candidates and their representatives in accessing public places and gated communities is available on Elections Canada's Web site at the following address:

[http://www.elections.ca/pol/can/access\\_e.pdf](http://www.elections.ca/pol/can/access_e.pdf)

## Sections 81 and 81.1 of the *Canada Elections Act*

<p>Canvassing, etc., in residential areas</p> <p><b>81.</b> (1) No person who is in control of an apartment building, condominium building or other multiple-residence building or a gated community may prevent a candidate or his or her representative from</p> <p>(a) in the case of an apartment building, condominium building or gated community, canvassing, between 9:00 a.m. and 9:00 p.m., at the doors to the apartments, units or houses, as the case may be; or</p> <p>(b) in the case of a multiple-residence building, campaigning, between 9:00 a.m. and 9:00 p.m., in a common area in the multiple residence.</p>	<p>Campagne — lieux d'habitation</p> <p><b>81.</b> (1) Il est interdit au responsable d'un immeuble d'appartements ou d'habitation en copropriété ou d'un autre immeuble à logements multiples ou d'un ensemble résidentiel protégé d'empêcher le candidat ou son représentant, entre 9 h et 21 h :</p> <p>a) dans le cas d'un immeuble d'appartements ou d'habitation en copropriété ou d'un ensemble résidentiel protégé, de frapper aux portes des logements;</p> <p>b) dans le cas d'un immeuble à logements multiples, de faire campagne dans les aires communes.</p>
<p>Exception</p> <p>(2) Subsection (1) does not apply in respect of a person who is in control of a multiple residence building whose residents' physical or emotional well-being may be harmed as a result of permitting canvassing or campaigning referred to in that subsection.</p> <p>S.C. 2007, c. 21, s. 11.</p>	<p>Exception</p> <p>(2) Le paragraphe (1) ne s'applique pas au responsable d'un immeuble à logements multiples si le fait de permettre les activités de campagne visées à ce paragraphe peut mettre en danger la santé physique ou affective des résidents de l'immeuble.</p> <p>L.C. 2007, ch. 21, art. 11.</p>
<p>Campaigning in public places</p> <p><b>81.1</b> (1) No person who is in control of a building, land, street or any other place, any part of which is open without charge to members of the public, whether on a continuous, periodic or occasional basis — including any commercial, business, cultural, historical, educational, religious, governmental, entertainment or recreational place — may prevent a candidate or his or her representative from campaigning in or on that part when it is open without charge to members of the public.</p>	<p>Campagne — lieux ouverts au public</p> <p><b>81.1</b> (1) Il est interdit au responsable de tout bâtiment, terrain, voie publique ou autre lieu dont une partie est ouverte gratuitement au public, de façon continue, périodique ou occasionnelle — notamment tout lieu à usage commercial, culturel, historique, éducatif, religieux, officiel, ludique ou récréatif — d'empêcher le candidat ou son représentant de faire campagne dans cette partie des lieux, pendant les heures où elle est ainsi ouverte au public.</p>
<p>Exception</p> <p>(2) Subsection (1) does not apply in respect of a place if campaigning in or on it would be incompatible with the function and purpose of the place or inconsistent with public safety.</p> <p>S.C. 2007, c. 21, s. 12.</p>	<p>Exception</p> <p>(2) Le paragraphe (1) ne s'applique pas si les activités de campagne sont incompatibles avec la sécurité publique ou la fonction ou destination principale du lieu.</p> <p>L.C. 2007, ch. 21, art. 12.</p>