



New Pool Regulations for Condominiums:

Swimming through the new requirements under Regulation 565 to the *Health Protection and Promotion Act*.

Regulation 565 to the *Health Protection and Promotion Act* was amended in 2018. This regulation, which governs public swimming pools and spas, applies to condominium corporations if they contain six or more units (regardless of whether members of the public are actually permitted to access the pool).

Generally speaking, condominium pools will be considered to be Class B pools under the regulation. Condominium corporations with pools have numerous requirements to comply with, including:

- The designation of an operator who is responsible for overseeing operation of the pool, and who is required to have completed specified training. This means that the corporation cannot simply designate the manager or a board member unless that person has proper training.
- Maintaining appropriate water clarity and pH, and completing regular testing.
- Keeping records, including records of the number of bathers using the pool, the testing that has been completed, and any emergencies that have occurred. These records must be kept for at least one year.
- Enforcing capacity limits for the pool and surrounding area, which limits are determined by the size of the pool.
- Providing an emergency telephone near the pool, which must be regularly tested.
- Preparing and maintaining a set of written standard procedures, for things like dealing with emergencies, at or near the pool.
- Providing appropriate signage and safety equipment in accordance with the regulation.
- Providing a lifeguard if the pool is larger than 93 square metres (approximately 45 feet by 20 feet), unless the number of bathers permitted at any one time is ten or fewer.

A condominium corporation with a pool would be well-advised to retain qualified personnel to act as operator for the pool. While this does not relieve the corporation from the obligation to comply with the requirements under the regulation (both the corporation and the operator would have this obligation), it would put the corporation in the best position to ensure that it is complying with these requirements