

**Condo Smarts**

Headline: Census

Topic: Access to Information

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**Dear Condo Smarts:** We have been asked by census takers to provide access to buildings so they can complete their census taking duties. Can you please tell us what the strata corporation's obligation is, if any, to provide access to census takers? In one case the building has restricted access such that each owner can only access the floor they live on so providing access for the census taker to all owners would be quite difficult. Given that apartment buildings almost always have an entercom could we require the census taker to use that method of contact? Also, does the strata corporation have any obligation to provide an authorized census taker with an owners' list? Allen Regan, Bayside Management

**Dear Allen:** Information is collected in accordance with the Statistics Act. You can find the information regarding the census collection at [www.statcan.gc.ca](http://www.statcan.gc.ca). In general, the Chief Statistician may, by order, authorize the following information to be disclosed: a) information collected by persons or organizations, and consented to in writing the disclosure of their names and addresses, the telephone numbers which they may be reached in relation to statistical matters, their official language they prefer, the nature of their businesses, etc. However, strata corporations are not specified within the body of the legislation as an organization and there is no specific provision under Section 35 or 36 of the Strata Property Act for the corporation to release this information to any other party other than an owner or tenant or agent of an owner or tenant. This does not necessarily exempt strata corporations from compliance with the Statistics Act. Here are a number of precautions that need to be taken, and remember, strata managers and councils need to be mindful of the Personal Information

Protection Act of BC (PIPA). Do not accept verbal requests for information. All requests must be in writing, identify the name of the agency and a contact officer and representative for verification of the name of the person requesting the information, and a specific quote of the applicable legislation that permits them to collect the information from the strata corporation. Always confirm the request is legitimate. While the strata agent cannot grant access to the information unless specifically directed or authorized by the strata corporation they may receive the request and submit the information to council for their approval. A third party under PIPA allows other legislation to adopt an over riding clause; however, there are still official procedures that must be followed in order to obtain information. A similar example would be a police investigation requiring strata documents or information. Because of the complexity of security in buildings, and personal security issues, the strata council does not have an obligation to permit entry into the buildings without the consent of the owners. The front intercom/entercom is no different than the front door bell of any home. It is a direct communication link. If there is no response, the resident is simply unavailable. A Census notice can be mailed to the address of the strata lot in the same fashion as any other residence. Many owners do not have permanent residential phone numbers and specifically choose to maintain an unlisted or non-disclosed number, and many strata corporations do not maintain the phone numbers, so the request is likely a useless exercise. Finally don't be conned by census posers. Demand verification and follow up with the approval of council before you proceed.

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