

## Condo Smarts

Headline: Surveillance cameras

Topic: Security

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**Dear Tony:** Our strata council has used money from our annual budget that was left over in our maintenance fund to purchase and install video cameras. Without any notice to the owners, we suddenly have cameras in our elevators, lobbies, parking areas and our exercise room. The council president and treasurer decided without telling the owners. Two council members have resigned, and owners are signing a petition for a special general meeting to figure out what to do next. We hear the mess has cost our strata almost \$25,000, but no one will release any information on the costs. Even if owners have a meeting to raise this issue, what can we do about it?

*Bob C. Richmond*

**Dear Bob:** In addition to the restrictions imposed on use of operating funds, the purchase of assets over \$1,000 and the introduction of surveillance in your building all require the approval of the owners at an annual or special general meeting. When the owners approve the annual budget, they are authorizing the strata corporation to collect the funds through strata fees and pay expenses as set out by the budget details. If there are surplus funds at the end of the fiscal year, the strata corporation has four choices, three of which are by majority vote. The strata can vote to retain the funds in the operating account as an accumulated surplus, carry the surplus to the next year revenue to offset strata fees, or deposit the amount into the contingency fund. The fourth option is to approve the funds on a project that is approved by 3/4 vote and remember that strata corporations are required to obtain the approval of the owners at a general meeting by 3/4 vote for the acquisition of assets that exceeds \$1,000.

Before a strata corporation is permitted to conduct surveillance, it will also be required to adopt bylaws

that permit the installation and use of cameras and the collection and management of the recorded information. The surveillance of common areas in a strata corporation falls under the *Personal Information Protection Act* in BC. The Office of the Information and Privacy Commissioner has published a guideline for strata corporations that indicates that the approval of the strata corporation is required for the installation of such a system, as is the adoption of a privacy policy that permits surveillance and the management of the information. Allyson Baker, a lawyer with Clark Wilson LLP in Vancouver advises strata corporations to adopt and publish privacy and surveillance bylaws before you approve the installation of cameras or fobs that collect personal information. "A strata corporation needs to understand the collection of information is much more than simply a recorded video. Your bylaw and privacy bylaw will have to define where the cameras are located, how and when the information is collected, who has access to use the information, what the information will be used for, and how it is stored and eventually disposed of."

The owners may choose to authorize the installation of the cameras, or they may oppose and require the removal of the cameras. Ultimately the dispute may result in a claim through the Civil Resolution Tribunal against the president and treasurer for the unauthorized use of funds and purchase of the assets.

Always review your strata bylaws as they may be amended to authorize higher amounts for unapproved expenditures or the purchase of assets.