

# Condominium Home Owners Association

A non-profit association serving strata owners since 1976

Bulletin: 200-030

## Headline: **The Case of the Disconnected Door Bell: Discrimination in Strata Corporations**

Publication date: December 2003

Publication: CHOA Journal

Written by: Adrienne Murray, Adrienne Murray Law Corporation

The Human Rights Tribunal recently considered a complaint that a Strata Corporation had discriminated against an owner by installing a timer on the front door that disconnected the door entry system during the night.

A three storey apartment style building was equipped with a commonly installed entry system that allowed visitors to ring a strata lot and talk to the occupant. The occupant could then unlock the door from his or her suite to allow the visitor access.

For security reasons, the Strata Council decided that after 8:00 p.m. owners would no longer be able to unlock the front door from their strata lot when someone rang, but, instead would be required to go to the front door and personally unlock the door to let the visitor in.

One owner expressed concern about the new system. The owner was 80 years old and suffered from various health problems including congestive heart failure, advanced arthritis, and macular degeneration. In a letter from her doctor to the Strata Council the doctor stated her health problems and indicated that it was physically unrealistic for her to be mobile in an emergency situation and that a delay in accessing medical assistance could result in a critical situation. The owner also advised the Strata Council that three companies were willing to give free estimates and suggestions to the Strata Council for alternative security arrangements.

In response to the owner's concerns, the Strata Council advised the owner that she should obtain the names of other owners in the building who would be willing to assist her in the event of an emergency.

When the Strata Council refused to re-connect the door entry system, the owner complained to the Human Rights Tribunal.

The Human Rights Tribunal concluded that the owner had a disability. The Tribunal noted that, although the new requirement of disconnecting the entry system applied to all residents, and did not single out the complainant, the new system affected people with a disability differently than those who were not disabled. As a result, the Tribunal concluded that the Strata Corporation had discriminated against the owner because of her physical disability. The Tribunal also determined that accommodating the owner would not create an unacceptable risk to the other owners in the strata development.

The Tribunal ordered the Strata Corporation to re-connect the door entry system. The Tribunal also awarded the owner \$1,500 in damages.

The case confirms that the actions of Strata Corporations are within the jurisdiction and subject to the scrutiny of the Human Rights Tribunal. Strata Corporations must be very careful when imposing requirements that particularly impact occupants suffering from disabilities.

For more information on CHOA resources and benefits visit [www.choa.bc.ca](http://www.choa.bc.ca)  
or contact the office at 1-877-353-2462 or email [office@choa.bc.ca](mailto:office@choa.bc.ca).

page 1

**No part of this publication may be reproduced without the prior written permission of CHOA**

This publication contains general information only and is not intended as legal advice. Use of this publication is at your own risk. CHOA will not be liable to you or any other person for any loss or damage arising from, connected with or relating to the use of this publication or any information contained herein by you or any other person.