

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-307

Condo Smarts

Headline: Electronic meetings

Topic: Privacy legislation

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Written by: Tony Gioventu

Dear Condo Smarts: I made an application to my strata council in October for a hardship exemption from the strata rental bylaws. The strata council requested that I provide them with personal financial information as a condition of the application. I agreed, provided them with original documents, and requested a hearing. They have refused my hardship request, and to make matters worse my personal financial information has leaked out to fellow owners in the building. The council admitted that they had their meeting to decide the application by email, scanned and shared the information in the emails. Those emails somehow managed to get into the hands of our resident busybody, and now everyone knows my personal business. Is there anyone who regulates the business of these people? Wendy R, Prince George

Dear Wendy: Strata corporations are self regulated under the Strata Property Act. Disputes and enforcement of the Act, Regulations and Bylaws, are resolved either consensually by the parties, through mediation, arbitration or the courts in BC. Strata corporations must also comply with every other enactment of law, so in your situation, you may consider filing a complaint with the Office of the Information and Privacy Commissioner @ oipc.bc.ca.

Strata councils must exercise great care and caution with emails and electronic meetings, especially when handling any personal information of owners. In practice it may seem efficient to decide by email, msn, or a conference call to make a quick decision, but

there is one serious flaw in the process. No one really knows who else is at the other end of the phone, computer or blackberry. Most strata bylaws do not permit council decisions and meetings by email. Even if they do, there are a number of issues such as bylaw violation hearings, hardship application hearings and the discussion of personal or confidential information that should never be transmitted electronically, unless your strata council is absolutely certain there is no risk of a security breach. The standard bylaws permit electronic means, so long as the council members and other participants can communicate with each other. This is to ensure council members are well informed, legally deemed to be present at the meeting, and share information by conducting a real time debate on an issue. If a strata publishes any materials by email, expect that they cannot remain confidential. The sender may have control over the security, but the recipients may not share the same intentions. Email is also a form of correspondence and may be used as evidence in disputes or requested as documents from the strata corporation. Remember, once you've hit the send button, you can't take it back.

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