

# Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-325

## Condo Smarts

Headline: What's on Condo TV?

Topic: Privacy

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**Dear Condo Smarts:** Our strata of two highrise buildings in Burnaby has encountered what we hope is a rare problem. We recently had to access a strata lot in an emergency due to a burst pipe. The pipe was a broken toilet feed and the problem was quickly resolved with little building damage. Now the juicy part. On entering the strata lot, our council discovered boxes of video tapes stacked everywhere in the unit. On closer inspection, we noticed the labels identified different parts of our building, including our lobby, parking garage, pool and mail room. A council member removed one of the pool tapes to discover several hours of surveillance of pool activities being recorded. To our surprise they include a nude bather and a couple engaged in inappropriate activities in the hot tub. How can we prevent owners from recording the channels that monitor our building? They're intended for safety and security, not the invasion of or recording of the owners' activities. News has travelled in our strata and everyone now wants cameras removed. It's a little too creepy thinking one owner is recording all of our activities. Darwin Clarke

**Dear Darwin:** Thank you for your timely letter. My previous column addressed the collection of personal information under Privacy Laws, but there are also matters of public and private surveillance that are regulated under PIPA. Your strata urgently needs legal advice on these matters. If a strata corporation intends to operate a surveillance system on common areas, it must establish a policy for the intent, collection, storage and disclosure of the information that may be gathered. This is

best served with an enforceable bylaw or a rule published as a policy that specifically identifies all of these subjects. Some conditions may also require the appropriate signage, for example, a pool or hot tub area. Whether you realize it or not, if you operate a Closed Circuit TV system (CCTV), both the strata and the owners will likely be collecting personal information. If that CCTV is an accessible channel that every resident can access, you may not be complying with privacy requirements. Limiting view access to lobbies for security entry may be necessary. Strata corporations have also used the surveillances recordings for evidence in bylaw enforcement. It is also necessary to disclose that purpose to the residents and owners before you gather any information.

On the topic of emergency access to a strata lot, the strata corporation or emergency service providers do have provisions under the Standard Bylaws to access strata lots without notice; however, personal information gathered or the removal of any objects from a property without the consent of the resident is theft. Even though the occupant was recording Condo TV, the strata corporation would not have gained such knowledge had they never removed personal property. If you become aware of a security situation as a result of emergency access, contact the police. For more information on Privacy Laws, sign up for the 1-day strata symposium on Saturday April 18, in Coquitlam, go to [www.choa.bc.ca](http://www.choa.bc.ca).

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