

**Condo Smarts**

Headline: Email Problems  
Topic: Strata Council; emails  
Publication date: Oct 30, 2014  
Publication: The Province  
Written by: Tony Gioventu

---

**Dear Tony:** What happens when a strata corporation breaches private information? Our strata council has evolved into a chronic habit of dealing with monthly council business through email, and this has now created a serious problem. One of our owners made an application to the council for a hardship exemption from our rental bylaws. The council requested that they provide copies of their personal financial records, to verify the hardship circumstances. Unfortunately one of the emails containing the personal information was sent in error to the complete owners list, and now we have a serious privacy breach along with claims from the owner. We are concerned about being sued, and the owners in our strata are now challenging the information we have received and advising us to not grant the hardship.

*Karen DR , North Vancouver*

**Dear Karen:** Email as a communication and decision making tool has presented us with opportunities to make quick informal decisions while at the same time exposed our strata corporations to some significant liabilities. Before any strata council considers a dialogue or a decision making process by email they must remember a few facts and truths about email. Email is not a confidential form of communication. As soon as one party chooses to distribute information, or information is accidentally forwarded to another party, or your email accounts are breached, the information within the context of your strata business is now public information. While each council member may have their own designated email address, you as the council cannot control who is at the other end of a computer and who is reading the email. The bylaws of strata corporations generally do not permit strata councils to convene meetings by email and all of the emails in transaction with council members are part of the correspondence of the strata corporation and subject to request and access.

Certainly council members find they have to reach consensus on issues in between meetings, and may have to agree to a decision; however, those

decisions should be ratified at the subsequent council meeting and included in the minutes. With the many resort properties across BC that are strata titled, email has become a convenient method to communicate for absentee council members, but the email does not replace a properly convened council meeting. Council meetings enable debate and discussion, owner attendance and participation, which are a significant part of the strata decision making process. The Standard Bylaws do not permit a person to participate as an observer in a meeting where a matter is addressing a hardship application, bylaw enforcement or a matter that requires the protection of an individual's privacy. As a result, those matters should not be discussed or documented on email, as the strata council could easily find they have breached the privacy rights of an owner or tenant. Your email is a good example of how to address a question in a generic form, without breaching any personal information or identifying that person. Bylaw enforcement, hardship exemptions and personal privacy matters are best addressed only in the environment of a properly convened council meeting. After all, they require a vote to determine the outcome. Strata corporations who follow the Act, Regulations and their bylaws have fewer disputes and fewer complaints that consume the time and resources of the strata corporation. Before this becomes a greater problem, contact your lawyer and the owner involved and determine how this matter can be quickly resolved.

---

**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).**

**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.