
Doorbells and Exterior Cameras Installed by Owners, Occupants and Tenants – What a Council Needs to Know

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Written by: Jennifer Neville / Hamilton & Company

It is not surprising that many owners, occupants, and tenants view security cameras as a reliable way to prevent theft and damage to strata lots and surrounding common property, and to discourage trespassers.

It is common for owners, occupants, and tenants to install and use doorbell and other similar security cameras at the entrance to a strata lot. However, this practice should be carefully considered because it can cause disputes and create liabilities for a strata corporation. In addition, it can interfere with the privacy of individual owners, occupants, and tenants.

Applicability of the Personal Information Protection Act

The *Personal Information Protection Act* (“PIPA”) applies to every organization, including strata corporations.

The stated purpose of PIPA is to govern the collection, use, and disclosure of personal information by organizations. In *The Owners, Strata Plan BCS1964 (Icon 1 and 2)*, a resident in a strata corporation building complained to the Office of the Information and Privacy Commissioner (“OIPC”) about the strata corporation’s use of video surveillance. With exceptions for enforcing garbage disposal bylaws and preventing and investigating property damage in the parkade, the OIPC concluded that the strata corporation’s collection and use of personal information was not in compliance with the Personal Information Protection Act (“PIPA”).

Although this case is currently under appeal, it is clear that a strata corporation has obligations under PIPA. It is in the best interests of a strata corporation to govern how personal information is collected, used, and disclosed. This includes having a bylaw regarding any installation and use of security cameras by the strata corporation on common property. Similarly, the strata

corporation should give thought to the installation and use of security cameras by individual owners, occupants, and tenants. In other words, the strata corporation should consider whether or not to prohibit such installation and use.

PIPA applies to strata corporations, but does not apply to individuals. For example, PIPA does not govern how an owner, occupant, or tenant may use, collect, or disclose personal information collected through the use of a security camera. However, it is clear that a strata corporation is bound by PIPA. The existence of security cameras installed by an owner, occupant, or tenant could have implications for the strata corporation if there is a complaint to the OIPC.

Prohibition of Installation by an Owner, Occupant, or Tenant

Some strata corporations recognize that there is risk that the existence of a doorbell or other security camera may cause an individual to complain to the OIPC, particularly if the doorbell camera is capturing images on common property, or being shared in an unreasonable or inappropriate manner. Those strata corporations may choose to: have a bylaw specifically preventing owners, occupants, and tenants from installing cameras, and take proactive steps to enforce the bylaws.

Even in the absence of a bylaw prohibiting the installation of a security camera, most strata corporations have a bylaw similar to standard bylaw 6(1), which provides as follows: “An owner must obtain the written approval of the strata corporation before making an alteration to common property, including limited common property, or common assets.” In other words, this prevents an owner, occupant, or tenant

from altering common property, except with approval from the strata corporation.

In many cases, the installation of a doorbell or exterior camera will require approval from the strata corporation under the existing bylaws. Indeed, in *The Owners, Strata Plan BCS 945 v Miller*, the Civil Resolution Tribunal (“CRT”) held that an owner was required to have obtained the strata corporation’s written approval before installing a camera. The CRT held that the installation of a camera was an alteration because the surveillance camera changed the nature of the common property to one where images and recordings could be captured. The CRT ordered the owner to immediately remove the camera. That decision may be of assistance for strata corporations that wish to prevent cameras from being installed by owners, occupants, or tenants. However, what about strata communities that welcome the use of doorbell or similar cameras? If a strata corporation decides not to prevent the use of doorbell cameras, what steps should it take to protect itself?

Bylaw permitting cameras under certain conditions

Bylaws provide for the control, management, maintenance, use and enjoyment of the strata lots, common property and common assets of the strata corporation. They are an excellent way to control use, and to limit liability.

Advance planning is crucial for a strata corporation. A strata corporation that proposes to permit doorbell or other cameras should consider having a bylaw setting out the conditions under which a camera would be approved. This has the benefit of reducing the risk of disputes, and protecting the strata corporation from privacy complaints. I recommend a clear and specific bylaw regarding the installation of doorbell or exterior cameras. At a minimum, the bylaw should:

- Require an owner, occupant, or tenant to obtain written approval from the council for the installation of a camera;
- Require an owner, occupant, or tenant to provide details about the camera, including the make and model of the camera, and manner of installation when requesting approval;
- Require an owner, occupant, or tenant to indemnify and save harmless the strata

corporation from any claim, cost, loss, or damage incurred by the strata corporation as a result of the doorbell camera;

- Require an owner, occupant, or tenant to do all such things as are required to enable the strata corporation to comply with PIPA, and any order of the Office of the Information and Privacy Commissioner;
- *Set out the purpose for the use of a camera by an owner, occupant, or tenant (for example, preventing unauthorized entry, theft, or damage to the strata lot, and being alerted to the presence of trespassers);*

In addition, the bylaw may require an owner, occupant, or tenant:

- Not to display the images publicly, including on any social media platform;
- Not do anything that could cause the strata corporation to be in breach of the Personal Information Protection Act;
- To set up the doorbell or security camera so that it only records images when there is motion;
- To position the camera so that it only records images within a certain distance from the strata lot, and in particular, so that it does not record images on common property;
- To comply with all requests from police or other law enforcement professionals; and
- To remove the camera immediately upon request from the council.

It is common for individuals to want to install security cameras. However, it is complicated in a strata corporation setting because the strata corporation has obligations under PIPA. It is prudent for a strata council to anticipate issues before they arise, and have a bylaw.