
Condo Smarts

Headline: Surveillance to Enforce Bylaws

Topic: Surveillance Cameras

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Written by: Tony Gioventu

Dear Tony: In my condo there are numerous signs stating that video surveillance will be used to enforce bylaws and impose fines. I would like to see this issue addressed as well as any other issues that might arise from use of these cameras.

JK, Vancouver Island

Dear JK: Surveillance may be conducted in a variety of methods in a strata community such as video or audio surveillance, key FOBS and entry cards that track access and use of common property and common amenities. The Office of the Information and Privacy Commissioner of BC sets out several conditions for surveillance that require disclosure of use and management of surveillance, as well as the requirement of the consent of each resident or a bylaw that permits the use of surveillance.

To conduct surveillance a strata corporation must consider each of the following conditions:

- Who is authorized to view the surveillance footage or access control records and under what circumstances?
- The location of video surveillance cameras. They should not be positioned, internally or externally, to monitor areas beyond the strata corporation property or capture images peripherally or directly through the windows of adjacent strata buildings.
- Video equipment should not monitor areas where owners, tenants, visitors, and employees have a reasonable expectation of privacy such as change rooms and washrooms.
- The times when the cameras will be operating.
- The length of time the video recordings and access control records will be retained.

- How the video surveillance records and access control records will be securely stored and destroyed.
- How the strata corporation will respond to requests under PIPA for access to the personal information contained in video surveillance records or access control records.
- How owners, tenants and visitors will be given notice that the premises are being monitored by video surveillance; and how owners will be given notice that their movements may be monitored by the key fob system.

Surveillance is not authorized for the active monitoring of residents to enable a strata council to impose fines or penalties. Everyone has a reasonable expectation of privacy when using common property, and to not be monitored in their activity. Bylaw enforcement is a multi-staged process in the *Strata Property Act* where a strata corporation receives a complaint, gives notice to the alleged violator of the particulars of the complaint, and that person has the right to respond in writing or demand a hearing of council to dispute the claim.

Cameras are not condo TV. Would you be comfortable swimming in the strata pool knowing someone was actively watching a video monitor? Surveillance may be employed to gather evidence to support bylaw enforcement and to ensure the safety of the residents of your building. It is critical that your bylaws are drafted to comply with the requirements of the *Personal Information Protection Act* and meet the limitations of bylaw enforcement of the *Strata Property Act*.