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## Condo Smarts

Headline: My Privacy Has Been Compromised!

Topic: Privacy

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**Dear Tony:** I live in a condo building in the Okanagan and there is an ongoing dispute with our strata council over the type and frequency of surveillance imposed on owners, tenants and their visitors in our community. Our strata council has introduced a number of cameras, not all of which were disclosed to owners and residents, which record the access to strata units. We have exterior entries on a corridor and the cameras, which are accessible to view by all owners, record every time an owner, tenant or their guest arrives or departs from a unit. The strata council refuses to cease the activity citing security issues, although the local police detachment has informed us there has not been an incident on our location in 5 years. How do we stop this invasive activity? No one knows who has access to all the coverage, and what is done with the recordings.

*JPR*

**Dear JPR:** If a strata corporation conducts surveillance, they may only do so with the authority of their strata corporation. To create this authority or consent, a strata corporation is required to establish a bylaw that identifies the type of surveillance, location of monitoring systems such as cameras and FOB panels, what information is being collected, who has access to these recordings, the purpose of the recordings, and how the information is being stored, managed, and eventually destroyed.

Strata corporations seem to be under the impression they can actively use surveillance systems, such as cameras, to enforce bylaws and rules, but that is not the function of bylaw enforcement. If there is an intention to access video surveillance to establish whether there is liability for damages or responsibility for an insurance claim, that must also be considered within the bylaw, and that may be subject to limitations depending on how the information was collected.

Video surveillance is not active condo TV, and it cannot be directed at strata lots, owners, tenants or occupants who access strata lots. The privacy of residents and their visitors must be protected. Owners or tenants within your community may either file a complaint with the Office of the Information and Privacy Commissioner of BC, or file a claim with the Civil Resolution Tribunal of BC as the activity has not been authorized by the owners through a bylaw, and owners' privacy rights are being violated. A privacy bylaw that addresses the collection and management of personal information of owners and tenants, and authorizes or limits any types of surveillance within a strata community is essential.