

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-170

Condo Smarts

Headline: We have a sex offender in our building

Topic: Sex offender

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Dear Condo Smarts: Our strata council is faced with an issue that is beyond our ability to resolve.

One of our owners passed away several years ago and her son inherited the property. No one occupied the unit until last month when her son decided to move in.

We have been informed that this person is a registered sex offender.

He has a number of restrictions and conditions that were placed on his release, including not being within 100 metres of a playground area. The scary part for our council is that his unit is in the middle of the townhouse complex facing our playground area used daily by our resident children and their guests.

What do we do? Do we inform the owners and neighbours? Do we have to protect his privacy rights? Do we have to act as a strata council? Can we force this person to move?

- *AJ, Lower Mainland*

Dear AJ: Before your strata council takes action or publishes any information to your owners you must contact the police and authorities responsible for this person.

They may be unaware that he is in violation of their restrictions and may be able to intervene quickly to remedy the situation.

As a strata council you may have a duty to ensure the safety of the residents and

owners as well as protecting the interests of the strata corporation.

I also strongly recommend consulting with experienced legal counsel. If you notify the owners and breach this person's privacy rights or give notice of incorrect or false information, you may be exposed to a lawsuit filed by that individual.

If you do not notify your owners and there is an incident as a result of not disclosing this information you may be at risk of a lawsuit from the victims.

Either way, this is a perilous situation and you should immediately contact the police, the correctional authorities and speak with a lawyer experienced with these situations.

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