



## **Video Surveillance - Breach of Privacy**

By Denise Lash on December 07, 2010

Boards of Directors of condominium corporations are often faced with the challenge of determining what is adequate security for their communities. What levels of security are needed to prevent theft, vandalism and ensure that residents live in a safe and secure community?

One of the contributing factors in altering the level of security services is the concern about fees and costs for additional security. The board of directors will have to determine whether the owners are prepared for increases in their monthly fees in order to have a more secure community.

At the heart of any decision being made by a board, is the continued safety and security of the community. The board will often ascertain what security concerns the residents have and will try to determine the best way to address those concerns.

There is no doubt that what is deemed adequate security for one condominium may be considered inadequate for the next. The key is knowing what the residents concerns are and determining what works best to satisfy and protect their needs within the community.

Some condominium corporations install video surveillance cameras and in certain instances, install connections to board member's units or other unit owners to allow the viewing of feeds from the corporation's security cameras in the common elements from their units. Others may just have monitors for the concierge and/or management office.

Owners and residents expect to have their privacy maintained in their homes and would most likely not want board members to monitor their activities on the common elements of the corporation through security cameras. It is for this reason, that keeping those feeds monitored by trained security personnel for the purposes of safety and security of the condominium property and not by board members or other units owners, is often the best course of action for boards to follow. Allowing board members or other residents to view video surveillance tapes or feed could raise issues as to the misuse of information. The issues of privacy of residents and the use of video surveillance cameras was dealt with before the Office of the Information & Privacy Commissioner for British Columbia and recently reported in the Victoria Times Colonist.

This involved Shoal Point Strata Council which Council had installed video surveillance cameras on the exterior doors of the condominium building, the parkade, in the pool area and near the fitness centre.





Although the Council installed the cameras for security purposes, the information obtained by the Council was also used to enforce their by-laws, such as dress code infractions, smoking or drinking in prohibited areas and dogs walking in the building contrary to the by-laws. The residents who brought the complaint before the Commissioner, believed that the use of cameras should be restricted to cases where there were specific security breaches or investigations. The Council's position was that the video footage had been used to identify potential security breaches and serious concerns including safety hazards, potential theft, attempts to abuse or damage property, loitering outside of exterior doors and parking ramps and attempted breakins. Some examples of those incidents in which the video was useful were: vehicles struck at the entry gate causing damage, vehicle backing up and breaking a window in the parkade, handicapped lift over the pool damaged when used as a swing, weights dropped in weight room causing damage and noise disturbance, fight breaking out in parkade, persons diving into the 3 foot deep pool and creating a real safety risk. The Council's position was that it considered the loss of privacy proportionate to the benefit gained.

The Adjudicator found that the Council was not in compliance with PIPA and ordered the following:

- Shoal Point was required to provide the adjudicator with a description of the location, prominence and wording of its signs to notify individuals of video surveillance.
- Shoal Point was to provide to the adjudicator a list of the employees and strata council officials, by title, who have access to the video surveillance system.
- Confirmation that Shoal Point was in compliance with PIPA with respect to the video surveillance on the exterior doors and parkade for the purposes of preventing unauthorized entry, theft or the threat to personal safety or damage to property.
- Shoal Point was required to disable the two video cameras in the pool area and the one outside the fitness room. If later the Council determines that there is evidence of threats or unauthorized entry, theft or threat to personal safety or damage to property, the cameras could be restored.
- Shoal Point was not permitted to use the video surveillance system for by-law enforcement.
- Shoal Point was to discontinue the use of the video surveillance system to provide access to resident units via television cable system.
- Discontinued use by security staff and member of council of daily viewing of footage from cameras in absence of complaints or evidence re unauthorized entry, theft or threat of personal safety or damage to property.

Condominium Corporations should be reviewing their video surveillance procedures, determining the proper location and placement of cameras and setting policies and procedures with respect to the monitoring of the video feed.



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The implementation of those procedures should reflect the real security risks faced in their communities and taking great care in ensuring that the privacy of their residents are not compromised.

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