



Civil Resolution Tribunal

Date Issued: January 9, 2025

File: ST-2023-005916

Type: Strata

Civil Resolution Tribunal

Indexed as: *Hudson v. The Owners, Strata Plan VR 880*, 2025 BCCRT 26

BETWEEN:

SHELLEY HUDSON

APPLICANT

AND:

The Owners, Strata Plan VR 880

RESPONDENT

REASONS FOR DECISION

Tribunal Member:

J. Garth Cambrey

INTRODUCTION

1. This strata property dispute is about the installation of doorbell cameras allegedly in contravention of the strata's bylaws and an owner's request for records and documents.
2. The applicant, Shelley Hudson, is a leasehold tenant of strata lot 23 (SL23) in the respondent leasehold strata corporation, The Owners, Strata Plan VR 880 (strata). I note the definition of "owner" under section 1(1) of the *Strata Property Act* (SPA)

includes a leasehold tenant. Ms. Hudson represents herself. A strata council member represents the strata.

3. Ms. Hudson says the strata has acted contrary to SPA section 36 because it has not provided her with copies of records and documents about doorbell cameras she requested. She also says the strata allows owners to install doorbell cameras and other video devices on common property contrary to the strata's bylaws and the *Personal Information Protect Act (PIPA)*.
4. Ms. Hudson asks for orders that the strata:
 - a. Provide her with copies of all correspondence between owners, the strata council, and the strata manager that relate to doorbell cameras and other video devices as permitted under SPA sections 35 and 36, and
 - b. Have the installed doorbell cameras and video camera devices removed from the common property.
5. The strata says it never received a request for records and documents from Ms. Hudson but says it has now "sufficiently addressed" her request. It also says the replacement of original doorbells with doorbell cameras are not alterations because the doorbell cameras simply replace the original doorbells. Finally, the strata says that its bylaws do not require owners to obtain permission to install doorbell cameras or video cameras. I infer the strata asks that Ms. Hudson's claims be dismissed.
6. As explained below, I largely find in favour of Ms. Hudson.

JURISDICTION AND PROCEDURE

7. These are the formal written reasons of the Civil Resolution Tribunal (CRT). The CRT has jurisdiction over strata property claims under section 121 of the *Civil Resolution Tribunal Act (CRTA)*. CRTA section 2 says the CRT's mandate is to provide dispute resolution services accessibly, quickly, economically, informally, and flexibly. In resolving disputes, the CRT must apply principles of law and fairness and recognize any relationships between the dispute's parties that will likely continue after the CRT process has ended.

8. CRTA section 39 says the CRT has discretion to decide the format of the hearing, including by writing, telephone, videoconferencing, email, or a combination of these. Given the CRT's mandate to provide proportional and speedy dispute resolution, I determined there is no compelling reason to hold an oral hearing. I am properly able to assess and weigh the documentary evidence and submissions before me and I find that an oral hearing is not necessary in the interests of justice and fairness. I am satisfied I can fairly decide this dispute based on the evidence and written submissions provided.
9. CRTA section 42 says the CRT may accept as evidence information that it considers relevant, necessary, and appropriate, even where the information would not be admissible in court.

ISSUES

10. The issues in this dispute are:
 - a. Must the strata provide Ms. Hudson with copies of correspondence about doorbell and video cameras?
 - b. Must owners receive the prior written permission from the strata before installing doorbell or video cameras?
 - c. Does the PIPA permit the strata to approve the installation of cameras?
 - d. What is an appropriate remedy?

BACKGROUND, EVIDENCE AND ANALYSIS

11. As applicant in a civil proceeding such as this, Ms. Hudson must prove her claims on a balance of probabilities, meaning more likely than not. I have considered all the parties' submissions and evidence but refer only to information I find relevant to explain my decision.
12. The strata plan shows the strata was created in March 1981 under the *Condominium Act*. It is a residential strata corporation comprising 33 strata lots in 3 4-level buildings.

All strata lots are 2-levels with some strata lots located above others. The lower-level strata lots all have car ports that form part of the strata lot. SL23 is a lower-level strata lot. In March 1988, the strata designated limited common property parking stalls to owners of all upper-level strata lots.

13. In an April 3, 2023 email to the strata manager, Ms. Hudson requested copies of correspondence exchanged among the strata council, strata manager, and owners about doorbell cameras and other video devices. Despite the strata saying it did not receive the request, an email exchange between Ms. Hudson and the strata manager confirms the strata manager forwarded Ms. Hudson's email to the strata council on April 3, 2023.
14. After further emails were exchanged between Ms. Hudson and the strata manager, Ms. Hudson determined the council was not going to provide her with the requested correspondence, so she requested a council hearing. Ms. Hudson requested a hearing to discuss her document request and the strata's position that strata approval for doorbell and other cameras was not required. Ms. Hudson set out a number of questions on these topics in an undated letter. The hearing was held on May 15, 2023. The meeting minutes of the hearing confirm Ms. Hudson read her letter to the strata council. The strata council replied to Ms. Hudson's letter on May 22, 2023.
15. Both the council meeting minutes, and the council correspondence confirm the strata determined there was no legislation to support that a bylaw was necessary for doorbell cameras. Based on this conclusion, the strata determined that releasing the requested correspondence to Ms. Hudson was "an unnecessary and inappropriate violation of privacy" under the PIPA. The strata also stated that owners who ask to replace their existing doorbell using "existing fixtures and wiring" do not require the strata's approval. I infer the strata takes this position because it does not believe replacing a doorbell with a doorbell camera is an alteration.
16. In submissions, Ms. Hudson says she has heard there are dash cameras installed in residents' vehicles that may also contravene PIPA but admits she does not have any evidence to support her suspicions. For this reason, to the extent her claims include dash cameras of residents' vehicles, I dismiss them for lack of evidence.

Must the strata provide Ms. Hudson with copies of correspondence about doorbell and video cameras?

17. For the reasons that follow, I find the strata must provide Ms. Hudson with copies of the correspondence exchanged between the strata, strata manager and owners about doorbell and other cameras, subject to certain exemptions.
18. SPA section 35 and *Strata Property Regulation* (regulation) section 4.1 set out what documents and records the strata must prepare and the length of time the strata must retain them. Specifically, SPA section 35(2)(k) and regulation 4.1(5) requires a strata corporation to keep all correspondence sent or received by the strata corporation and council for a period of 2 years.
19. SPA section 36 generally requires a strata corporation to provide an owner with requested correspondence within 2 weeks of the date of the request. The SPA does not grant the strata any ability to refuse an owner's request for records and documents captured by section 35, nor is the disclosure of records and documents contingent on their subject matter. That means that disclosure requirements under SPA sections 35 and 36 are generally mandatory but there are exceptions. These include information or documents in which a party is owner who is involved in lawsuit or a CRT proceeding under SPA sections 169(1)(b) and 189.4(c). Further, disclosure of correspondence that is protected by solicitor-client privilege is not disclosable as established in *Mitchinson v. The Owners, Strata Plan VR 1120*, 2024 BCCA 89. These exceptions do not apply here.
20. Finally, and important to this dispute, in *Kayne v. The Owners, Strata Plan LMS 2374*, 2007 BCSC 1610 the court considered what correspondence is captured by section 35(2)(k) which simply says a strata corporation must retain copies of "correspondence sent or received by the strata corporation and council". At paragraph 21, the court interpreted correspondence to or by the council to mean "correspondence by an officer that is authorized by council to be sent on behalf of council or by an officer who has been delegated by council the power to deal with a matter". At paragraph 22, the court said that "it would be stretching the language of the [SPA] far beyond what was intended to suggest that it includes all correspondence between individual members of council that may or may not relate to the business of the council". The CRT has

determined this to mean that correspondence exchanged between strata council members is not disclosable. See for example *Shayesteh-Fard v. The Owners, Strata Plan VR 437*, 2023 BCCRT 916, at paragraph 31, and my decision in *Kelly v. The Owners, Strata Plan KAS 1217*, 2024 BCCRT 964, at paragraph 51.

21. I turn now to the strata manager's correspondence, noting a strata manager is often included in correspondence between council members. Given the strata manager is the strata's agent, I find the same exemption applies to the strata manager as applies to the strata council. That is, correspondence exchanged between the strata council members which includes the strata manager does not need to be disclosed. It is only correspondence written and received by the strata manager when they are acting in their capacity as the strata's agent that is captured by section 35(2)(k) and must be disclosed.
22. I find that the correspondence requested by Ms. Hudson is captured by section 35(2)(k), except that internal correspondence and emails between strata council members, including the strata manager, are excluded as I have outlined.
23. I now consider the strata's argument that disclosing the requested correspondence is contrary to the PIPA. The PIPA is provincial legislation that governs how private organizations, including strata corporations, collect, use, disclose, and destroy personal information. PIPA section 18(1)(o) says that an organization may only disclose personal information about an individual without the consent of the individual if the disclosure is required or authorized by law. The CRT has consistently found that SPA section 36 and PIPA section 18(1)(o) requires a strata corporation to disclose records and documents identified in section 35, including records containing personal information, such as the correspondence requested here. See for example, my decision in *Simpson v. The Owners, Strata Plan BCS 3591*, 2022 BCCRT 317.
24. Therefore, unless the correspondence is exempted as I have outlined above, I order the strata to provide Ms. Hudson with copies of the correspondence she requested that is dated April 3, 2021, or later, which is 2 years before the date of her request. The copies must not be redacted (blacked out) to remove any personal information. The strata must provide the copies to Ms. Hudson within 2 weeks of the date of this

decision and may charge her a maximum of \$0.25 per page for each photocopy.

Must owners receive the prior written permission from the strata before installing doorbell and other cameras?

25. Land Title Office records show the strata's bylaws are the Standard Bylaws under the SPA with some amendments. I agree with the strata that there is no bylaw that restricts the installation of doorbell cameras or other similar devices. However, I find the following bylaws are relevant to this dispute:

Standard Bylaw 5(1)(b) which requires an owner to obtain prior written approval of the strata before altering a strata lot that involves the exterior of the building, and

Standard Bylaw 6(1) which requires owners to obtain the prior written approval of the strata before altering common property or limited common property.

26. Under SPA section 26, the strata must enforce its bylaws. Based on bylaws 5(1)(b) and 6(1), an owner must obtain the prior written permission of the strata before altering a strata lot if the alteration is to the exterior of a building, or if the alteration is to common property.

27. Ms. Hudson argues the cameras she has identified are all located on common property and therefore require the strata's written permission. The strata argues the cameras are located on limited common property, but that the camera installations are not alterations, so the strata's permission is not required.

28. I first consider the strata's argument that replacing a doorbell with a doorbell camera is not an alteration. I disagree. I note the strata did not give reasons why replacing a doorbell with a doorbell camera was not an alteration other than stating the doorbell camera simply replaces the existing doorbell using the same wiring.

29. Ms. Hudson relies on *Parnell v. The Owners, Strata Plan VR 2451*, 2018 BCCRT 7, where a CRT vice chair found the installation of a doorbell camera in a common property hallway was an alteration under the strata corporation's bylaws. The vice

chair adopted the court's definition of alteration cited in *The Owners, Strata Plan NWS 254 v. Hall*, 2016 BCSC 2363, where the court found "[a]n alteration can add to or subtract from what is already there". I note the doorbell camera in *Parnell* did not replace an existing doorbell but was new installation. Here, the doorbell cameras replace an existing doorbell, but I still find the doorbell camera is an alteration under the definition considered by *Hall*. This is because the doorbell has been altered to include a camera component which I finds "adds to" what was already there.

30. Further, in *Graham v. The Owners, Strata Plan EPS104*, 2020 BCCRT 344, a CRT tribunal member considered the meaning of the word "alter" which he found included "to make different without changing into something else", based on the Meriam-Webster dictionary. Although not binding on me, I agree with the reasoning in *Graham* and adopt it here. I find the installation of a doorbell camera in the place of doorbell meets the definition of "alter" since a doorbell camera is different from a doorbell because of the camera component.
31. Finally, I also considered the definition of "alteration" in *Stuart-Weir v. The Owners, Strata Plan LMS 908*, 2022 BCCRT 683 at paragraph 34. There, I found the word "alteration" as defined in the online version of the Meriam-Webster dictionary includes "the act or process of altering something" and that the dictionary notes synonyms include "change", "modification", and "revise". I find the installation of a doorbell camera to replace a doorbell clearly meets that definition of "alteration".
32. For these reasons, I find the installation of a doorbell camera is an alteration. I reach the same conclusion about a camera that is added to an exterior wall where no camera existed previously.
33. Next, I consider application of the strata's bylaws.
34. In her submissions, Ms. Hudson identified 3 strata lots that have doorbell cameras installed. The civic addresses of the 3 lots are 3402, 3406, and 3440. She says 3402 has also installed second camera. Based on the photographs provided in evidence, I find the doorbell cameras for 3402 and 3406 are located on the building exterior in the respective carports of each lot. As I have mentioned, the strata plan shows the carports are part of the strata lot, so I find bylaw 5(1)(b) applies to the doorbell

cameras of 3402 and 3406 and that the owners are required to obtain the prior written permission of the strata to make the alterations.

35. I find the doorbell camera for 3440 and the additional camera for 3402 are located on the exterior of the building outside of any carport. SPA section 1(1) defines common property to include that part of the land and buildings shown on a strata plan that is not part of a strata lot. The strata plan does not expressly show the exterior boundary of a strata lot, but SPA section 68 states the boundary between a strata lot and the common property building exterior “is midway between the surface of the structural portion of the wall... that faces the strata lot and the surface of the structural portion of the wall... that faces the... common property”.
36. Based on the foregoing, I find the exterior walls where the 3440 doorbell camera and 3402 additional camera are located are common property because the walls are not part of a strata lot. Therefore, I find these cameras are captured by bylaw 6(1) and require the owners to obtain the strata’s permission be they are installed.
37. In summary, subject to my discussion about the PIPA below, I find the 3 doorbell installations and the 1 camera installation identified by Ms. Hudson require the written approval of the strata under either bylaw 5(1)(b) or 6(1). If there are other similar camera installations, they also require the strata’s written approval before the cameras can be installed.

Does the PIPA permit the strata to approve the installation of cameras?

38. Part of Ms. Hudson’s argument is that the strata does not have authority under the PIPA to allow owners to install cameras for privacy reasons. This forms the basis of her request that the strata have all doorbell and other cameras removed.
39. The strata does not make direct arguments about whether the PIPA permits it to allow owners to install cameras but says the strata owners should decide about future camera installations by considering a bylaw amendment similar to the proposed amendments that were defeated in 2020 and 2021.
40. Ms. Hudson relies on previous CRT decisions about camera installations, such as *Parnell*. In *Parnell*, a CRT vice chair commented at paragraph 22 that it may be

generally permissible to videotape people, but this did not override the strata corporation's ability to govern in accordance with the SPA and its own bylaws, given the camera was located in a common property hallway for which the strata was responsible. In *Parnell*, the strata corporation successfully argued that the PIPA requires it to have a bylaw authorizing the installation of surveillance equipment and to disclose the equipment's existence and purpose of its use to those affected by it. The vice chair agreed that a strata corporation cannot authorize someone else, such as the owner, to do something that it could not do itself, namely install the camera without proper notice as required under PIPA. She found that even though the owner is not bound by the PIPA, the common property hallway was managed by the strata, which is subject to the PIPA. A similar decision was reached in *Herr v. The Owners, Strata Plan KAS 1824*, 2020 BCCRT 496, where a tribunal member agreed with the vice chair's reasoning in *Parnell*.

41. Previous CRT decisions are not binding on me. Specifically, I do not agree that a strata corporation must have a bylaw authorizing it to install cameras because the PIPA does not expressly say that. Rather, under PIPA section 10(1) a strata corporation must disclose, verbally or in writing, the purposes for the collection of personal information before it collects it. Such disclosure can be through a bylaw, or a policy as was the case in *Shoal Point Strata Council (Re)*, 2009 CanLII 67292 (BC IPC).
42. However, I do agree that a strata corporation cannot approve an owner to do something it cannot, which I find includes installing cameras on common property without providing proper notice. This is no different than a strata corporation permitting an owner to make a significant change to the use or appearance of common property which, under SPA section 71, is something only a strata corporation cannot do. Further, I find the strata cannot approve the installation of cameras within a strata lot, if the camera is pointed to common property. This was the decision reached in *Teh v. The Owners, Strata Plan 202*, 2021 BCCRT 180. I agree with reasoning in *Teh* and adopt it here.
43. Here, there is no bylaw that addresses the collection of personal information either by the strata or by an owner. So, based on the PIPA section 10(1) requirements, I

find the strata may not approve an owner's request to install a camera inside a strata lot, such as in a carport, if the camera is directed to common property and may not approve the installation of cameras on common property, unless the strata complies with the PIPA. The strata suggests a bylaw amendment is appropriate, but I leave it to the strata to determine how best to consider allowing camera installations on common property if that is what it chooses to do.

Summary

44. The strata must provide Ms. Hudson with unredacted photocopies of the correspondence she requested dated April 3, 2021, or later within 14 days of the date of this decision. This excludes internal council correspondence, including any in which the strata manager is included. It may charge her a maximum of \$0.25 per page for the copies.
45. I have found that bylaws 5(1)(a) and 6(1) require the strata to provide written approval for the installation of cameras and that the strata cannot approve camera installations under bylaws 5(1)(a) or 6(1) without ensuring compliance or taking further steps to comply with the PIPA section 10(1). Therefore, I order the strata to take steps to have owners who have installed cameras in their strata lot to apply in writing to the strata to keep their cameras. The strata must do this within 30 days of the date of this decision.
46. The strata has discretion to approve the requests for cameras to be installed in a strata lot, provided the camera does not point to common property. If the owners do not make a written request to retain their installed cameras, or if the strata denies their request, the strata must take steps to have the cameras removed within 60 days of the date of this decision. The strata may charge the owners for the cost of the camera removal.
47. As for cameras installed on common property, I order the strata to take steps to have the owners remove them. The strata must notify such owners to remove the cameras within 30 days of the date of this decision and may remove any offending cameras that remain after 60 days of the date of this decision. The strata may charge the owners for the cost of the camera removal.

48. The strata must not approve the installation of cameras in a strata lot that point to common property, or on common property unless and until it complies with the PIPA section 10(1) requirements about collecting personal information through video cameras.

CRT FEES AND EXPENSES

49. Under CRTA section 49 and the CRT rules, the CRT will generally order an unsuccessful party to reimburse a successful party for CRT fees and reasonable dispute-related expenses. Here, I find Ms. Hudson was the successful party. She paid \$225.00 for CRT fees. She also claims \$11.60 in dispute-related expenses for registered mail to serve the strata and provided copies of the receipt. Therefore, I order the strata to reimburse Ms. Hudson a total of \$236.60 for CRT fees and disputed-related expenses.

50. Under SPA section 189.4, the strata may not charge any dispute-related expenses against Ms. Hudson.

DECISION AND ORDER

51. I order the strata:

- a. Within 14 days of the date of this decision, to pay Ms. Hudson a total of \$236.60 broken down as follows:
 - i. \$225.00 for CRT fees, and
 - ii. \$11.60 for dispute-related expenses.
- b. Within 14 days of the date of this decision, to provide Ms. Hudson with copies of correspondence exchanged between the strata, strata council, strata manager and owners about doorbell and other cameras, excluding correspondence exchanged among strata council members and the strata

manager. The strata may charge Ms. Hudson a maximum of \$0.25 per page for the copies.

- c. Within 30 days of the date of this decision, I order the strata to:
 - i. Take steps to have owners who have installed doorbell or other camera in their strata lot to apply in writing to the strata to keep their cameras. The strata has discretion to approve owner requests for cameras installed within a strata lot if the camera does not point to common property. If the owners do not make a written request to retain their installed cameras, or if the strata denies the owner's request, the strata must take steps to have the cameras removed within 60 days of the date of this decision and may charge the owners for the cost of the camera removal.
 - ii. Take steps to have owners who installed doorbell or other cameras on common property to remove them. The strata may remove any offending cameras that remain after 60 days of the date of this decision and may charge the owners for the cost of the camera removal.
- d. Must not approve the installation of cameras in a strata lot that point to common property, or on common property unless and until it complies with the PIPA section 10(1) requirements about collecting person information through video cameras.

52. I dismiss Ms. Hudson's remaining claims.

53. Ms. Hudson is entitled to post-judgement interest under the *Court Order Interest Act*, as applicable.

54. This is a validated decision and order. Under section 57 of the CRTA, a validated copy of the CRT's order can be enforced through the British Columbia Supreme Court. Under section 58 of the CRTA, the order can be enforced through the British Columbia Provincial Court if it is an order for financial compensation or return of

personal property under \$35,000. Once filed, a CRT order has the same force and effect as an order of the court in which it is filed.

J. Garth Cambrey, Tribunal Member