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How to Protect Your Condo Community from Crime

Crime in condos – there is some good news and some bad news. Let’s start with the bad. There is no silver bullet to prevent crime. It can happen anytime, anywhere, and can take various forms, such as theft, vandalism, break-ins, burglaries, assaults, trafficking, and more. However, the good news is that condominiums have several measures and tools to implement to prevent crime by their very nature. All managers should be asking themselves the following questions: What steps can we take to prevent crime in our condominium, and what procedures should we have in place in the unfortunate event that a crime does occur in our condominium?

Protecting the safety of those on the premises is paramount. In fact, condominiums are statutorily obligated to manage the common elements and take all neces-

sary steps to keep the common elements reasonably safe for those on the premises (pursuant to section 17 of the *Condominium Act* and section 3 Occupiers Liability Act). Therefore, if a condominium ignores or neglects to implement proper crime prevention measures, then it could be exposed to liability, particularly if a crime occurs that could have been prevented.

Below are some measures and tools that all condominiums should consider implementing to ensure that they take all steps necessary to prevent and deal with crime in their condominium.

Surveillance Cameras

The safety and security benefits of installing surveillance cameras on the common elements are two-fold: 1) Cameras are a crime deterrent. A thief might think twice about stealing a vehicle

if there is a surveillance camera recording the parking garage; 2) Cameras can capture a crime and potentially assist in identifying the perpetrator.

The installation of cameras, however, raises several important legal considerations. For example:

- Section 97 of the *Condominium Act*: the installation of a security camera constitutes an “addition, alteration or improvement to the common elements,” which, in many circumstances, may require a notice to be sent to all owners. However, a condominium may be exempt from the notice requirement if the surveillance camera is necessary “to ensure the safety or security of persons using the property or assets of the corporation or to prevent imminent damage to the property or assets.” Regardless of whether



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the exemption applies, a condominium might be better served, from a privacy perspective, by giving notice to owners and informing them of the proposed installation of security cameras.

- **Privacy:** the corporation must balance its interest of ensuring safety and security against the privacy interests of individuals. Condominium residents are entitled to a reasonable expectation of privacy. Therefore, a condominium must carefully consider the purpose and scope of view of its surveillance cameras and should ensure that residents are properly notified of the areas under surveillance (where appropriate).

- **Surveillance Camera Policy:** the wrongful use of surveillance cameras could expose a condominium to serious liability. We strongly recommend that all condominiums develop and distribute a Surveillance Camera Policy setting out, among other things, the purpose and location(s) of the video surveillance, how the footage is being used, how the footage is stored (and for how long) and who is entitled to view the footage.

The Neighbourhood Watch: Resident Entry and Reporting Protocols

Residents themselves can play a crucial role in protecting the condominium from crime. For example, residents should be strongly advised to:

- not hold the door open for any other person (except for those they are entering with). Criminals are often able to enter the condominium due to a resi-

dent voluntarily letting them in;

- immediately report any suspicious or abnormal behaviour/activity to security, to management, and to the police where appropriate; and,

- not share keys or fobs with anyone other than those residing in their unit.

In addition, it is equally important for condominiums to:

- ensure that all locking devices, doors, door openers, fob readers and surveillance cameras are correctly programmed, maintained and repaired;

- establish fob and entry policies, governing the use of fobs, the number of fobs allotted for each unit, periodic fob audits, key requirements for all entry doors and guest/visitor sign-ins; and,

- consult with their security providers for professional, site-specific suggestions to ensure the security and safety of residents (since every condominium will have its own peculiarities).

Post Orders!

One of the most essential but underutilized safety and security measures is providing your security personnel with a detailed set of site-specific post orders. A “post order” is a detailed document given to the condominium’s security personnel that clearly defines the duties, responsibilities, actions, protocols and policies that must be followed by security personnel. For example, a post order can set out the specific areas of the building that must be patrolled (and how often), the steps that security personnel must take in response to a

crime, and the procedures to be followed in the case of a serious emergency. A lack of clearly documented expectations for security personnel is the perfect storm for crime and can ultimately compromise the safety and security of those on the condominium premises.

Holding Owners Responsible

Sometimes, crimes in condominiums are committed by members of their own community (for example, unit owners, occupants, tenants, guests, visitors, etc.). Thankfully, section 117 of the *Condominium Act* prohibits all activities (whether in a unit or on the common elements) likely to damage property or cause injury to an individual. Most crimes will fall within the ambit of section 117, and therefore, condominiums can (and should) also take their own enforcement measures against those who commit illegal acts on the condominium’s premises. Additionally, if the condominium has a well-drafted indemnification provision in its declaration, it may even be able to charge back costs incurred as a result of the owner’s (or their occupant’s, tenant’s, guest’s or visitor’s) crime. Sometimes, charging back those costs to the owner’s unit can deter the owner and/or their occupants, tenants, guests or visitors from committing a crime in the future. ■

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