

Condo Smarts September 26, 2018

Is Facebook a Good Idea for Strata Corporation?

Dear Tony: Two of our strata council members started a Facebook page in 2016 and it has been nothing but a source of conflict ever since. A good example would be the “pool incident” this past August. Our strata corporation is multiple buildings over 200 units with a variety of cultures and traditions and not everyone uses the recreational facilities in the same manner but we do have a published rule that everyone must be appropriately dressed at all times when in the pool, hot tubs or steam rooms. As a result of a dispute over what is appropriate dress, one owner decided to take photographs of several residents at the pool, post them on our Facebook account and then ask for everyone’s feedback of which bathing suits or clothing would they deem appropriate. The residents whose pictures were posted were furious and threatened to sue the strata corporation. The whole thing ignited another round of cultural and racial exchanges. This is only one of many problems that has been caused by our Facebook page. How do we force our council to close down our Facebook page? Allen D.

Dear Allen: The risks with Facebook or any web site where users may add, post or respond to information is that it is impossible to prevent misuse of the site. As a result, the strata corporation may encounter a series of problems that will fuel conflicts and discrimination and place your strata corporation in a position where the individuals who have been targeted and identified may have a valid claim against the strata corporation. These claims could be for potential Human Right’s violations, privacy breaches, security breaches, and claims for damages where an owner, tenant, occupant or visitor may have experienced some level of personal loss or damages. Everyone in a strata corporation needs to remember that when your strata corporation is sued, you all pay. If your owners want the site closed, or the council wants to close a site that is not hosted by the corporation but is representing your strata corporation, petition for or convene a special general meeting to vote by majority vote to cancel or remove the site. If the parties don’t comply file a claim with the Civil Resolution Tribunal ordering the site be closed.

Websites are excellent resources for strata corporations. If they are maintained by the strata corporation, changes of council or management will not affect the site. Websites are best used to store historic and active documents to ensure a strata corporation has a corporate memory and to facilitate operations and management. They can also be used to communicate with owners and tenants and provide a portal for owners and tenants to notify the strata council or strata manager if there are maintenance issues. While the concept of providing a chat room for owners always starts out with the right intentions, it inevitably winds up being hijacked by an owner who is using the site to discredit or harass the strata council, the manager or to target specific owners. The risks of misuse on chat sites far out weighs the benefits.

Before your strata council creates a Facebook page or any other public media format, establish terms and conditions that address the following issues: the type of information that will be posted to the site, who will have access to the site, whether the site will contain a chat room, if the site will be used to relay general information to owners, tenants and occupants, and terms defining under what conditions a user may have their access revoked. Strata corporations manage significant amounts of personal and proprietary information. Do not publish any personal information or information that may be in violation of the Personal Information Protection Act or pose a security risk to the owners, tenants and occupants of your community.

One of the problems that frequently occurs with strata social media or from strata websites is the assumption that the information on those sites is accurate and potential buyers may rely upon the information posted to the site. Clearly identify on your site that any information hosted on the web site is not to be used for the purpose of disclosure or to replace a Form B Information Certificate and that buyers are advised to contact the strata corporation or strata manager to obtain official documents.

Sincerely,

Tony Gioventu, Executive Director
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