



◀ A question that is commonly asked by directors is “What is adequate security for our corporation.”

Security Considerations for Managers & Boards

BY DENISE LASH

WHEN SECURITY is effective in a condominium corporation, residents rarely notice what level of security is in place. But when there is a break-in, an assault or some act of vandalism, that’s when the community looks to the board of directors and management. If proper steps have not been taken, the condominium corporation, board members and property management may have some exposure to liability.

The board and management, however, can only be responsible for the safety and security of their residents in areas they have control over. Part of the issues facing condominium corporations is that residents sometimes contribute to the problem by not being aware that letting individuals into the building may compromise the safety and security of their community. How many of us carefully lock the door behind us when we enter or leave a building? Usually, sometimes, never or always?

For some residents, security is a priority and may be based on a legitimate concern and in other cases it may appear to be paranoia. Whichever it is, security in condominiums is and continues to be an important issue to address by the board and management.

Starting Out

With new condominium corporations, the developer will establish from the outset the level of security offered to the residents. This information is contained in the initial disclosure documentation. This could include a security system with video surveillance, security guards or even security patrol officers.

Once the owner-elected board is put into place, the new board may decide to make changes to the level of services initially provided by the developer. These changes may result in increased security, reduced

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services or even the elimination of certain services.

The *Condominium Act* provides that the board of directors has the authority and the duty to govern the affairs of the condominium corporation. This authority extends to matters involving the safety and security of the residents. Section 26 of the *Condominium Act* provides that a condominium corporation is deemed to be an occupier of the common elements (not the owners) and pursuant to the *Occupiers Liability Act*, has the duty to ensure that persons are reasonably safe while on the common elements. Although in certain instances the owners may be involved in decision-making (depending on the nature of the change) the decision to change any of the services or common elements for the purpose of safety and security rests with the board of directors.

Making Changes to Onsite Security

Questions that are commonly posed by the board of directors considering changes to security are: What is adequate security for our condominium corporation? What level of security is 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 owners are prepared for increases in their monthly fees in order to have a more secure community.

Effective security ideally means that there are security measures in place to monitor the main entries to the building, the parking garage or lot, common areas such as the pool or exercise room and any storage locker areas. Of course no security system is perfect. How much security a condominium has, and how effective it is, will ultimately depend on how much the residents are willing to pay through their monthly common expenses. The board of directors will often be called upon to make some difficult and unpopular choices as to what to secure and how.

A camera and motion lights were installed for this property's outdoor bike racks.
Photo: Dianne Werbicki



What to Put in Place

Security cameras are effective for monitoring multiple places and large areas efficiently, 24 hours a day. The mere presence of security cameras is generally thought to act as a deterrent. It is important to appreciate, however, that unless the video feed from the security cameras is being monitored live by security personnel, an expensive proposition, the

cameras can do little to deter and prevent criminal acts, such as assault, theft or vandalism, from occurring in the first place. Rather, in most cases, the feed from security cameras is recorded and is only reviewed after the fact in the event of any incidents. This may only be helpful in identifying the culprit and possibly preventing further incidents.

The use of security cameras may

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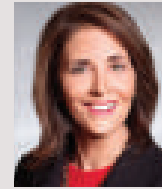
sometimes expose the condominium corporation to liability if not properly used and where it can be shown that the condominium corporation was negligent in its use of security systems, which caused damage to a person or property. A condominium corporation would not be liable simply because, for example, a security staff member who is monitoring the security cameras fails to see an incident (unless they were negligent and this negligence results in a loss), or because a portion of the property is not monitored by camera, unless the condominium corporation knew or ought to have known that failure to monitor that portion of the property would likely result in a crime occurring and being undetected. If the board of directors is aware that certain portions of the property are not monitored and believes that there is a need to monitor those portions of the property, it should take steps to do so. If the board of directors believes that a security staff member is negligent, the problem should be addressed.

In contrast, security guards offer the advantage of real time detection and prevention but are limited in the scope of their coverage. Typically, a security guard walks a circuit of the property periodically, varying the route and timing of the rounds to avoid establishing an easily detectable pattern. It is difficult for a single security guard to create a significant security presence given the size of a typical condo property: a highrise tower and with attached multi-level parking garage for example. If the security guard also monitors the front desk, the main entrance will be left unattended while the security guard makes the rounds. Multiple security guards improve the coverage but impact on costs, which means higher common expenses. Other measures that can be taken are the use of FOBs or proximity cards. The movement of cardholders can also be tracked and cards that are lost or stolen can be easily deactivated.

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 to learn what the residents' concerns are and determine what works best to satisfy and protect their needs within the community. ♦



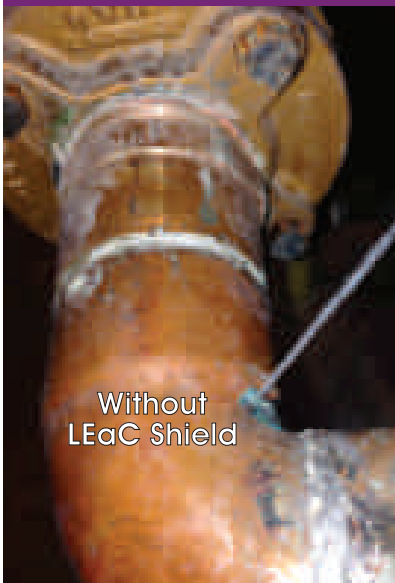
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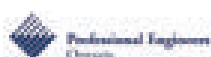
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