

Contact Information

On-Call Lawyers

These two lawyers are available for landlords or tenants for free consultations on criminal or privacy matters. If regular communications are required, they will require payment.

Michael Bozic, Criminal Lawyer
604-803-8788

Jason Gratl, Privacy Lawyer / Criminal Lawyer
604-317-1919

Privacy Commissioner's Office

The Privacy Commissioner's office cannot provide legal advice, but will provide free legal information about privacy regulations.

Call Enquiry B.C. at 604-660-2421 and ask to be connected toll-free to 250-387-5629

Tenants, Police and your SRO



Tenant privacy is very important. Vulnerable people need housing that makes them feel safe, secure and respected. This brochure is designed to give you a general idea of the laws around tenant privacy in B.C.

Pivot Legal Society produced this document as general legal information. It is not legal advice, as each situation is unique. Our organization does not act for landlords, just tenants. If you have questions, we recommend that you call a lawyer for advice tailored to your situation.

To reach our offices, for additional copies of this brochure, criminal or advocacy assistance for a tenant, or for more information, please call Pivot at 604-255-9700 or visit our website at www.pivotlegal.org

Working with Police Officers

Operating an SRO, particularly one that shelters people with housing challenges, means you'll need a good relationship with the police. 'Partners in Action' is a program developed by non-profit SRO operators, the VPD and the Province. The goal is to ensure good communications and effective procedures between police and SRO operators. Everyone wants tenants to be safe and secure in their own residence.

When making decisions about allowing police officers entry, consider all of the circumstances, including the nature of their business in the building (Are they engaged in an investigation?), and any policies that your employer may have about cooperation with police investigations. Treating police officers with basic courtesy will assist in any transaction.

When and how Police may enter buildings

Canadian law says that the police need a very good reason to search where someone lives.

Building operators are required by law to allow entrance to police in the following four situations:

- 1 The police have a search warrant;
- 2 The police are chasing a person who has run into the building;
- 3 The police are responding to someone who is in immediate danger (for example, the police received a 911 call from the building); or,
- 4 The police have a reason to believe that evidence of a crime is being destroyed.

Except for the situations above, building operators can not be forced to allow police to enter the building.

Police may also attend your building to speak to a tenant who was a victim or witness to a crime. You should make sure you have a tenant's consent before you confirm for the police that the tenant lives there. Front desk staff should ensure that messages left by police for a tenant are forwarded to the individual on a timely basis in order not to impede a police investigation.

Providing Tenant Information to the Police

Deciding whether or not to provide personal information about a tenant to the police if the police don't have a warrant is a tough decision.

B.C.'s privacy laws say that when police are investigating, you can provide information to the police without notice to the tenant. The law protects you from being sued or complained about to the Privacy Commissioner.

However, it is important to know that housing providers aren't obligated to provide information to police unless the police officers have a warrant for the information. Providing that information is completely voluntary and you have the right to ask questions and get answers before you release that information.

Making clear policies on the issue may assist your staff in knowing when to say yes or no.

Bylaws & Police Authority

The City of Vancouver (COV) License ByLaw No. 4450 sets out two duties an SRO Operator must comply with:

(1) Keeping a log-book with tenant information. Because police may ensure you are following the Bylaw, they have the authority to inspect an SRO log-book. Although you may well have privacy concerns about a request to examine your log book, this disclosure of information is required by the Bylaw. You must comply.

While the police have the authority to inspect the log-book to ensure that it complies with the Bylaw, they may not use that power to get information for a criminal investigation that you won't release voluntarily.

(2) Doing room checks every 24 hours. Police officers may ask to be appointed your "agent" to do room checks required by the Bylaw.

This practice is constitutionally questionable, and Pivot has prepared a legal opinion that such a practice, if done for the purpose of criminal investigations, violates very clear rules set out by the Supreme Court of Canada in a case called R v. Evans (1996).

If the police want entry into a rental unit, they must meet the requirements listed in the earlier section. They can't "short cut" the Charter of Rights and Freedoms by doing room checks using powers under Bylaws intended for landlords.

If the police ask you if they can conduct the room checks on your behalf, you have the right and the authority to say no.

What is a search warrant?

A search warrant is a written document signed by a Judge or Justice of the Peace that allows police to search a specific place or seize certain information.

You have a right to ask to see the search warrant, and check the date and location to make sure it is valid. If it has expired or is for another address, you may refuse the police entry.