

'Supportive' or 'Transitional' Housing
The RTA does not apply to all types of housing. If you live in housing that is exempted from the Act, you will not be able to pursue a privacy-related claim at the RTB. Generally, the Act does not apply to emergency shelters, transitional housing, or housing that includes hospitality support services, personal health care, or rehabilitative treatment or services. The Act does apply to supportive housing, or long-term/permanent housing for individuals who need support services to live independently, if you are unsure whether the RTA applies to your situation, consult an advocate.

Disclosure of Tenant Information

Your personal information can only be given to police when:
1) Police have a warrant: staff MUST provide information
2) Police are investigating an offence under Canadian laws: staff MAY choose to provide information about a tenant who is a suspect, witness, or victim - even without a warrant or
3) There is an emergency

More Resources:

Privacy Commissioner's Office: 604-660-2421 or 250-387-5629
Office of the Police Complaint Commissioner: 250-356-7458 or toll free at 1-877-999-8707

Disclaimer: Pivot Legal Society has produced this document as public legal information. It is not legal advice. Please consult a lawyer or advocate for advice on your particular situation.

Your Rights

When Police Request Access to Your Residence

PIVOT
LEGAL SOCIETY

Tenants deserve housing that protects their privacy, safety, and dignity. If police do not have a warrant or other legal basis for entering your residence, you may refuse them entry. You can ask to see the warrant; you can refuse to open your door; and you are not required to invite them in.

Police may enter buildings and individual units when:

1. Police have a **search warrant** for the room in question
2. Police are **chasing a person** who has run into the building (in 'hot pursuit')
3. Police have a reasonable belief **someone is in danger** and must enter to check on their safety (e.g., the police received a 911 call from the building)
4. Police have a reason to believe that **evidence of a crime is being destroyed**

There is typically less privacy in common areas of a residential building, as these spaces tend to be more accessible to the public and are not generally considered part of a resident's private living space. Whether or not police have access to common areas or can search in common areas will depend on the circumstances in each building and whether the area is ordinarily frequented by the public.

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 (i.e., a room) or seize certain information, usually in relation to a criminal charge. Staff and residents have a right to ask to see the search warrant and to check the date and location (including a specific unit number) to make sure it is valid. If the warrant has expired or is for another address, police can be refused entry.