



Order P26-12

AFFORDABLE HOUSING SOCIETIES

David S. Adams
Adjudicator

July 23, 2026

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Summary: An individual complained that Affordable Housing Societies (the organization), which operates the apartment building where she lives, was collecting her personal information via a video camera placed in the building's laundry room without her consent. The adjudicator found that the organization was not authorized to collect the complainant's personal information through its laundry room camera under s. 6 of the *Personal Information Protection Act* and ordered it to stop collecting that information and to delete any existing information.

Statutes Considered: *Personal Information Protection Act*, SBC 2003, c 63, ss. 6(1)(a), 6(2)(a), 6(2)(b), 6(2)(c), 7(1)(b), 8(1), 8(3), and 12.

INTRODUCTION

[1] An individual (the complainant) complained to the Office of the Information and Privacy Commissioner (OIPC) about the collection of her personal information by Affordable Housing Societies (the organization). The complainant is a tenant in an apartment building operated by the organization. The organization collects the complainant's personal information via a video surveillance camera placed in the building's communal laundry room.

[2] Mediation by the OIPC did not resolve the complaint and it proceeded to inquiry. Both parties provided written submissions for the inquiry.

ISSUE AND BURDEN OF PROOF

[3] In this inquiry, the parties agree that the organization is collecting the complainant's personal information through its laundry room camera. Therefore, the issue I must decide is whether s. 6 of PIPA authorizes the organization to

collect the complainant's personal information through its laundry room video camera.

[4] PIPA does not expressly set out who has the burden of establishing that a complaint is made out. Previous orders have said that it is in each party's interest to provide argument and evidence in support of its position,¹ and I adopt this approach.

DISCUSSION

Background²

[5] The organization develops and manages rental housing for low- and moderate-income families, seniors, singles, and couples in BC's lower mainland. It operates a residential building for seniors in which the complainant is a tenant.

[6] In December 2024, following some incidents involving damage to laundry equipment, flooding, missing laundry items, and altercations between residents, the organization installed a video camera in the building's laundry room. After the camera was installed, the organization placed a sticker warning residents who entered the laundry room that they would be under video surveillance. Someone removed the sticker, but it was later replaced with unspecified "further signage".³

[7] In May 2026, the organization placed an updated sign on the laundry room door, which reads: "This area is monitored by cctv camera for security, safety and to prevent misuse of the area." The camera records to a computer in a locked management office in the building and the footage is retained for an unspecified "limited period" before being deleted or overwritten.⁴

Consent for the collection of personal information – s. 6

[8] Section 6 of PIPA provides as follows:

- 6(1) An organization must not
 - (a) collect personal information about an individual,
 - ...
- (2) Subsection (1) does not apply if
 - (a) the individual gives consent to the collection...

¹ See, e.g., Order P22-08, 2022 BCIPC 74 (CanLII) at para 4.

² The information in this section is drawn from the parties' submissions and is not in dispute.

³ Organization's response submission at para 25; Affidavit of organization's property manager at para 8 and Exhibit B.

⁴ Affidavit of organization's property manager at para 19 and Exhibit C.

(b) this Act authorizes the collection...without the consent of the individual, or

(c) this Act deems the collection...to be consented to by the individual.

[9] In other words, an organization must not collect personal information about an individual unless the individual gives express consent, PIPA authorizes the collection without consent, or PIPA deems the individual to have consented to the collection (also referred to as implied consent).⁵

[10] There is no dispute that the organization is an “organization” for the purposes of PIPA. I find it is an organization and is subject to PIPA. Further, the parties do not dispute that the organization is collecting the complainant’s personal information through its laundry room camera. I find it is collecting the complainant’s personal information.⁶

Individual gives consent to collection – s. 6(2)(a)

[11] Section 7 of PIPA sets out the manner in which an individual may give consent to the collection of their personal information. The relevant parts of s. 7 say as follows:

7(1) An individual has not given consent under this Act to an organization unless

(a) the organization has provided the individual with the information required under s. 10(1), and

(b) the individual’s consent is provided in accordance with this Act.

[12] There must be a “definitive and unambiguous demonstration of consent” from the individual whose personal information is being collected.⁷

[13] The complainant says she did not, and does not, give consent for the collection of her personal information.⁸ The organization says the complainant provided her consent to the collection by entering the laundry room, since residents may choose whether they enter the laundry room. It says it provides the laundry room as a convenience for residents, and they are not required to use it.⁹

⁵ Order P23-08, 2023 BCIPC 76 (CanLII) at para 60.

⁶ “Personal information” means information about an identifiable individual and includes employee personal information but does not include “contact information” or “work product information.” All of those terms are defined in s. 1 of PIPA.

⁷ Order P22-08, *supra* note 1 at para 14.

⁸ Complainant’s initial submission at 5-6; Complainant’s reply submission at 38.

⁹ Organization’s response submission at para 36.

[14] In support of its argument, the organization relies on Order P21-06, in which the adjudicator considered an organization's use of a video surveillance camera in a garbage room. She found that individuals had the choice whether or not to enter the garbage room and have their images recorded, so that the individuals who, having been notified that their images would be recorded, still chose to enter the garbage room, had consented to the collection of their personal information.¹⁰

[15] However, other orders have analyzed in more detail the element of voluntariness that is required for consent under s. 6(2)(a). In Order P22-08, the adjudicator found that the complainant had not consented to the collection of her video images on entering a communal laundry room, and made the following observations, with which I agree:

The complainant responds that it is invalid to assume that, by using common spaces, she consents to the collection of her personal information...As she does not have an in-suite washer and dryer, she has no choice but to use the communal laundry room, which is...subject to surveillance. In essence, short of selling her shares and moving out of the building, she is unable to avoid the cameras and suffers surveillance not by choice but under duress.

Inherent in the concept of consent is the element of choice. For an individual to provide valid consent, or deemed consent, they must have a realistic option of declining. Consent must be voluntary. Individuals must genuinely agree to the collection of their personal information or have the ability to act in a way that avoids the collection of their personal information. In this case, the complainant cannot access...the laundry facilities without having her images captured. She has never provided a positive indication of her willingness to permit [the organization] to collect her personal information through the video surveillance system. She submits that she has made clear her objections to such collection, including through written communications, since 2017 when she discovered that PIPA governed the collection of personal information. In 2020, she explicitly informed [the organization] in writing that she does not consent to this collection of her personal information.

I conclude that the fact she may have entered a room that she knew to be under video surveillance is not a definitive and unambiguous indication of her consent in this case, especially given the context provided about her express lack of consent.

Therefore, I find that the complainant has not given consent to the collection of her personal information through video cameras and, consequently, s. 6(2)(a) does not apply.¹¹

¹⁰ Order P21-06, 2021 BCIPC 35 (CanLII) at paras 104-105.

¹¹ Order P22-08, *supra* note 1 at paras 20-23; emphasis added.

[16] In a similar analysis, the adjudicator in Order P23-05 found that tenants in an apartment building had no choice but to be monitored as they entered or left the building's laundry room.¹²

[17] I find the facts in this case to be very similar to those in Orders P22-08 and P23-05. Laundry is a basic necessity of day-to-day life. The organization does not suggest that the complainant has a realistic alternative to using the building's laundry room, saying only that if residents prefer to use another laundry facility, they may do so.¹³ I find that the complainant has no meaningful choice whether to enter the laundry room (and have her personal information collected) or not. I also find, from the complainant's extensive correspondence with the organization, that she expressly objects to its collection of her personal information through the camera.

[18] As a result of this finding, I do not need to consider whether the organization has met the notice requirements set out in s. 10. While I recognize the organization's belated efforts to improve its notice to residents about the laundry room camera, a lack of consent is fatal to its position under s. 6(2)(a). Both notice (under s. 7(1)(a)) and consent (under s. 7(1)(b)) are required. As a result, I find the organization is not authorized under s. 6(2)(a) to collect the complainant's personal information.

Consent not required – s. 6(2)(b)

[19] There are circumstances where an organization does not need consent in order to collect personal information. These are set out in s. 12 and include, for example, a collection that is required or authorized by law. I cannot see, and the organization does not argue, that any of the s. 12 circumstances apply. Nonetheless, for the sake of completeness, I briefly considered each of the s. 12 circumstances against the facts in this case and am not persuaded that any of them apply. I therefore find that the organization is not authorized under s. 6(2)(b) to collect the complainant's personal information.

Individual deemed to have given consent – s. 6(2)(c)

[20] Section 6(2)(c) provides that an organization may collect personal information about an individual if PIPA deems the individual to have consented to the collection. The requirements for deemed consent are set out in s. 8:

8(1) An individual is deemed to consent to the collection...of personal information by an organization for a purpose if

¹² Order P23-05, 2023 BCIPC 4 at para 60.

¹³ Organization's response submission at para 9.

(a) at the time consent is deemed to be given, the purpose would be considered to be obvious to a reasonable person, and

(b) the individual voluntarily provides the personal information to the organization for that purpose.

...

(3) An organization may collect...personal information about an individual for specified purposes if

(a) the organization provides the individual with a notice, in a form the individual can reasonably be considered to understand, that it intends to collect...the individual's personal information for those purposes,

(b) the organization gives the individual a reasonable opportunity to decline within a reasonable time to have his or her personal information collected...for those purposes,

(c) the individual does not decline, within the time allowed under paragraph (b), the proposed collection...and

(d) the collection...of personal information is reasonable, having regard to the sensitivity of the personal information in the circumstances.

(4) Subsection (1) does not authorize an organization to collect...personal information for a different purpose than the purpose to which that subsection applies.

[21] The organization says that if residents of the building choose to enter the laundry room after reading the notice it posted at the entrance, it deems them to have provided their consent to be recorded.¹⁴

[22] Information that an individual has no choice but to provide cannot be said to have been voluntarily provided for the purposes of s. 8.¹⁵ As I found above, here there is no evidence that the complainant has a realistic choice about whether or not to use the building's laundry room. I therefore find that she has not voluntarily provided her personal information under s. 8(1)(b), so she is not deemed to have consented to its collection under s. 8(1).

[23] I find that s. 8(3) also does not apply to authorize collection. Section 8(3)(b) requires the organization to provide a reasonable opportunity to decline the collection of personal information. Based on the materials before me, I am not persuaded the organization provided that opportunity.

¹⁴ Organization's response submission at para 36.

¹⁵ Order P22-08, *supra* note 1 at paras 46-47.

[24] For these reasons, I find that the organization is not authorized under s. 6(2)(c) to collect the complainant's personal information.

Conclusion on s. 6

[25] I have found that the complainant has not given her express consent for the organization's collection of her personal information under s. 6(2)(a). I also found that collection without consent is not authorized by PIPA under s. 6(2)(b). Finally, I found PIPA does not deem the collection of personal information to be consented to by the complainant under s. 6(2)(c). For these reasons, the organization must not collect her personal information under s. 6(1)(a).

CONCLUSION

[26] For the reasons given above, the organization is not authorized to collect the complainant's personal information via the camera in the building's laundry room.

[27] The usual remedy in cases of unauthorized collection of video images is to order the organization to stop collecting the images and to delete any existing images.¹⁶ I will do the same in this case. For the reasons given above, I make the following order under ss. 52(3) and 52(4) of PIPA:

1. I require the organization to cease collecting the complainant's personal information through its laundry room camera system.
2. I require the organization to delete any existing personal information of the complainant gathered through its laundry room camera system.
3. I require the organization to provide the OIPC's registrar of inquiries and the complainant with evidence that it complied with the above requirements.

[28] Pursuant to s. 53(1) of PIPA, I require the organization to comply with this order by **September 4, 2026**.

July 23, 2026

ORIGINAL SIGNED BY

David S. Adams, Adjudicator

OIPC File No.: P25-00364

¹⁶ See, e.g., Order P22-08, *supra* note 1 at paras 52-53.