

Common Property

Newsletter for professionals in the facilities management sector.



Reality Bedrooms



Edition: 28th October 2011

I was posed a question by a property manager yesterday, which made me think about the issues that surround strata.

The property manager is managing a strata duplex. The landlord is living upstairs and the tenant downstairs. The tenant has some difficulties with the air conditioner and went to have a look at the air vents. What he found was disturbing! He found that a camera had been set up in the air vents in his bedroom. Further investigation showed that the camera had cables which lead back to the landlord's apartment and to his computer. In effect, the couple downstairs had been putting on a show on a regular basis for the landlord.

What the landlord had effectively done was use the air ducts as a means of running a cable to create a television program.

It has been reported to the police and the police are currently investigating. Consequently, I won't provide any further details in relation to that case. Nevertheless, I recognised how easily this could occur in a strata complex. If a person can tap into ducts or any sort of roof cavity, any person could run cables through those cavities and into a person's bedroom. In fact, they could do it for a number of bedrooms and spy on people.

I am not just talking about the live porn show. It would be very simple for people spy on others for any specific reason. Quite frankly, with the existence of remote controls, you could place cameras in anyone's unit and film them.

Is this a breach of the by-laws? Yes! It would be considered a breach of quiet peace and enjoyment and therefore a breach of any by-law. I believe it would also be a breach of the principles of "nuisance" that prevail in all strata complexes.

Therefore would you just issue a cease and desist notice pursuant to section 45 of the Strata Schemes Management Act 1996? If it is

Strata CPD

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an invasion of a person's privacy, we believe that it is something that should be reported to the police. If it is a minor breach, and it has not really effected a person's privacy, yes a cease and desist notice would be adequate.

Should you make this decision? No! This decision should be made by the members of the executive committee. To report a serious offence to the police and you should consult your executive committee before proceeding.

Failure to take action may leave the Owners Corporation vulnerable. Hence, the report to the police is absolutely essential if you wish to protect your Owners Corporation.

**Cheers,  
Bailey Compton  
and The team at ACP/Leverage!**



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