Toronto Standard Condominium Corporation No. 2322 (the "Corporation")

Policy Regarding Police Requests and Attendance at the Condominium Property
(the "Police Interaction Policy")

The board of directors of the Corporation has determined that in order to protect the privacy and to ensure the safety of its residents, it is in the best interests of the Corporation to implement a policy with respect to requests from the police for access to the common elements and/or access to private information retained by the Corporation.

Under section 17(2) of the *Condominium Act, 1998* (the "**Act**"), the Corporation has a duty to control, manage and administer the common elements and the assets of the corporation. Pursuant to section 26 of the *Condominium Act, 1998*, the Corporation is deemed the occupier of the common elements. Subsection 3 of the *Occupiers' Liability Act* provides that the occupier of the premises owes a duty to ensure that those persons on the premises are reasonably safe. Accordingly, the above-noted duties provide support that the Corporation may allow police to enter the common elements. However, the Corporation has implemented this policy in order to set out the procedure it will follow in the event that the police request access to the common elements and/or if they request personal information of the Corporation's residents and/or unit owners.

By a resolution of the board, dated March 23, 2022, the Corporation hereby approves, passes and implements this Police Interaction Policy, which comes into force immediately.

This policy is designed to assist the board of directors, management and security personnel in addressing police requests.

Overview

The underlying principle of this policy is that in order to gain access to the common elements and/or receive private information about a resident or an owner, the police must obtain a proper warrant.

The only exception to obtaining a warrant is where the police have advised of a threat of imminent damage to the building and/or injury to the residents (an "**emergency situation**").

Allowing access and/or the sharing of information in an emergency situation is permitted only because of the perceived emergency. If a continuation of access to the common elements and/or the sharing of information is required, a warrant must be obtained.

The following procedure outlines the steps the Corporation must take if the police require access to the property and/or access to private information and:

1. They have and produce a proper warrant;
2. They do not have a warrant and it is not an emergency situation; or
3. They do not have a warrant but it is an emergency situation.

<u>Request for Access to the Property by the Police - With a Warrant</u>

Step 1 – Police Identification

Step 2 – Review the Warrant

Step 3 – Determine if Warrant Contains Correct Information

Step 1 – Police Identification

Request that the police identify themselves and require the police officer to present you withtheir badge. The following information should be requested and recorded for the condominium corporation's records:

- The officer(s) name(s);
- The officer(s) badge number(s); and,
- The officer(s) precinct(s).

In addition, request that the officer(s) provide you with their card (if available).

Step 2 – Review the Warrant

Carefully review the warrant and determine its scope. When reviewing the warrant to determine its scope, consider the following:

- Is the warrant seeking access?
- Is it a search warrant?
- Is it an arrest warrant?
- Is there a defined period of time in which the surveillance by the police will take place?
- Is there a defined area in which the police wish to access?
- Is there specific information of the Corporation which the police seek toaccess?
- Does the warrant permit the installation of covert recording devices?
- Will the covert recording devices capture video and audio?
- What crime is under investigation?

Ensure that the information contained within the warrant is correct. This information may include, among other things, the address of the Corporation, name(s) of thesuspect(s) and/or the suspect(s) unit number.

Consider providing the Corporation's lawyer with a copy of the warrant for review.

Step 3 – Determine if Warrant Contains Correct Information

If any information on the warrant is incorrect, require the police to obtain a corrected warrant and proceed back to step 1. Do not allow the police access in the event that the warrant contains incorrect information.

If the warrant is correct, allow the police access to the areas of the common elements specified in the warrant.

If the warrant is to access a unit, access to the unit may (but is <u>not required</u> to) be provided, as to avoid any damage that the police may cause in the event the door to the unit is broken upon forced entry.

<u>Request for Access to Property by the Police – Without a Warrant, Non-Emergency</u>

Step 1 – Police Identification and Information Regarding the Investigation

Step 2 – Require the Police to Obtain a Warrant

Step 1 – Police Identification and Information Regarding the Investigation

Request that the police identify themselves and require the police officer to present you withtheir badge. The following information should be requested and recorded for the Corporation's records:

- The officer(s) name(s);
- The officer(s) badge number(s);
- The officer(s) precinct(s);
- The crime under investigation;
- The duration of the requested surveillance; and
- A statement that the officer has a lawful right to come onto the property.

In addition, request that the officer(s) provide you with their card (if available).

Step 2 - Require the Police to Obtain a Warrant

Advise the police that they cannot access the common elements and/or have access to confidential information until they obtain a valid warrant.

Request for Access to Property by the Police – Without a Warrant, Emergency

Step 1 – Determine if the Situation is an Emergency

Step 2 – Request a Written Statement Detailing Concern of Imminent Danger, where possible

Step 3 – Police Identification and Information Regarding the Investigation

Step 4 – Determine the Risk of Harm

Step 5 – Determine Whether to Allow Access

Step 1 – Determine if the Situation is an Emergency

If the police advise that it is their belief that there is a threat of imminent damage to the building and/or injury to the residents, follow the following procedure.

Step 2 – Request a Written Statement Detailing Concern of Imminent Danger, where possible

Request that the police provide a written statement detailing its concern of a threat of imminent damage to the building and/or injury to the residents. The request should include the requesting officer's name and badge number, and where possible, be on police letterhead. There should be a statement that the request is being made in conjunction with an investigation relating to the enforcement of a law and/or on information that a crime is being committed, and, if possible, the specific law being enforced or the crime under investigation. It should also contain a statement that the police officer has the lawful authority to obtain any required information. The letter should contain as much other information as possible, such as the name of the person under investigation.

In the event that the police advise that providing a written statement has the potential to cause more damage to the building and/or injury, verbal confirmation from the police may be accepted. Any verbal confirmation of such risk should be immediately documented by the Corporation for its records.

In the event that the police believe that there is a threat of imminent and continuing damage to the building and/or injury to the residents, and require immediate and continuing access to the common elements (i.e. a stakeout), require a written statement as noted above, allow access tothe common elements and require the police to obtain a warrant within 48 hours.

Step 3 – Police Identification and Information Regarding the Investigation

Request that the police identify themselves and require the police officer to present you with their badge. The following information should be requested and recorded for the Corporation's records:

- The officer(s) name(s);
- The officer(s) badge number(s);
- The officer(s) precinct(s);
- The crime under investigation;
- The resident being investigated;

- What confidential information the police require from the Corporation;
- The duration of any surveillance required; and
- A statement that the officer has a lawful right to come onto the property.

In addition, request that the officer(s) provide you with their card (if available).

Step 4 – Determine the Risk of Harm

In the event of an emergency situation the Corporation will need to determine whether the risk of harm to the residents outweighs their privacy concerns.

Consider contacting the Corporation's Lawyer.

Step 5 – Determine Whether to Allow Access

If the Corporation determines that the risk of harm to the residents or property outweighs their privacy concerns, then the police should be granted access to the common elements.

If the request is to access a unit, do not provide access to the unit. Rather, permit the police to obtain forced entry, if necessary.

<u>Requests for Information – With a Warrant</u>

Step 1 – Police Identification

Step 2 – Review the Warrant

Step 3 – Determine if Warrant Contains Correct Information

Step 1 – Police Identification

Request that the police identify themselves and require the police officer to present you with their badge. The following information should be requested and recorded for the Corporation's records:

- The officer(s) name(s);
- The officer(s) badge number(s); and
- The officer(s) precinct(s).

In addition, request that the officer(s) provide you with their card (if available).

Step 2 – Review the Warrant

Carefully review the warrant and determine its scope. When reviewing the warrant to determine its scope, consider the following:

- What information is the warrant seeking?
- Is there a defined period of time over which the information is being sought?
- Will the information being sought infringe on other resident's and/or unit owner's privacy rights?
- What crime is under investigation?

This information may include, among other things, the address of the Corporation,name(s) of the suspect(s) and/or the suspect(s) unit number.

Step 3 – Determine if Warrant Contains Correct Information

If any information on the warrant is incorrect, require the police to obtain a corrected warrant, and proceed back to step 1. Do not provide any information to the police in the event that the warrant contains incorrect information.

If the warrant is correct, provide the police with the requested information specified in the warrant.

<u>Requests for Information – Without a Warrant</u>

Step 1 – Police Identification and Information Regarding the Investigation

Step 2 – Require the Police to Obtain a Warrant

It is presumed that the police have advised that they do not believe that there is a threat of imminent damage to the building and/or injury to the residents.

Step 1 – Police Identification and Information Regarding the Investigation

Request that the police identify themselves and require the police officer to present you with their badge. The following information should be requested and recorded for the Corporation's records:

- The officer(s) name(s);
- The officer(s) badge number(s);
- The officer(s) precinct(s);
- The crime under investigation;
- What specific information is being requested; and
- A statement that the officer has a lawful authority to obtain the information.

In addition, request that the officer(s) provide you with their card (if available).

Step 2 – Require the Police to Obtain a Warrant

Do not provide the police any information pertaining to residents and/or unit owners until they obtain a valid warrant.

Requests for Information – Without a Warrant, Emergency

Step 1 – Determine if the Situation is an Emergency

Step 2 – Request a Written Statement Detailing Concern of Imminent Danger, where possible

Step 3 – Police Identification and Information Regarding the Investigation

Step 4 – Determine the Risk of Harm

Step 5 – Determine Whether to Provide the Requested Information

Step 1 – Determine if the Situation is an Emergency

If the police advise that it is their belief that there is a threat of imminent damage to the building and/or injury to the residents, follow the following procedure.

Step 2 – Request a Written Statement Detailing Concern of Imminent Danger, where possible

Request that the police provide a written statement detailing its concern of a threat of imminent damage to the building and/or injury to the residents. The request should include the requesting officer's name and badge number, and where possible, should be on police letterhead. There should be a statement that the request is being made in conjunction with an investigation relating to the enforcement of a law and/or on information that a crime is being committed, and, if possible, the specific law being enforced or the crime under investigation. It should also contain a statement that the police officer has the lawful authority to obtain any required information. The letter should contain as much other information as possible, such as the name of the person under investigation.

In the event that the police advise that providing a written statement has the potential to cause more damage to the building and/or injury, verbal confirmation from the police may be accepted. Any verbal confirmation of such risk should be immediately documented by the Corporation for its records.

In the event that the police believe that there is a threat of imminent and continuing damage to the building and/or injury to the residents, and they require immediate and continuing access to confidential information of residents and/or unit owners, require a written statement as noted above, provide the requested information and require the police to obtain a warrant within 48 hours.

Step 3 – Police Identification and Information Regarding the Investigation

Request that the police identify themselves and require the police officer to present you with their badge. The following information should be requested and recorded for the Corporation's records:

- The officer(s) name(s);
- The officer(s) badge number(s);
- The officer(s) precinct(s);
- The crime under investigation;
- What specific information is being requested; and

- A statement that the officer has a lawful authority to obtain the information.

In addition, request that the officer(s) provide you with their card (if available).

Step 4 – Determine the Risk of Harm

In the event of an emergency situation, and there is insufficient time to consult the corporation's lawyers, the Corporation will need to determine whether the risk of harm to the residents outweighs their privacy concerns.

Consider contacting the Corporation's lawyer.

Step 5 – Determine Whether to Provide the Requested Information

If the Corporation determines that the risk of harm to the residents outweighs their privacy concerns, then the police should be provided with the requested information.