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Ask a Lawyer

Q In our condo, the board has rules that forbid fast-food delivery people from going upstairs to units. Instead, they call from downstairs and tenants must go down to pick up the order. The board claims this is for reasons of security. Can it do this?

A Does a condominium board have the right to control the private visits of a tenant, whether those visits are for personal or commercial purposes? Does a condominium board have the right to distinguish between personal visits and invited, commercial visits?

Does a condominium board have the right to further distinguish between types of commercial services, for example a plumber and a pizza delivery person?

When I investigated this situation, I discovered that pizza delivery staff is refused unescorted entry privileges to this condo building because sometimes they would drop flyers at people's doors. The board also bans fast-food deliveries because of "building security."

First, the unit owners should elect a new fast-food-friendly board of directors. Either that, or the delivery persons should all wear "plumber" tags.

Under the Condominium Act, a condominium board can make rules for "the safety, security or welfare of the owners and of the property" or "for the purpose of preventing unreasonable interference with the use and enjoyment of the common elements and of the other units." The only limitation on the nature of these rules under the Act is that the rules must be "reasonable" and "consistent" with the legislation.