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## ***Home Security Cameras***

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The growing accessibility of technology has made it easier for people to install security cameras in their homes. However, installing security cameras may raise nuisance concerns. Whether a home security camera violates another person's reasonable use and enjoyment of their property depends on various factors including location, audio recording capability, and purpose. Generally, home security cameras are okay when they are pointed towards one's own property, do not capture audio, and are meant to record bad behaviour.

Below I will review the law surrounding home security camera location, audio recording capability, and purpose.

Please note, this resource covers individual use of home security cameras and not corporations, co-ops, and landlords. For information on using security cameras as a company/landlord, see our resource on [Video Surveillance](#).

### **Location**

Home security cameras should point towards one's own property. For example, in one case the judge found that the defendants' security cameras were unreasonably interfering with the plaintiffs' use and enjoyment of their property.<sup>1</sup> This is because the defendants' security cameras were pointed directly towards the plaintiff's front entrance, front yard, and driveway.<sup>2</sup> The judge noted that the position of the security cameras served no purpose other than to provoke and annoy the plaintiffs.<sup>3</sup>

### **Audio recording capability**

Under the *Criminal Code*, you cannot knowingly record other peoples' conversations without consent from at least one party.<sup>4</sup> This means it is okay to record one's own conversations.

Therefore, home security cameras that capture audio can be an issue. When deciding if a home security camera is invading someone's privacy, courts will look at whether the camera can capture audio. This is because even if the camera was not pointed towards someone else's property, audio capability means third party conversations can be recorded without consent.

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<sup>1</sup> *Suzuki v Munroe*, 2009 BCSC 1403 at [para 102](#) [*Suzuki*].

<sup>2</sup> *Suzuki*, 2009 BCSC 1403 at [para 98](#).

<sup>3</sup> *Suzuki*, 2009 BCSC 1403 at [paras 99-102](#).

<sup>4</sup> *Criminal Code*, RSC, 1985, c C-46, s. 184.

For example, in one case, the judge found that the defendants were not invading the plaintiffs' privacy when they installed security cameras on the side of their house. This is because while the cameras may have surveyed thin strips of the plaintiff's property, it was incidental to their purpose, which was to protect and prevent trespass on their property.<sup>5</sup> And further, there was no evidence that the security cameras had audio recording capabilities.<sup>6</sup>

### **Purpose**

The purpose of home security cameras should be to monitor one's own property and/or to record the bad behaviour of others for evidence. For example, in one case, the judge found that a home security camera which captured part of a neighbour's property was permissible. This is because the purpose of the camera was to record the claimant's bad behaviour to use as evidence, as there was a history of conflict between the neighbours including dumping dog feces and ripping out fencing lines.<sup>7</sup>

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2026

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<sup>5</sup> *Robert v Assis*, 2017 ONSC 1685, at [paras 415-416](#) [*Robert*].

<sup>6</sup> *Robert*, 2017 ONSC 1685 at [paras 474-475](#).

<sup>7</sup> *Pellegrin v Wheeldon*, 2020 BCPC 143 at [paras 16-23, 51-54](#).