

Another Difficult Condominium Resident

In [a recent post](#), we blogged about an owner who had engaged in inappropriate and abusive behaviour.

In another recently-reported case, [Wentworth Condo Corp. No. 34 v. Brendan Taylor and Samantha Jones](#), we see another condominium resident engaging in confrontational, harassing, threatening and aggressive behaviour against other residents and a contractor retained by the Corporation. In this case, the resident was the husband of the registered owner of the unit.

The condominium corporation brought an application under Sections 117 (which prohibits dangerous activities on the condominium property) and 134 (which permits a court application to enforce compliance) of the *Condominium Act*. Based on affidavit evidence from several residents, the judge determined that there was sufficient evidence to conclude that the husband had been confrontational and verbally aggressive with residents and a contractor, as well as the unit owner herself.

The court made the following orders:

- a declaration that the husband and the unit owner acted in a manner contrary to the *Condominium Act* and the declaration and rules;
- an order requiring the husband to be of good behaviour and keep the peace while on the property;
- an order requiring the husband to cease and desist from uncivil, improper, illegal conduct that violates the *Condominium Act*;
- an order requiring the husband to refrain from assaulting, verbally abusing, swearing at, harassing, or threatening or intimidating any other occupants on the condominium property;
- an order requiring the husband to refrain from communicating with certain specified residents (i.e. those who had provided the affidavits) or approaching them within 15 feet; and
- an order that the unit owner ensure that the occupants of her unit, including her husband, comply with the *Condominium Act* and the declaration, by-laws and rules.

The corporation did not attempt to get an order requiring the owner to sell her unit, or requiring the husband to move out of the unit. This case confirmed that when a resident fails to behave appropriately to the extent that such behaviour constitutes a breach of the *Condominium Act*, then the condominium corporation is entitled to seek a court order without having to go through the mediation process.

The unit owner and her husband were both self-represented in this matter. However, the condominium corporation incurred legal fees in excess of \$28,000 (including disbursements and HST). At the end of the day, the court ordered that legal costs of the application be added to the

common expenses for the unit, payable in 36 monthly instalments of \$418 (which totals just a little over \$15,000).

Condominium residents need to realize that condominium living requires compromises and that “when people choose to live in a close community neighbourhood, they are bound to accept the responsibility of fairness and decency to their neighbours.” Owners should understand that they are responsible for the behaviour of those living in their unit. This responsibility includes the financial ramifications of non-compliance, as in this case where the legal costs were added to the owner’s common expenses.

Unfortunately, however, even if the corporation is successful in the court proceedings, there is no guarantee that it will recoup all of its costs from the unit owner. This means that all of the other residents end up paying for some of the costs to enforce compliance.