

Bug Infestations in Condominiums

Dealing with neighbors can be a frustrating aspect of condominium living – but what if your neighbors are tens of thousands of tiny bugs?

[A unit owner in Connecticut was faced with this problem](#) when, she alleges, bugs from her next door neighbor's garage spread into her unit. Despite having an exterminator spray her unit twice, the bugs kept coming back:

“[They're] in my food. They were in the drawers of the clothing that has come out of the dryer. They're everywhere.”

While her condominium association's Board of Directors claimed this was a “personal dispute” and refused to get involved, it is clear that in Ontario the condominium corporation would have an obligation to, at a minimum, investigate the situation.

Most corporations have provisions in their Rules or Declaration that prohibit unit owners from unreasonably interfering with the use or enjoyment of other owners. A plague of bugs would certainly interfere with most people's “use and enjoyment” of their unit!

Additionally, [Section 90\(1\)](#) of the [Condominium Act](#) states that owners are responsible for maintaining their units (unless responsibility for maintenance is shifted to the corporation pursuant to [section 91](#)), and [section 117](#) states that no person shall permit a condition to exist if the condition is likely to damage the property.

Pursuant to [section 17\(3\)](#) of the [Condominium Act](#), a corporation has a duty to take all reasonable steps to ensure that owners comply with the [Condominium Act](#), Declaration, By-laws, and Rules.

Practically speaking, this means that if a unit owner alleges that a bug infestation in another unit is spreading into her unit, the condominium corporation would have a duty to investigate. If the source of the bugs is determined to be another unit, and that unit's owner refuses to deal with the situation, the corporation may be required to take steps to eradicate the source of infestation. [Section 19](#) gives any person authorized by the condominium corporation the right to enter units upon giving reasonable notice, as long as it is to perform the objects and duties of the corporation or to exercise the powers of the condominium corporation. This would include entering a unit for pest control purposes.

Typically, the corporation could charge the costs of battling the bugs back to the delinquent owner.

[Toronto Public Health](#) has reported a recent increase in bed bugs in the city – and multi-unit dwellings such as condominiums are [high-risk locations for bed bug infestations](#). So if you find yourself particularly itchy, it might be worth checking with your neighbor!

[As we have previously reported](#), one option is to retain the services of a dog specially trained to sniff out bed bugs.

