

## Court Order Against Abusive Condominium Unit Owner

In a recent case, [YCC No. 163 v. Robinson](#), a condominium corporation was successful in obtaining a court order requiring that a unit owner refrain from abusing, harassing, threatening or intimidating the corporation's employees, representatives and management staff.

The unit owner was a constant complainer who sent e-mails to management on daily basis requesting records and criticizing the management and maintenance of the condominium. Her vociferous e-mails and many personal visits to the management office included insults, name calling and other types of course language and rude behavior.

After reviewing how the owner had conducted herself on many occasions, the Court's findings were as follows:

1. The unit owner's verbal and written abuse and harassment constituted a breach of section 117 of the Condominium Act, 1998 which provides that no person shall carry on an activity in the unit or common elements that is likely to cause injury to an individual. Previous cases have interpreted section 117 to include psychological harm resulting from verbal and/or written abuse.
2. The unit owner's behavior was a breach of the corporation's rules which prohibited improper or offensive use of the condominium property. The corporation was bound by law to enforce the rules against any offending resident or owner.
3. The unit owner's abusive language against management staff constituted workplace harassment under the Occupational Health and Safety Act, 1990. The condominium corporation was "*under a legal duty to investigate and protect its workers from workplace harassment and to remedy the situation by implementing and enforcing anti-harassment policies*".

Based on these findings the Court had no problem ordering the unit owner to refrain from engaging in written and verbal abuse, harassment, threats and intimidation and to cease conducting herself in a way that is likely to cause injury to the corporation's employees and representatives and management staff. The unit owner was also ordered to pay costs to the corporation in the amount of \$15,000.

This case illustrates that condominium corporations cannot turn a blind eye if a resident or owner engages in harassing or abusive behavior on the condominium property. Corporations should also be adopting a no harassment policy so that owners will know what kind of behaviour is unacceptable.