

## Court Orders Sale of Abusive Owner's Condo Unit

In a recent case, [The Owners, Strata Plan NW 1245 v. Linden](#), the Supreme Court of British Columbia ordered a noisy, abusive condominium owner to vacate and sell his unit within 30 days. In the event that the unit owner and his spouse (the “**Respondents**”) do not vacate and sell the unit, the condominium corporation was granted the power to change the locks and to conduct the sale of the unit. The Court also ordered that if the Respondents breached the [court order](#) they should be arrested and tried for contempt of court.

These drastic measures were determined to be the only way to deliver quiet enjoyment to the other residents of the condominium. For years the Respondents had engaged in “disruptive behavior, including:

1. bullying and harassing other residents;
2. making derogatory and often vulgar comments about residents or giving them intimidating looks; and
3. continually disturbing other residents late at night by yelling, banging, slamming doors, playing loud music, singing loudly, screaming, swearing, allowing their dog to bark incessantly, and making other loud noises.”

Dozens of cease and desist letters had been sent to the Respondents by the corporation's property manager and fines totalling \$3400 were imposed, but never paid. The Respondents' egregious behaviour continued even after an earlier court order was granted in April, 2016 ordering the Respondents to refrain from such conduct.

At that time, the Respondents denied the allegations against them but failed to provide any evidence to support their position and merely claimed that the other owners/residents were engaged in a personal vendetta against them. The Respondents did not appear at the most recent court hearing even though they had been advised that the corporation was seeking a court order to evict them.

On the other hand, the condominium corporation provided the Court with affidavit evidence from the property manager and numerous residents, as well as visitors to the property who did not know the Respondents. In addition, the corporation supplied the Court with photographs, videos and audiotapes that captured the Respondents engaging in disruptive and abusive conduct.

In reaching its decision, the Court relied on a decision in an earlier case, [The Owners, Strata Plan LMS 2768 v. Jordison](#), where the Court determined that eviction and sale of the unit was the only practical remedy where the unit owner had previously failed to comply with the terms of a prior injunctive order. The Jordison decision was upheld by the British Columbia Court of Appeal. Based on these decisions it seems that in British Columbia, getting a court order requiring a condo unit owner to vacate and sell the unit is a two-step process. First the corporation has to obtain a court order prohibiting the abusive conduct. If that court order is not complied with then the corporation has to return to Court with evidence of non-compliance in order to obtain a second court order requiring the vacating and sale of the unit.

While this was a successful outcome for the corporation and the condominium residents, it was long overdue. As noted by the Court, the Respondents seemed “to take pleasure from causing others to feel uncomfortable and unsafe in their homes”.