

## Human Rights Tribunal Awards \$30,000 in Damages for Offensive Posters on Co-op Property

[The Toronto Star recently reported](#) that the [Ontario Human Rights Tribunal](#) (the “**Tribunal**”) awarded a total of \$30,000 in damages to 10 residents of a housing co-op (\$3,000 per resident) to compensate them for the co-op’s board of directors failing to promptly deal with a number of offensive posters that had been anonymously posted on the co-op property.

Over the course of several months, an unidentified culprit posted on the co-op property 17 posters which named and made rude, offensive comments about a number of residents, including one resident with a disability. This conduct constituted harassment of these residents. The Tribunal determined that although the co-op’s board of directors, itself, was not responsible for the harassment, the board did not promptly address the problem and communicate with the residents as to what actions the board was taking to ensure that the residents could live in their homes free from harassment.

Eventually the board arranged for security cameras in the building to be re-positioned, at which point the harassing posters stopped.

In addition to awarding damages to those residents that had been harassed, the Tribunal ordered that its ruling be posted on the bulletin boards in the building.

It was reported that the board is considering an appeal on the basis that the Tribunal was holding the board to a higher standard than was appropriate for a volunteer board of a non-profit organization.

While this case dealt with a housing co-operative, this case should be a wake-up call to condominium boards. A situation such as this could occur in a condominium.

The [Condominium Act, 1998](#) (the (“**Act**”) imposes on the board of directors the duty to manage the affairs of the condominium corporation. Where there is an alleged breach of the Human Rights Act, the directors must promptly investigate and take steps to deal with the issue. Since the breach of legislation is a legal matter, the corporation should be retaining legal counsel to advise on the proper course of action. As set out in Section 37 of the Act, the directors of a condominium corporation are required to act honestly and in good faith and to exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances. This section also provides that a director who has met this standard of care will not be held liable for a breach of duty where the director has relied on the opinion of the corporation’s lawyer.