



Condo Owner Removed from Unit

By [Joseph Salmon](#) on August 09, 2011



The Superior Court's recent decision in [Waterloo North Condominium Corporation No. 168 v. Webb, 2011 ONSC 2365](#) is a rare example of the court using its discretion to order a unit owner to sell his unit.

In this case, the unit owner's conduct was extremely aggressive and verbally abusive toward other unit owners, guests and management. In fact, the unit owner had served jail time for criminal offences relating to vandalism of another unit owner's vehicle and engaging in a knife fight in the foyer of the building. The unit owner was further observed kicking an owner's dog and cursing and throwing beer at the dog's owner.

The Corporation provided a sworn affidavit from the building's superintendent that the unit owner screamed that someone is going to die if he goes back to jail.

Justice Parayeski determined that the unit owner's conduct was in violation of the Corporation's Rules and that the Corporation brought the application due to its legitimate concerns for owners, guests and staff. As a result, the Court ordered the unit owner to sell his unit.

The specific facts of the case reinforce the principle that a court will only use its discretion to force an owner to sell its unit in extreme circumstances where there is a genuine and well-documented concern for the safety of other residents. The alleged conduct must be of an extreme nature to warrant such an order.



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It is also interesting to note that Justice Parayeski's endorsement does not cite the case of [MTCC 747 v. Korolekh](#), which had very similar facts. Additionally, Justice Parayeski relied on [Section 135](#), the oppression remedy of the Condominium Act, 1998, to compel the unit owner to sell his unit as opposed to [Section 134](#), which deals with compliance orders. The facts of the case together with Justice Parayeski's analysis and order seem to fall squarely within the confines of Section 134.

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