

# Condominium Home Owners Association

A non-profit association serving strata owners since 1976

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## Condo Smarts

Headline: Eviction of owner is possible

Topic: Eviction

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Every strata community has had at least one tenant or owner from hell who causes damage, changes buildings without permission, constantly disrupts other owners, harasses council and managers, becomes violent when confronted, and generally creates miserable conditions for everyone.

Up to now, strata corporations have only been able to evict a tenant with cause, but a recent court decision in Alberta may have changed that limitation to include owners as well, which means there may be a way for the law-abiding citizens of a strata to have the upper hand in controlling outrageous and antisocial behaviour.

In this landmark Alberta case, a renter was evicted from the strata community for her repeated violation of the bylaws. She was required by an order to vacate her home on May 21 last year. She became the registered owner of her condominium three weeks later on June 13, when title of the strata lot was transferred by her parents, from whom she had been renting. Now the owner, she appealed to the courts that, in her changed status as an owner, she could not be evicted. The courts dismissed the appeal. This individual had shown flagrant disregard for the rules of the corporation, and the court had jurisdiction to grant the eviction even though she was an owner. Happily for B.C. strata owners,

the Strata Property Act here, as in Alberta, does not state that eviction of an owner is impossible.

**Strata Law:** With limitations, the Act allows for the eviction of a tenant by a strata corporation for repeated or continuing contravention of bylaws or rules by a tenant. The eviction is a procedure regulated by the Residential Tenancy Act. However, like Alberta, the eviction of even an owner is not ruled out. There is one substantial difference. The eviction of an owner requires a Supreme Court order, and the strata corporation would require a three-quarter resolution of the owners to proceed with such an action.

**Tip:** Before you consider this option, definitely consult with a lawyer.

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