

Headline: The BC Supreme Court has ordered a troublesome owner to sell her strata lot

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Written by: Paul Mendes / Lesperence Mendes

The latest ruling of the BC Supreme Court confirms that the Court can order an owner of a strata lot to sell his or her unit for violating a court-ordered injunction.

Ms. Jordison and her teenaged son purchased their strata lot in 2008. Soon after, they started a campaign of verbal abuse against many of their neighbours. The strata corporation wrote several warning letters and issued \$30,000.00 in fines, all with no effect. Ms. Jordison denied the allegations and threatened to sue the strata corporation if it did not stop harassing her and her son.

The strata corporation successfully applied to the BC Supreme Court for an order that Ms. Jordison sell her unit. The Court ordered Ms. Jordison to put her unit up for sale ("[Jordison #1](#)"). It found that the Jordisons repeatedly contravened the strata corporation's bylaws by verbally abusing and harassing their neighbours. The Court relied on decisions in other jurisdictions to conclude that s. 173 of the *Strata Property Act*, which permits the court to make "any other orders it considers necessary" to make an owner "stop contravening the... bylaws", permitted it to order an owner to sell her strata lot. The court also ordered that the Jordisons be restrained from making loud noises, making obscene gestures and uttering any abusive or obscene comments directed at their neighbours.

The Jordisons [appealed](#) the order and were partially successful. The BC Court of Appeal overturned the order for sale, upheld the injunction, and left open the possibility that an order for sale or an eviction order might be possible as part of contempt order.

The Court of Appeal clarified the limits on the orders a court can make against an owner pursuant to s. 173 of the *Act*. Section 173 lays out a two-step remedy to deal with owners who egregiously breach strata corporation bylaws. *Step One*: the strata corporation must apply for and obtain an injunction. *Step Two*: if the owner fails or refuses to comply with the injunction, the strata corporation is required to return to Court for a "contempt order". A finding of contempt, which is quasi-criminal in nature, requires proof "beyond a reasonable doubt".

This brings us to the recent order for sale by the BC Supreme Court.

The Jordisons continued to harass their neighbours in breach of the injunction. Their behaviour involved excessive noise, intentional harassment, insults, rude and obscene gestures, uttering obscene and intimidating comments, spitting, assaults, screaming, yelling, swearing, stomping, door slamming and pounding on doors and walls at all hours of the day and night.

The Supreme Court concluded that the evidence established beyond a reasonable doubt that the offensive behaviour was continuing in breach of the injunction that was ordered in *Jordison #1* and sustained by the Court of Appeal.

The usual penalty for contempt of a court order is a financial penalty, an order of committal (jail) or both. In this case, however, Ms. Jordison has little in the way of assets so a fine would likely remain unpaid. Further, a fine would not resolve the ongoing behaviour. Incarceration would only be a temporary solution and is usually reserved for only the most egregious contempt. The strata corporation argued that the only realistic option available was an order for sale of the unit. The Court agreed. It ordered the immediate sale of the unit, as well as special costs against the Jordisons for their behaviour.

This case confirms the two-step process described above for obtaining a Court-ordered sale of a strata lot for egregious conduct and excessive bylaw infractions. It confirms that the Court will exercise its discretion to order the sale of a strata lot only if the strata corporation can prove beyond a reasonable doubt that the owner violated an injunction and is in contempt of Court.