

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

Bulletin: 300-089

Condo Smarts

Headline: Act against rowdy neighbours

Topic: Eviction of Tenant

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Every multiplex owner's nightmare is the neighbour who is loud, causes damage, hosts late night parties, blocks parking, throws garbage and cigarettes from their balcony, or floods or torches their apartment - and the apartments of others.

For most of us, it's a horror dealing with the problem neighbours when they are owners, although strata bylaws can be brought into play to calm the troubled waters.

It is easier still, of course, if the neighbour is a tenant. Take a West Vancouver strata with a penthouse tenant that hosted wild parties every weekend this spring and summer. For the owners below, the situation was intolerable, starting with the May long weekend. Since then, a weekend didn't go by without complaints or the police responding to calls. The landlord refused to do anything since he was an absentee landlord, and the tenant had paid his rent three months in advance. Frustrated, the strata decided to take matters into their own hands and seek legal recourse. The offending tenant has been evicted.

enjoyment of a strata lot, common property or common assets allows the strata corporation to give the tenant notice, terminating the tenancy agreement under the Residential Tenancy Act.

Tips: As with any rule or bylaw violation, the strata has to give proper notice of the violations and a reasonable opportunity for a hearing or written response by the tenant. A fair procedure has to be conducted, otherwise the strata may find they are facing a losing arbitration over the eviction. Every complaint and incident should be documented. The tenant should be notified of every violation and of the steps the strata is taking to effect his eviction. Check out the RTO web site at :

<http://www.pssg.gov.bc.ca/rto/legislation/index.htm>.

Strata Law: A continual or repeated contravention of a significant bylaw or rule that seriously interferes with another person's use or

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