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## “Condoiction” a last resort in Quebec

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Construction workers build new condos at the Le Canal Griffintown site in the Griffintown area of Montreal on Tuesday October 15, 2013.

First, there was the condo owner in the Triangle neighbourhood of Côte-des-Neiges, who called the police dozens of times to report unsubstantiated cases of drug trafficking in the apartment below.

Then there was the co-owner with the drug problem who – in less sober moments – would go around shouting and knocking on his neighbours’ doors. But even high, that man couldn’t compare to the drunkard who’d step out completely naked and ring his neighbour’s doorbell several times a week.

As property managers, Gestion Immobilière Sequoia co-founders Michael Chetboun and Benjamin Remia have dealt with drunks, drug-addicts and other kinds of difficult residents in condo buildings.

But unlike homes which have staircases or fences to separate us from the “difficulty,” condo living means the neighbour from hell could be just a few feet away.



A view of the sold-out Seville condo project, now under construction in downtown Montreal.  
Photo: Allen McInnis/THE GAZETTE

A [story](#) Monday about co-owners being evicted for “unneighbourly” behaviour in Ontario and B.C. illustrates extreme cases of desperate condo boards turning to the courts for help.

Cases of condo owners being ordered by the courts to sell their homes are rare across Canada and have yet to take place in Quebec, said Montreal real estate lawyer Michael Conciser.

According to Article 1080 of Quebec’s Civil Code, evicted a co-owner who refuses to follow the building’s rules is a last resort, real estate lawyer Sebastien Fiset said. A condo board or syndicate first has to get a court injunction ordering the co-owner to follow the building’s rules, before there can be any talk of eviction, he explained.

*“Where the refusal of a co-owner to comply with the declaration of co-ownership causes serious and irreparable prejudice to the syndicate or to one of the co-owners, either of them may apply to the court for an injunction ordering the co-owner to comply with the declaration.”*

*If the co-owner violates the injunction or refuses to obey it, the court may, in addition to the other penalties it may impose, order the sale of the co-owner’s fraction, in accordance with the provisions of the Code of Civil Procedure regarding the sale of the property of others.”*

Conciser said he expects to see more cases of syndicates obtaining injunctions against unruly co-owners, with condos now the fastest-growing sector of the housing market. By 2016, the number of Quebec households living in condos is expected to swell to 266,000.

As property managers, Chetboun and Remia have also come up with ways of dealing with difficult condo owners, without going to court.

The Côte-des-Neiges resident, for one, was arrested by police for harassment. And condo syndicates in the other buildings are in the process of approving new rules that set hefty fines for owners who repeatedly ring doorbells, shout, or bang loudly on doors – either with or without their clothes on.

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*Individual rights – as protected by Quebec’s charter – in a communal, condo setting is the subject of a November 16 [conference](#) organized by the Regroupement des gestionnaires et copropriétaires du Québec.*

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