



Hoarders in Condo Units

By Denise Lash on November 09, 2010



On September 24th, 2010, a fire occurred in an apartment building at 200 Wellesley Street East in Toronto in a suite that was known to property management as a hoarder's unit. Supposedly steps had been taken to deal with the suite, but obviously not done soon enough. The fire occurred and luckily did not end up with the loss of any lives but displaced 1200 people from their homes.

Condominium Corporations have the same challenges as apartment building owners and should be viewing this latest incident as a warning sign that hoarding should be taken very seriously and when discovered it is important to move quickly.

We recently encountered two condominium corporations who discovered that they had unit owners in their buildings whose units looked like the homes portrayed on the show "Hoarders".

It was only when management entered the units for common element repairs, that they discovered that the units were uninhabitable, a safety hazard and health risk to both the residents and other residents in the building.

The Condominium Act (the "Act") allows a condominium corporation to go directly to court to commence an application before the courts under Section 117 of the Act , to obtain an order where a situation exists that poses a threat to any residents or potential damages to the property.

First steps are to notify the Fire Department and they will often involve the police to force entry to the unit if required. It is important that management and/or the board, always be accompanied by one or two witnesses when entering a unit, to avoid allegations of theft.

Notice should be given to the owner to clean up the unit and if the owner fails to do so the condominium corporation can proceed to clean the unit under Section 92 of the Condominium Act and charge the costs back to the unit owner.

If the owner or occupant prevents the condominium corporation from entering the unit or the condominium corporation does not want to get involved in the removal, a court application can be commenced under Section 117 of the Act.

I recently had a discussion with Chief Fire Prevention Officer, Dave Cirouch of the City of Burlington, who has encountered these situations and I was surprised how common they are.



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Mr. Cirouch did say that the Fire Department does have authority to remove items from the unit but will not do so even if they obtain an inspection order, because of liability issues.

There is a program called "Gatekeepers" run by the Catholic Family Services of Hamilton, which often is used by the Fire Departments in that Halton region to work with the occupants of the unit.

The program started in Hamilton in 2005, expanding into Burlington and Oakville in 2009 and is now across Halton. After discussion with Judit Zsoldos, a manager with Gatekeepers, I was astonished to hear that since 2005, the Hamilton Gatekeepers program has handled over 400 cases of hoarding and severe self-neglect, which is called Diogenes Syndrome dealing with ages groups over 55. The gender statistics show that 75 per cent of those cases relate to females.

According to Ms. Zoldos, she is only aware of one agency in Toronto, Extreme Cleaning, which only assists with cleaning and helps clients stay independent. This is operated by VHA Home Health Care and their phone number is 416-489-2500. This is different than Gatekeepers but at least gives some assistance to those in need.

It is clear that additional funding is needed to deal with this ever increasing problem. In the meantime property management companies and condominium corporations should move quickly when they discover a unit that has the potential to cause harm or injury to others.

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