



Condo Owner Frustration **Animal Cruelty or Pest Control?**

By Denise Lash on February 07, 2011

What happens when a unit owner is frustrated by the board's inaction and takes matters into her own hands? A dead peacock, a near conviction of second degree cruelty to animal and a potential lawsuit against the board.

Sandra Maloney, a 70 year old condo owner who resides in a condominium complex near Honolulu, Hawaii, was aware when she bought her condo in 2004 that there were peacocks on the condominium property. At first she thought they were lovely but as time went on, she realized that those stunning birds were also noisy and annoying creatures. In May 2009, after enduring too many sleepless nights of squawking, Maloney took a baseball bat and bludgeoned it to death.



Maloney was then charged with second-degree cruelty to animals. During her trial she testified that she "lost it" after trying to shoo the peacock away with the baseball bat which then resulted in the bird defecating on her barbeque. She swung once and missed and then the second time, killed the peacock. She intended to take the dead peacock back to her condo and eat it but was prevented from doing so when the security guard discovered Maloney and called the police.

Believe it or not Maloney was found not guilty because no hunting permit is required for killing a peacock and according to her attorney peacocks were "invasive species". If she had been found guilty she could have spent a year in jail and a \$2000 fine. Of course, animal rights activists are not happy about this decision.

Maloney did state that she plans to bring an action against the association for failing to take steps to deal with the noisy peacocks after making two requests to do so.

Just imagine if every owner complaint, especially one in which an owner has notified the board on only two occasions, resulted in owners taking steps to deal with the issue themselves, then turning around and suing the board for their inaction.

Something to think about but remembering that it is always a good idea for property management and board members to remind unit owners now and again as to what steps they should take when they have a complaint.



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Distributing enforcement policies and communication with residents about ongoing compliance issues, will show residents that their interests are being protected and that there is a system in place for handling unit owner concerns.

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