

Leaky condo costs realtor \$20,000

SIMMA HOLT SUES: Judge holds agent to promise of no soggy suite in Port Moody complex



Former MP and journalist Simma Holt won a lawsuit against her real-estate agent for 'negligently misrepresenting' the water-damaged state of a Port Moody condo. JASON PAYNE — THE PROVINCE

BY JACK KEATING
STAFF REPORTER

A realtor who sold former Liberal MP Simma Holt a leaky condo after promising she wouldn't be bothered to pay Holt almost \$20,000.

"She really seduced me into buying this," Holt said yesterday. "And I trusted her implicitly. Never trust anybody."

The realtor, Ada Van Leeuwen, was working for Royal LePage when she sold Holt the Port Moody condo in May 1999.

"I find Ada Van Leeuwen negligently misrepresented to Simma Holt the state of the condominium being purchased, and that her interests were properly protected when they were not," wrote B.C. Supreme Court Justice Victor Curtis.

"She told her she would not sell her a leaky condo and that is exactly what happened in circumstances in which Ada Van Leeuwen either knew or ought to have known the condominium had significant water ingress problems."

Curtis noted that Van Leeuwen in her evidence said: "I assured her I would not sell her a leaky condo."

He also noted that Holt was "reasonably relying on the advice of Ada Van Leeuwen, who had encouraged her to do so."

The judge found Van Leeuwen negligent and ordered her to pay Holt \$14,527 of the repair assessment Holt did not recover by other means, plus \$5,000 in damages.

More days after the purchase, Holt was outraged to find that she was liable for close to \$30,000 in damages.

"I was furious," Holt said yesterday. "And I went immediately to a lawyer because this had been foisted on me. And she knew that the place was rotten."

"I took possession and moved in two days later. Six days after I moved in, I had an assessment for \$29,000 for a leaky condo. It was

rotten. And I didn't know it.

"I mean, it was downright fraud as far as I was concerned."

"I mean, six days and I'm responsible for a leaky condo."

Holt, who had a witness to the realtor's assurances, said the matter dragged on for years. It finally went to trial last month and the written decision was handed down last week.

"They stalled for eight years," said Holt. "I think they were trying to get me to die before (they went to court). I'm 84."

"I suppose it sets a precedent. Certainly, I saw it to the end. They wanted to settle for just costs. They wanted to give me \$1, which offended me so much that I said I'm going to court even if I have to spend the last cent."

"But I was taken. I was then 77 years old."

"I'd lost half of my life savings. I lost my career [as a writer] for eight years. I wanted to finish my writing. That's why I bought the place. All I wanted was a place to write. I had about eight books on my computer I wanted to finish."

The Condo Homeowners Association was pleased by the decision.

"It's an indication that real-estate agents are accountable," said executive director Tony Gioventù.

He advised buyers to get agreements on transactions and purchases in writing to "make sure that you can actually verify the information you've got."

"It's positive news for consumers that you can hold the parties to account," said Gioventù. "To do that, you're going to need to have some witnesses and evidentiary material, though. Get it in writing."

Holt, the Vancouver-Kingsway MP from 1974 to 1979 and former *Vancouver Sun* reporter, moved out of the Maude Road condo in June 2004 and now lives in downtown Vancouver.

Van Leeuwen could not be reached for comment last night.

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