



Parents to pay for son's graffiti vandalism

Ruling that parents had a duty to take action sets Canada-wide legal precedent

BY BILL CLEVERLEY, POSTMEDIA NEWS FEBRUARY 25, 2011

In a precedent-setting case for Canada, the B.C. Supreme Court has held a Langford couple partly responsible for their son's graffiti vandalism.

"It's the first time a court has acknowledged parental responsibility for the actions of a minor," said lawyer Troy DeSouza, who acted for the City of Langford in the case.

"There's no cases on this. We are on new ground here."

In 2008 the youth, now an adult, pleaded guilty to nine charges of mischief and was fined about \$350.

But Langford felt the fine was insufficient. The municipality sued, claiming damages of about \$27,500.

The consent court order includes:

- . \$7,500 to be paid by the offender and restitution to the two companies that agreed to participate with Langford in the litigation.
- . A declaration of parental duty of care over vandalism of a minor and a charitable donation to a local food bank.
- . Acknowledgment by the young offender to the acts of vandalism.
- . Agreement by the youth to comply with Langford bylaws and possess no graffiti implements.
- . Counselling and cleanup. As part of the order, the family cannot be named.

Key to success of the legal action was the fact the parents were both aware of their child's actions and that they had the ability but failed to take action to stop him, DeSouza said.

"If you've got a kid and he's gone and broken a window, you're not going to be on the hook for that," DeSouza said. "But if in this situation you know your child has got a graffiti problem, the police have come to your house on more than one occasion and it's a bit of an issue, you've got to do something. That's why the city took these steps."

DeSouza believes the order will attract attention from other municipalities frustrated by light sentences handed out in vandalism cases.

"It gives the community a greater leverage in dealing with acts of vandalism," DeSouza said.

It is not the first time the municipality has pressed for more severe sanctions for taggers.

Langford enforcement officials believe incidents of graffiti have dropped since the municipality has taken a hard line, DeSouza said.