

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: January 26, 2023

CASE: 2022-00566N

Citation: Carleton Condominium Corporation No. 105 v. 1010527 Ontario Ltd. et al., 2023 ONCAT 12

Order under section 1.47 of the *Condominium Act, 1998*.

Member: Marisa Victor, Member

The Applicant,

Carleton Condominium Corporation No. 105
Represented by Melinda Andrews, Counsel

The Respondents,

1010527 Ontario Ltd.
Represented by Roy Hudson, Agent

Matthew Hudson

Represented by Roy Hudson, Agent

CONSENT ORDER

- [1] In the Condominium Authority Tribunal's (CAT) online dispute resolution system, the Parties agreed to settle this case in Stage 2 - Mediation.
- [2] Under Rule 34.3 of the CAT's Rules of Practice, the CAT can close a case in Stage 2 - Mediation if the Parties agree to the CAT making a consent order that resolves the dispute.
- [3] With the consent of the Parties, the CAT orders that this case has been resolved, based upon the terms and conditions set out in this consent order.

ORDER

- [4] The Applicant, Carleton Condominium Corporation No. 105 ("CCC 105"), and the Respondents, 1010527 Ontario Ltd. and Matthew Hudson, have agreed to settle this case and for the terms of their agreement to be incorporated into a consent order. CAT Member Victor therefore orders that this case has been resolved

without a hearing.

- [5] The Applicant commenced this Application on September 21, 2022, to seek compliance with the Corporation's rules respecting smoking, amongst other relief.
- [6] The Respondent, 1010527 Ontario Ltd is the owner of unit 10 at CCC 105 (the "Unit"), and Roy Hudson is the sole Director of 1010527 Ontario Ltd.
- [7] The Respondent, Matthew Hudson, is the current occupant of the unit and has not appeared at the hearings, but is represented by his father, Roy Hudson.
- [8] The Applicant and Respondents have agreed to settle this Application on the following terms:
1. The Respondent, Matthew Hudson, agrees that he will immediately comply with CCC 105's Rule 28 respecting smoking. In particular, Rule 28 confirms that:
 - i. Smoking is not permitted in the Unit;
 - ii. Smoking is not permitted in, on, or around any part of the common elements, including all exclusive use common elements, and the common element pool area;
 - iii. Smoking is only permitted in the designated outdoor smoking area;
 - iv. Smoking includes the inhaling, breathing, carrying, or possession of any lighted cigarette, cigar, pipe, other product containing any amount of tobacco, cannabis, or other smoke-producing substance, or any other similar heated or lit product, and includes vaping with electronic cigarettes or any other activities that create smoke.
 2. The Respondent, 1010527 Ontario Ltd., agrees that it will comply with its obligations as the unit owner under section 119 of the *Condominium Act, 1998 (Condominium Act)* to take all reasonable steps to ensure that an occupier of the Unit and all invitees, agents, and employees of the owner or occupier comply with the Condominium Act, and CCC 105's Declaration, bylaws, and rules.
 3. The Respondent, 1010527 Ontario Ltd., will pay to CCC 105 its costs within 30 days of the date of this order in the amount of \$3,000 (inclusive of HST and disbursements).
- [9] The parties confirmed their agreement to this settlement in the CAT-ODR Portal on January 24, 2022.

COMPLIANCE

[10] If Carleton Condominium Corporation No. 105 or either of the Respondents, 1010527 Ontario Ltd. or Matthew Hudson any of the Parties fails to comply with any of the terms of this order, it may be enforced through the Ontario Superior Court of Justice.

Marisa Victor
Member, Condominium Authority Tribunal

Released on: January 26, 2023