

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: October 11, 2023

CASE: 2023-00085N

Citation: York Condominium Corporation No. 329 v. Valido, 2023 ONCAT 149

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

Member: Brian Cook, Member

The Applicant,

York Condominium Corporation No. 329

Represented by Victor Yee, Counsel

The Respondent,

Zierra Valido, Self-Represented

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.

BACKGROUND

- [4] Zierra Valido is the legal owner of a unit in York Condominium Corporation No. 329 (YCC 329). She does not live in the unit herself. An individual named Neiman Diaz resided in the unit as an occupant.
- [5] YCC 329 filed an Application with the Tribunal alleging that there have been complaints about dogs who reside in the unit or have resided there earlier. While YCC 329 reserves its right to require compliance with the governing documents with regard to any future issues that may arise, it would prefer to settle this Application.

ORDER

- [6] The parties agree to resolve the Application on the following terms:
 - 1. An unwanted and uninvited guest ("Mr. Wilder") may have been responsible

for the issues giving rise to at least more recent complaints. YCC 329 has issued a “no trespass” letter to Mr. Wilder, using the contact information for him provided by the respondent. The respondent will ensure that Mr. Diaz, or anyone else residing in the unit, will immediately tell the Condominium Manager via telephone (or via email if the Manager is unable to be spoken to via telephone) if Mr. Wilder appears at the premises.

2. Ms. Valido will pay \$500 to YCC 329 within 60 days, as a contribution to legal costs associated with past enforcement of the YCC 329’s declaration, by-laws and rules (the governing documents). YCC 329 will not make demands for any other contribution to costs associated with any events prior to the date of this Consent Order.
3. Zierra Valido will ensure that anyone living in the unit, either on a regular or occasional basis, or as guest, is aware of and complies with the requirements of YCC 329’s governing documents.
4. Mr. Diaz no longer has a dog in the unit. Should Mr. Diaz or anyone else living in the unit in the future wish to acquire a dog, Zierra Valido will ensure that the dog complies with the governing documents and is under control at all times and on a leash while outside the unit on YCC 329 property, including the common elements and the grounds.
5. Zierra Valido will also ensure that any guest or visitor to the unit will only use the main entrance to the building (the west entrance facing Kennedy Road) using a key fob and never forcing a door open.

COMPLIANCE

- [7] If 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.

Brian Cook
Member, Condominium Authority Tribunal

Released on: October 11, 2023