

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: November 1, 2023

CASE: 2023-00198N

Citation: Metropolitan Toronto Condominium Corporation No. 584 v. Kakish, 2023 ONCAT 161

Order under Rule 4 of the Condominium Authority Tribunal's Rules of Practice.

Member: Dawn Wickett, Member

The Applicant,

Metropolitan Toronto Condominium Corporation No. 584
Represented by Michael Daniel Pascu, Counsel

The Respondent,

Firyal Hanna Kakish
Represented by Norma Priday, Counsel

Submission Dates: October 26, 2023 to October 30, 2023

MOTION ORDER

- [1] The Applicant, Metropolitan Toronto Condominium Corporation No. 584 ("MTCC 584") brought this application to the Tribunal for an order requiring the Respondent to comply with the no pet provisions set out in its governing documents. Article iii, sub-section (1)(e) and section 5 of MTCC 584's declaration and its rule 14 prohibit pets on the property.
- [2] The case moved to Stage 3 – Adjudication on October 12, 2023. Both parties joined the case.
- [3] On October 26, 2023, the Respondent's Counsel requested that the hearing be adjourned until a date after November 28, 2023. Counsel submitted that she is dealing with medical issues and has many appointments that will consume a lot of her time between now and November 28, 2023.
- [4] The Applicant was provided an opportunity to make submissions on the Respondent's request for adjournment. The Applicant did not provide submissions.
- [5] Having considered the submissions before me, I find that there is sufficient basis to adjourn this matter until a date after November 28, 2023. In making this finding, I considered that the Applicant's Counsel provided detailed information about her health concerns and the treatment she will be receiving over the course of the next month. There is no doubt that these health concerns and treatment will be time

consuming and impact Counsel's ability to participate in the hearing process.

- [6] The hearing is adjourned until November 29, 2023. A new hearing schedule will be created and made available to the parties.
- [7] Pursuant to section 1.39 of the *Condominium Act*, 1998 (the "Act"), the Tribunal must adopt the most expeditious manner to resolve issues in dispute. Since this matter is being adjourned for one month, I will not consider further requests for adjournment unless the request is made on the basis of an exceptional circumstance. In saying that, the parties are directed to be prepared to proceed with the hearing starting November 29, 2023.

ORDER

- [8] This matter is adjourned until November 29, 2023.

Dawn Wickett
Member, Condominium Authority Tribunal

Released on: November 1, 2023