

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: March 19, 2024

CASE: 2023-00536N

Citation: Metropolitan Toronto Condominium Corporation No. 1371 v. Dutta et al, 2024 ONCAT 43

Order under s. 1.44 of the *Condominium Act, 1998*

Member: Patricia McQuaid, Vice-Chair

The Applicant,

Metropolitan Toronto Condominium Corporation No. 1371

Represented by Inderpreet Suri, Counsel

The Respondents,

Poonam Dutta,

Represented by Ian Shemesh, Paralegal

Jamal Harper

No one appearing

CONSENT ORDER

- [1] The Applicant, Metropolitan Toronto Condominium Corporation No. 1371 (“MTCC 1371”), brought this case to the Tribunal against Poonam Dutta, the owner of a unit, and her tenant in the unit, Jamal Harper, seeking compliance with the *Condominium Act, 1998* (the “Act”) and its governing documents; specifically in relation to its pet provisions and noise. MTCC 1371 alleged that the tenant was, among other things, not cleaning up after his dog as required by MTCC 1371’s rules and that the tenant was creating excessive noise which was a nuisance and was disruptive to the enjoyment of the units and common elements by other residents, contrary to its declaration and rules and the Act.
- [2] The tenant Jamal Harper did not join the case and therefore the case advanced to Stage 3 – Tribunal Decision on December 1, 2023.
- [3] Under Rule 43.1 of the Tribunal’s Rules of Practice, the CAT can close a case in Stage 3 - Tribunal Decision if the parties agree to the CAT making a Consent Order that resolves the dispute.

- [4] MTCC 1371 and Poonam Dutta have advised me, through their representatives, that the tenant Jamal Harper moved out of the unit on or about January 20, 2024, and that they wish to resolve this case on the basis of agreed terms and conditions. Therefore, at the request of and 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 Order.
- [5] MTCC 1371 and Poonam Dutta acknowledge that with the issuance of this Consent Order, the case before the Tribunal will be closed.

ORDER

[6] The Tribunal Orders:

1. Poonam Dutta shall comply with the Act and MTCC 1371's governing documents and shall ensure that all of her future tenants and guests also comply.
2. Jamal Harper, having moved out of the unit, will not be permitted to move back into the unit at any time in the future.
3. Poonam Dutta shall provide any future tenants with a copy of the Act and MTCC 1371's governing documents prior to them moving into the unit.
4. Poonam Dutta shall pay the balance of the clean-up costs owed to MTCC 1371 in the amount of \$1,298.50, and legal costs in the amount of \$14,333.74 to MTCC 1371. Payment shall be made in monthly installments of \$1,000, commencing within 30 days of the date of issuance of this Consent Order, until all amounts owed have been paid.
5. Upon issuance of this Consent Order, MTCC 1371 shall register a lien against the unit, at no additional cost to Poonam Dutta, until all amounts owed have been paid, after which the lien shall be discharged.
6. In the event of failure by Poonam Dutta to pay any monthly installment, the full outstanding amount, including all lien and related enforcement costs, shall become immediately due and payable to MTCC 1371.

COMPLIANCE

- [7] If any party fails to comply with any terms of this order, it may be enforced by the Ontario Superior Court of Justice.

Patricia McQuaid
Vice-Chair, Condominium Authority Tribunal

Released on: March 19, 2024