

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: April 8, 2024

CASE: 2023-00698N

Citation: Toronto Standard Condominium Corporation No. 2322 v. Xie et al., 2024 ONCAT 54

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

Member: Dawn Wickett, Member

The Applicant,

Toronto Standard Condominium Corporation No. 2322

Represented by Natalia Polis, Counsel

The Respondents,

Hu Xie

Represented by Nixon Lau, Agent

Christine Delorimer

Self-Represented

CONSENT ORDER

- [1] The Respondent, Hu Xie is the registered owner of unit 1612 located in Toronto Standard Condominium Corporation No. 2322 ("TSCC 2322"). Christine Delorimer is the Tenant living in Mr. Xie's unit.
- [2] TSCC 2322 brought this application alleging Mr. Xie and Ms. Delorimer were in breach of the pet provisions set out in its governing documents.
- [3] The Stage 3 hearing commenced on February 29, 2024. On March 6, 2024, TSCC 2322 requested to briefly delay the proceeding because the Tenant was in the process of vacating the unit. TSCC 2322 submitted that if the Tenant vacated, then the only outstanding issue for the hearing would be costs.
- [4] TSCC 2322 and Mr. Xie participated in the hearing. The Tenant joined the case and posted one message at the onset of the hearing and then stopped participating.
- [5] On March 19, 2024, Mr. Xie's representative confirmed that the Tenant vacated

the unit on March 18, 2024.

- [6] On March 22, 2024, TSCC 2322 and Mr. Xie's representative advised that they were working together outside the Tribunal's ODR system to resolve the issue of costs.
- [7] TSCC 2322 and Mr. Xie's representative submitted that they would not be seeking costs against the Tenant, relinquishing her of any further issues set out in this application. As such, Mr. Xie's representative and TSCC 2322 requested an order on consent once they resolved the issue of costs.
- [8] TSCC 2322 and Mr. Xie's representative agreed that the consent order would include a term indicating they relinquished the Tenant for any responsibility associated with costs set out in this application.
- [9] As the issues in this application related to the Tenant and her pets resolved when she vacated the unit, and TSCC 2322 and Mr. Xie confirmed they would not be seeking any orders against her, I agreed to allow this matter to resolve by way of a consent order.
- [10] Under Rule 43.1 of the CAT'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.
- [11] On April 5, 2024, both parties confirmed they reached a consent on the outstanding issue of costs.
- [12] With the consent of TSCC 2322 and Mr. Xie, the Tribunal orders that this case has been resolved, based upon the terms and conditions set out in this consent order.

ORDER

- [13] TSCC 2322 and Hu Xie relinquish the Tenant, Christine Delorimer of any responsibility of costs associated with this application.
- [14] On or before May 3, 2024, Hu Xie shall pay \$4,247.42 to TSCC 2322.

COMPLIANCE

- [15] 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.

Dawn Wickett
Member, Condominium Authority Tribunal

Released on: April 8, 2024