

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: June 7, 2024

CASE: 2023-00366N

Citation: Ottawa-Carleton Standard Condominium Corporation No. 795 v. Multifaith Housing Initiative, 2024 ONCAT 77

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

Member: Michael Clifton, Vice-Chair

The Applicant,

Ottawa-Carleton Standard Condominium Corporation No. 795
Represented by Emily Deng, Counsel

The Respondent,

Multifaith Housing Initiative
Represented by Marc-Roger Gagné, Counsel

The Intervenor,

Mandy Chin
Not 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] It is acknowledged that the Intervenor has failed to participate in this case, despite having been given several opportunities to do so. The Applicant and the Respondent have in good faith reached a settlement that they wish to have enacted by consent order. Therefore, pursuant to Rule 4.4 of the CAT's Rules of Practice, Rule 34.3 is hereby waived to the extent necessary to allow, for the purposes of this consent order only, that this matter be settled and resolved in this manner despite a party not participating.
- [4] At the request of and with the consent of the Applicant and Respondent, the CAT orders that this case be resolved based upon the terms and conditions set out in this Order.

ORDER

- [5] Each party shall be solely responsible for all their own costs relating to these CAT proceedings.
- [6] The Respondent will comply with its obligation under the *Condominium Act, 1998* (the “Act”), to take all reasonable steps to require its tenant(s) to comply with the Act and the Applicant’s governing documents (e.g., its declaration, by-laws, rules, etc.), particularly but not exclusively as they pertain to conduct or circumstances that cause a nuisance, annoyance, or disruption to other residents of the condominium property including, without limitation, with respect to noise, disturbance of quiet enjoyment, and various forms of harassment.
- [7] In the event that the Applicant receives any further complaints or otherwise becomes aware that the Intervenor is conducting herself not in compliance with the Act and governing documents of the Applicant as it pertains to noise, disturbance of quiet enjoyment, and/or harassment, including without limitation actual or threatened physical or verbal violence, the Respondent shall, within fourteen (14) days of receiving written notice thereof from the Applicant, issue an N5 “Notice to End your Tenancy For Interfering with Others, Damage or Overcrowding”, in accordance with the *Residential Tenancies Act, 2006*, and the rules and instructions of the Ontario Landlord and Tenant Board, and shall thereupon commence and take such steps as are legally necessary to obtain an order from the said tribunal for the eviction of the Intervenor from the Respondent’s unit and the condominium premises.
- [8] In the event of such further non-compliant conduct of the Intervenor as aforesaid, the Respondent shall fully indemnify the Applicant for any of its costs reasonably incurred in relation thereto.

COMPLIANCE

- [9] 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.

Michael Clifton
Vice-Chair, Condominium Authority Tribunal

Released on: June 7, 2024