

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** August 7, 2024

**CASE:** 2024-00037N

**Citation:** Peel Standard Condominium Corporation No. 967 v. Wilfred et al., 2024 ONCAT 121

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

**Member:** Marc Bhalla, Member

**The Applicant,**

Peel Standard Condominium Corporation No. 967

Represented by Justin McLarty, Counsel

**The Respondents,**

Dharmie Wilfred

Self-Represented

Anton Clopotar

Not participating

Maria Carolea

Not participating

Traian Carolea

Not participating

Elisabeta Carolea

Not participating

Danciu Carolea

Not participating

**Hearing:** Written Online Hearing – May 13, 2024 to July 21, 2024

Videoconference Hearing - May 22, 2024

## **REASONS FOR DECISION**

[1] The Applicant, Peel Standard Condominium Corporation No. 967 (“PSCC 967”), brought this case against unit owner Dharmie Wilfred and their tenants, all of whom are listed as Respondents in this case. The owner took part in the hearing. The tenants did not. I am satisfied that the tenants were notified of this case.

- [2] The focus of this case is PSCC 967's claims that the tenants park in visitor parking in breach of the rules. PSCC 967's rules allow the board to designate parking areas for visitors and bans residents from parking in visitor parking areas. Rule 22 of PSCC 967 says:

*"Residents are not allowed to park in Visitors at any time."*

- [3] PSCC 967 also claim the tenants park in the parking spaces of other residents, and drive too fast on condominium property in breach of Section 117(2) of the *Condominium Act, 1998* (the "Act").
- [4] The owner explains there is a language barrier. They suggest the tenants did not know better. Based on the evidence before me, I am satisfied that PSCC 967's rules were violated. The tenants are to stop parking where they are not allowed to. They are to stop speeding.
- [5] The owner says they cannot control the actions of their tenants. It is common for condominium owners to be responsible for their tenants. Here, this responsibility is set out in Section 19(b) of PSCC 967's declaration, which says:
- "The Owner of each Unit shall comply, and shall require all residents, tenants, invitees... to comply with the Act, the Governing Documents..."*
- [6] PSCC 967 seeks an order for its costs in this matter. The owner claims financial hardship.
- [7] PSCC 967 tried to address this matter without the Tribunal. Management twice contacted the owner in writing about the parking concerns. Legal counsel then got involved.
- [8] I accept that PSCC 967 felt it had to incur cost to address the ongoing violations. These costs were due to the tenants' actions. The owner is responsible for the tenants' actions.
- [9] PSCC 967's lawyer issued letters to the owner on November 29 and December 4, 2023. The letters told the owner they were being charged for the cost of the lawyer reviewing the matter and drafting each letter, \$644.10 and \$536.75.
- [10] A condominium, by nature, is a shared venture. Some legal costs should be expected as part of the operation of a condominium. This includes costs of seeking compliance, which condominiums must do. It is not realistic for a condominium to expect to recover all costs of seeking compliance. I award PSCC 967 its costs for the second legal letter, \$536.75, and its tribunal fees.

## **ORDER**

[11] The Tribunal Orders:

1. The Respondent tenants to immediately:
  - a. stop parking in visitor parking; and
  - b. stop speeding on the common elements of PSCC 967.
2. The Respondent owner to:
  - a. make sure their tenants only park where they are allowed to and drive at safe speeds on the common elements of PSCC 967;
  - b. provide their tenants with a copy of PSCC 967's rules and this decision within 15 days; and
  - c. pay the Applicant \$686.75 within 90 days. This represents PSCC 967's filing fees of \$150 and legal costs of \$536.75. Payment is ordered under sections 1.44(1)3 and 1.44(1)4 of the Act.

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Marc Bhalla  
Member, Condominium Authority Tribunal

Released on: August 7, 2024