

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: September 5, 2024

CASE: 2024-00205N

Citation: Muskoka Condominium Corporation No. 5 v. Respondent 1 et al., 2024 ONCAT 135

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

Member: Ian Darling, Chair

The Applicant,

Muskoka Condominium Corporation No. 5

Represented by Sienna Molu, Counsel

The Respondents,

Respondent 1; Respondent 2; Respondent 3; Respondent 4

CONSENT ORDER

- [1] The Parties agreed to settle this case in Stage 2 – Mediation under Rule 34.3 of the CAT’s Rules of Practice. With the consent of the Parties, the CAT orders this case closed, based upon the terms of this consent order.

ORDER

Confidentiality

- [2] The parties agree that the Respondents will be identified in this Order as “Respondent 1; Respondent 2; Respondent 3 and Respondent 4.” The parties are identified in a separate schedule – attached to this order and known to the parties.
- [3] The Tribunal orders the schedule to remain confidential, and only known to the parties. In *Sherman Estate v. Donovan*, 2021 SCC 25 (CanLII), the Supreme Court of Canada established the standard for when courts and tribunals should issue confidentiality orders. Even though the parties consent to the order, the Tribunal still needs to balance the requirement to maintain the “open courts principle.” I have discussed the order with the parties and have determined that the settlement terms contain information that, if it identified the parties, would harm the individual dignity of the Respondents, and therefore meets the standard for a confidentiality order. All parties in this case must take all reasonable steps to

preserve the integrity and purpose of this order.

Following the condominium corporation's Rules

- [4] Respondent 3 agrees to follow the Rules.
- [5] The Agent for Respondent 3 will create a plain language version of the Rules to be posted in the unit.

How to deal with problems

- [6] If there are concerns about rule violations, condominium management will provide notice to Respondent 3 in the unit, to Respondent 1 & 2 and to the Agent.
- [7] If notified of a rule violation, Respondent 1, 2, 3, or the Agent will respond within one (1) business day to acknowledge the report and provide a response to the Applicant regarding the concerns.
- [8] Respondents 1 & 2 will ensure that the condo management has their contact information, and the Agent's.

Visitor

- [9] Respondent 4 will not attend the condominium corporation.
- [10] If Respondent 4 does attend, Respondent 3 will not invite her into the unit.

Noise

- [11] The parties agree that the hours of 11:00 pm - 7:00 am should be considered "quiet hours."
- [12] The Parties agree that noise should not be **unreasonable** and should not be **ongoing**.
- [13] The Parties agree that noise complaints must be **substantiated** in order to be considered a violation of the Rules.

[14] The Parties agree that there should be a threshold (maximum) for noise transferring from the unit. Noise under this level would not be considered “unreasonable.” The parties agree to work together to identify the decibel threshold. If the parties agree to the threshold, it will be incorporated into Schedule “B” of this agreement.

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.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: September 5, 2024.