

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: April 9, 2025

CASE: 2024-00562N

Citation: Metropolitan Toronto Condominium Corporation No. 551 v. Ibrahim, 2025 ONCAT 54

Order under Rule 4 of the Condominium Authority Tribunal's Rules of Practice.

Member: Eleanor White, Member

The Applicant,

Metropolitan Toronto Condominium Corporation No. 551

Represented by Angie Tracey, Counsel

The Respondent,

Samina Ibrahim

Represented by, Ardavan Nazemzadeh

ORDER TO DISMISS

- [1] The Applicant is Metropolitan Toronto Condominium Corporation No. 551 ("MTCC 551"). The Respondent is stated on the application as Samina Ibrahim ("SI"), noted as a unit owner in MTCC 551. In the application, she is the sole named Respondent and owner of the unit, who they believed to be causing the issues in dispute.
- [2] An individual, Ardavan Nazemzadeh ("AN") joined the case on behalf of the Respondent. The individual is believed to reside (as Tenant) in the unit owned by the Respondent. He declined to participate further in the Stage 2 – Mediation process and has been, except for a single contact in a video call in Stage 2 – Mediation, unresponsive to communications.
- [3] The Applicant filed this case with the Tribunal alleging unreasonable nuisance, annoyance, or disruption by way of the presence of a dog in the unit owned by the Respondent. The condominium has included the exclusion of pets in its Declaration and its Rules. The remedy being sought by the Applicant is the removal of the animal.
- [4] I understand there is a tenant in the unit and that it is alleged that the tenant's dog is causing the issues.

- [5] The CAT's Rules of Practice include in Rule 17 the details involving the role of an Intervenor in the proceedings.
- [6] Rule 17.2 provides when an application is filed by one or more Applicants against the owner of a unit that is occupied by another individual, the Applicant will be required to identify and deliver the Notice of Case to the Occupant of the unit as an Intervenor if the Case relates to the acts or omissions of that Occupant (CAT Rules of Practice, effective: January 1, 2022, Page 10 of 23).
- [7] The supposed tenant, AN, was not included in the application. He joined the file using the invitation intended for the owner, SI. During our one conversation, he told me he was living in the unit and owned a dog. He refused to confirm he was acting as the owner's representative but indicated that he thought his role was conflictual.
- [8] Tribunal staff were asked to contact the Respondent, SI, however the available contact information for her was incorrect. Following the provision of amended contact information, Tribunal staff were advised by an individual claiming to be SI's daughter that SI has been deceased for 9 years, that the unit is owned by her 5 children, and that the rental of the unit had been handled through a realtor. The daughter advised that she was unaware of the application and has never authorized AN to act as a representative in this case.
- [9] Given the confusion regarding the identity of the Respondent owner and the omission of the tenant as a party to this case, I find that this application must be refiled.
- [10] The Applicant, MTCC 551, is directed to confirm the identity of the current owner(s) of the unit prior to re-filing the application. The Applicant is also directed to ensure that any occupants / tenants are also identified as parties in accordance with Rule 17 of the Tribunal's Rules of Practice.
- [11] Refiling an application requires some administrative support from a Tribunal staff member. This is an administrative process. The Applicant can communicate with a Tribunal clerk for more information on this process by emailing catinfo@condoauthorityontario.ca.
- [12] The Tribunal has agreed to waive the filing fee for the re-filing of this application.

ORDER

- [13] Under the authority of Rule 4 of the Tribunal's Rules of Practice, this case is dismissed.

[14] Upon receipt of this order, the Applicant is directed to contact catinfo@condoauthorityontario.ca for support on adding the Tenant as a party to the proceeding as ordered in paragraph 10.

Eleanor White
Member, Condominium Authority Tribunal

Released on: April 9, 2025