

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: May 2, 2025

CASE: 2025-00101N

Citation: Wentworth Standard Condominium Corporation No. 381 v. Piorier, Afshari, Davidson, 2025 ONCAT 71

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

Member: Nicole Aylwin, Member

The Applicant,

Wentworth Standard Condominium Corporation No. 381

Represented by Aarij Ahmed, Counsel

The Respondents,

Monique Piorier

Represented by Afshin Afshari, Agent

Afshin Afshari

Self-Represented

Ellen Davidson

Self-Represented

CONSENT ORDER

- [1] In the Condominium Authority Tribunal's (CAT) online dispute resolution system, the Parties agreed to settle this case in Stage 3 – Tribunal Decision.
- [2] 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.
- [3] With the consent of the Parties, the CAT orders that this case has been resolved, based upon the terms and conditions set out in this consent order.

ORDER

- [4] The Applicant, Wentworth Standard Condominium Corporation No. 381 ("WSCC 381") commenced this Application to seek compliance with its rules

respecting smoking, amongst other relief.

- [5] The Respondents, Monique Piorier and Afshin Afshari, are the owners of a unit of WSCC 381.
- [6] The Respondent, Ellen Davidson, is the current tenant of the unit.
- [7] The parties all agree that smoking has taken place inside the unit owned by Ms. Piorier and Mr. Afshari and occupied by Ms. Davidson. The parties also agree that smoking in the unit and on common elements is contrary to WSCC 381's rules. They further agree that both the owners and occupants of the unit are required to follow WSCC 381's declaration, by-laws and rules.
- [8] The Applicant and Respondents have agreed to settle this Application on the following terms:
 - 1. The Respondent, Ms. Davidson agrees to abide by WSCC 381's smoking rules. This includes ensuring that no smoking takes place in the Unit or on the common elements by any occupant or visitor to the Unit.
 - 2. The Respondents, Ms. Piorier and Mr. Afshari, agree that they will comply with their obligations as the unit owners under section 119 of the *Condominium Act, 1998* (the "Act") to take all reasonable steps to ensure that an occupant of the Unit and all invitees, agents, and employees of the owner or occupant comply with the Act and WSCC 381's declaration, by-laws, and rules.
 - 3. The Respondents will pay to WSCC 381 a total of \$150.00 to reimburse it for its Tribunal filing fees. The Respondents will split this fee evenly. Ms. Davidson, as the tenant, will pay \$75 and Ms. Piorier and Mr. Afshari, as the owners, will pay \$75 to WSCC 381 within 30 days of the date of this Order.

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.

Nicole Aylwin

Member, Condominium Authority Tribunal

Released on: May 2, 2025