

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: June 5, 2025

CASE: 2025-00152N

CITATION: Toronto Standard Condominium Corporation No. 2143 v. Robibaro, Sam-Hinton, 2025 ONCAT 95.

Order under section 1.41 of the *Condominium Act, 1998*.

Member: Nasser Chahbar, Member

The Applicant,

Toronto Standard Condominium Corporation No. 2143

Represented by Justin McLarty, Counsel

The Respondents,

Dana Robibaro

Self-Represented

Brandon Sam-Hinton

Self-Represented

DISMISSAL ORDER

- [1] Toronto Standard Condominium Corporation No. 2143 (“TSCC 2143”) filed an application with the Condominium Authority Tribunal (CAT), alleging that they have received complaints from other residents regarding smoke odours coming from the Respondents’ unit, which is causing a nuisance. The case proceeded to Stage 3 – Tribunal Decision on April 23, 2025 as a default proceeding.
- [2] Two Respondents were named in this case: Dana Robibaro (unit owner) and Brandon Sam-Hinton (allegedly the tenant living in the unit). Both parties joined the case at the beginning of Stage 3 – Tribunal Decision and immediately clarified that Mr. Sam-Hinton is not the tenant, but rather a co-owner of the unit along with Ms. Robibaro, and that their tenant currently resides in the unit. The tenant was not named as a party to this application.
- [3] The Respondent co-owners provided a residential lease agreement to prove that their Tenant, M. Anabelle Laprise, currently resides in the unit. Therefore, I am

satisfied that Ms. Laprise currently resides in the unit and must be a party to this application. As a result, the application must be refiled by TSCC 2143.

- [4] In this case, I direct TSCC 2143 to Rules 17.1 and 17.2 of the CAT's Rules of Practice (the "Rules") when refiling their application:

17.1 When an Application is filed by one or more Applicants against a non-owner Occupant of a condominium unit (e.g., a tenant), the Applicant will be required to identify and deliver the Notice of Case to the owner of the unit as an Intervenor.

17.2 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.

- [5] Upon refiling their new application, I recommend that all parties should attempt Stage 1 – Negotiation and Stage 2 – Mediation to resolve their issues before proceeding to Stage 3 – Tribunal Decision.
- [6] The filing fees for the new application will be waived, and TSCC 2143 is directed to send an email to the Tribunal Staff to co-ordinate with them on the technical details of filing the new case in the ODR system.

ORDER

- [7] The Tribunal orders that:

1. This case is closed in Stage 3 – Tribunal Decision under Rule 4 of the CAT's Rules of Practice.
2. The Applicant must file a new application and the filing fees will be waived.

Nasser Chahbar
Member, Condominium Authority Tribunal

Released on: June 5, 2025