

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: June 18, 2025

CASE: 2024-00310N

Citation: Carleton Condominium Corporation No. 486 v. McCaughey, 2025 ONCAT 102

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

Member: Brian Cook, Member

The Applicant,

Carlton Condominium Corporation No. 486

Represented by Sophie Ryder, Counsel

The Respondent,

Eric McCaughey,

Self-Represented

CONSENT ORDER

- [1] In the Condominium Authority Tribunal's (CAT) online dispute resolution system, the Parties agree to settle this case in Stage 3 – Tribunal Decision.
- [2] Under Rule 34.3 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 the consent order.

A. BACKGROUND

- [4] Carleton Condominium Corporation No. 486 ("CCC 486") has received complaints about smoking odours which it believes may be coming from Mr. McCaughey's unit. Mr. McCaughey asserts that he has not smoked in his unit since approximately January 2023 when he received a copy of a message from a neighbour.
- [5] In agreeing to this Consent Order, Mr. McCaughey is not agreeing that he has been smoking in his unit. In agreeing to this Consent Order, CCC 486 is not

withdrawing its allegation that Mr. McCaughey has been smoking in his unit.

B. ORDER

- [6] Mr. McCaughey shall comply with Rule 20 of CCC 486's Rules and shall not smoke in his unit and on or around the common elements.
- [7] CCC 486 will take steps effective immediately to install another Areta sensor in the stairwell beside Mr. McCaughey's unit. CCC 486 will have the sensor installed as soon as Aretas is available to do the installation.
- [8] If there is a future complaint or a spike in the Aretas monitor in Mr. McCaughey's unit, the CCC 486 Superintendent, Peter Pouget, will investigate the complaint. Investigation shall include a walk-around of the units adjacent to Mr. McCaughey's unit, the units above and below his unit to determine if there is a smoking-related odour coming from these other units. The investigation will also include the stairwell and the sensor to be installed in the stairwell. These investigations will only take place during regular office hours.
- [9] The investigation will also include a visit to Mr. McCaughey's unit and Mr. McCaughey shall allow Mr. Pouget access to inside his unit within two hours of the Corporation receiving a complaint or spike in the Aretas sensor.
- [10] Each party is responsible for any costs they have incurred to the date of this Consent Order regarding the issues in dispute in the Application and will not seek costs from the other party regarding the issues in dispute in the Application. Costs may be sought if a court finds that the Consent Order has not been complied with.

C. COMPLIANCE

- [11] 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.

Brian Cook
Member, Condominium Authority Tribunal

Released on: June 18, 2025