

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: August 28, 2025

CASE: 2025-00238N

Citation: Kelishadi v. Toronto Standard Condominium Corporation No. 2143, Rabibaro, 2025 ONCAT 147

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

Member: Nicole Aylwin, Vice-Chair

The Applicant,

Atefeh Zare Kelishadi

Self-Represented

The Respondents,

Toronto Standard Condominium Corporation No. 2143

Represented by Justin McLarty, Counsel

Dana Rabibaro

Not participating

CONSENT ORDER

- [1] The Applicant, Atefeh Zare Kelishadi and the Respondent, Toronto Standard Condominium Corporation No. 2143 (“Respondent TSCC 2143”) have agreed to settle the issues between them in Stage 3 - Tribunal Decision and close this case.
- [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 Applicant and the Respondent TSCC 2143, the CAT orders that the case between them has been resolved, based upon the terms and conditions set out in this Consent Order.
- [4] Regarding the Applicant’s claims against the unit owner, Dana Rabibaro. The Applicant agrees to withdraw the case against Ms. Rabibaro without prejudice. In doing so, the case is resolved in full.

ORDER

- [5] The Respondent shall provide the Applicant with a written summary of the enforcement steps that it has taken to enforce its no smoking rule. The summary will cover enforcement steps taken from January 1, 2022, to the date of this Consent Order. It will include specific dates, description of the action taken and any outcomes. This summary will be provided within 14 days of the date of this Consent Order.
- [6] The Respondent agrees to file a Tribunal application against Dana Rabibaro (and any other required parties – including any occupants or co-owners) alleging non-compliance with its no-smoking rules (and any other relevant provisions of the *Condominium Act, 1998* and/or provisions in its governing documents) with this Tribunal. The application shall be filed no later than September 30, 2025.
- [7] Once the Tribunal application is filed, the Respondent agrees to provide the Applicant with further updates on its enforcement actions. These updates will be monthly and continue until such time as any Tribunal proceedings addressing the issue of non-compliance with the no-smoking rule are concluded. The Respondent agrees to begin providing monthly updates as of October 1, 2025.
- [8] These updates will include the status (e.g. active, concluded, etc.) of the Tribunal application against the unit owner(s) (and any other named parties). The updates will also include a notification of if/when the Tribunal process moves from one “stage” of the Tribunal process to another (e.g. from Stage 1 – Negotiation to Stage 2 – Mediation; Stage 2 – Mediation to Stage 3 – Adjudication).
- [9] The parties agree that no update will include information that is confidential to Tribunal process or any other information that is private and confidential.
- [10] The Respondent also agrees to share with the Applicant any public orders made by the Tribunal at the end of the Tribunal process. In the event that the Tribunal process ends with a Settlement Agreement, the parties agree that the Respondent may report that the case has concluded with a settlement, however the Respondent may not be able to share the details of that agreement due to confidentiality.
- [11] The Applicant agrees that her application against Dana Rabibaro is withdrawn without prejudice to file a new case against Ms. Rabibaro (and any other unit owner(s) or occupant(s) of the unit) in the event the issues continue beyond the date of this consent order.

COMPLIANCE

[12] 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
Vice-Chair, Condominium Authority Tribunal

Released on: August 28, 2025