Corrected Decision

Paragraph 14 of this decision was amended to substitute “Applicant” for “Respondent” to correct who made the online post.

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: September 9, 2025
CASE: 2024-00773N
Citation: Halton Condominium Corporation No. 115 v. Holloway, 2025 ONCAT 149

Order under section 1.44 of the *Condominium Act, 1998.*

Member: Nicole Aylwin, Vice-Chair

The Applicant,
Halton Condominium Corporation No. 115
Represented by Jessica Hoffman, Counsel

The Respondent,
Jeffrey Holloway
Self-Represented

Hearing: Written Online Hearing – May 7, 2025 to August 29, 2025

REASONS FOR DECISION

A. INTRODUCTION

[1] The Applicant, Halton Condominium Corporation No. 115, alleges that the Respondent, Jeffrey Holloway, has violated its Rule 17 which prohibits harassment. The alleged harassment comes in the form of public posts on the social media platform LinkedIn that personally name and/or use photographs and videos of residents, board members, management and legal representatives of the corporation. The Applicant requests that the Tribunal find the Respondent in breach of its Rule 17 and requests an order that the Respondent be prohibited from posting on the internet (including all social media platforms) any reference to the Applicant’s owners, residents, agents or persons working for the corporation and an order requiring the Respondent to remove posts on his social media platforms that refer to any of the above persons. It has also requested legal costs.

[2] The Respondent states that he is entitled to air his discontent with the Applicant

and its agents though social media posts.

[3] At the outset of the hearing, I raised a preliminary issue about the Tribunal's jurisdiction to decide this application as it is based on allegations of harassment. The Applicant appeared to be relying on s. 117 (1) of the *Condominium Act, 1998* (the "Act"), as it requested an order as part of the initial application that the Respondent comply with the *Ontario Health and Safety Act, 1990* ("OHSA") over which the Tribunal has no jurisdiction, and s. 117 (2) of the Act, which enumerates specific types of nuisances, annoyances and disruptions that are prohibited (i.e., noise, odour, light, vapour, smoke, vibration).

[4] Both the Applicant and Respondent were provided the opportunity to comment on the question of jurisdiction. The Respondent made no submissions on jurisdiction. The Applicant submitted that the Tribunal has jurisdiction because, "while harassment may not be a prescribed nuisance under s. 117 (2) of the *Condominium Act, 1998*, the Tribunal could hear disputes about harassment if the Corporation has a provision in its governing document specifically prohibiting harassment". The Applicant indicated that it was relying on s. 1 (1) (d) (iii.2) of Ontario Regulation 179/17 ("O. Reg. 179/17") which provides that the Tribunal has the authority to hear and decide disputes about provisions of the declaration, by-laws or rules of the corporation that "… prohibit, restrict or otherwise govern any other nuisance, annoyance or disruption to an individual in a unit, the common elements or the assets, if any, of the corporation."

[5] After considering the Applicant's submissions, I determined that it would be premature, without having full context or understanding of the facts and conduct in dispute, to make any determination on jurisdiction, so I allowed the case to proceed. However, I informed the parties that I would be considering the issue of whether the Tribunal has jurisdiction to hear this application when deciding the case, and parties were instructed to include full arguments on this issue as part of their submissions. I informed the parties that if I determined the Tribunal did not have jurisdiction to decide the dispute, I would dismiss the application. However, if I determined it did have jurisdiction, I would proceed to determine the following issues:

1. Has the Respondent engaged in conduct that is a nuisance, annoyance or disruption in breach of the Applicant's Rule 17 and/or the Act?

2. If so, what remedy is appropriate?

3. Should an award of costs be made?

[6] After the preliminary issue was addressed, the hearing continued and was completed with both parties submitting their evidence and arguments.

[7] Upon consideration of the evidence and submissions, I have determined that some allegations made by the Applicant are outside the jurisdiction of the Tribunal, in particular those that address the Respondent's conduct towards the Applicant's legal representatives. As for the remaining allegations that the Respondent's conduct toward other residents and board members and manager breached Rule 17 and amounts to harassment, I have determined that Rule 17 is broad in scope and encompasses a wide range of behaviours, some of which may considered to be a legal nuisance, annoyance or disruption.

[8] Having determined that the Tribunal has jurisdiction over parts of this dispute, based on the evidence and submissions before me, I find that the conduct at issue, i.e. the making of online posts tagging members of the Applicant's condominium community and various agents, cannot be considered a nuisance, as it does not meet the legal requirement that the conduct deal with the quiet enjoyment of the property. Additionally, while I accept that the conduct has been annoying and frustrating to those who have been the subject of it, I find it also does not meet the threshold that would qualify it as an annoyance or disruption at law.

[9] This application is dismissed with no costs to either party.

B. ANALYSIS

[10] The background of this dispute is as follows. The Respondent lives with his elderly mother in his unit. In 2019, the Respondent installed a Ring camera on his unit door, which the Applicant submits was contrary to s. 98 of the Act, which governs changes to the common elements made by unit owners. The Applicant took steps to have the Respondent comply with s. 98. According to the Applicant, the Respondent did not comply. This led to a protracted dispute between the parties about the installation of the Ring camera. It appears to be this dispute that is the catalyst for the behaviour and events that are the subject of this application.

[11] According to the Applicant, in the beginning of Spring 2024, the Respondent began making public LinkedIn posts naming residents of the corporation and making disparaging statements about them. Some of these posts included videos and/or stills of residents taken from the Ring camera. In these posts, the Respondent called one resident an "asshole" and made statements about particular people, such as the board president Ruth Roberts, encouraging her not to let "#animals like this #influence [her] better #judegement."

[12] He also began making posts that accused the Applicant's legal counsel at the time, Victor Yee, of nearly killing his mother, purportedly due to the stress of Mr. Yee sending enforcement letters to him about the alleged s. 98 violation. In these posts, he included a picture of Mr. Yee and often tagged several professional organizations including Mr. Yee's law firm, the Law Society of Ontario, CBC news, the Ontario Human Rights Commission, among others. In at least one of these posts, he calls Mr. Yee a "bastard" and a "ruthless #bully." He also, in at least one post, tagged Ms. Roberts and accused her of ruining his and his mother's lives by sending Mr. Yee "after them."

[13] The posts described above were made on March 17, 2024, April 5, 2024 (two posts were made on this day) and April 6, 2024.

[14] In December 2024, the Respondent made further posts, this time, according to the Applicant, the content was more ominous. On December 14, 2024, the Respondent made a post on LinkedIn referencing the death of the United Health Group CEO in New York City and included in the post an emoticon of a stick of dynamite just after the words "I want you", which was purportedly a reference to the Savage Garden song of the same name and linked to the song's music video. In this post, he again tagged Mr. Yee, but also Adina Oita who was the Applicant's condominium manager at the time. Two days later, on December 16, 2024, the Respondent posted another music video of "We Will Rock you" by Queen, and again tagged the condominium manager, and Ms. Roberts and Mr. Yee. The Respondent also tagged the local police and the RCMP and included in the body of the post "#Forensicaudit maybe in the #cards. I #caution you. #emotionally it'll #feel like the most #uncomfortable #rectal #exam of your #life."

[15] In response to the December 14, 2024 post, the police were called. According to the Applicant, a verbal report of the incident was taken but no charges were laid.

[16] Finally, on January 3, 2025, the Respondent made another post accusing Ms. Roberts of bullying him. He tagged Halton Police and the corporation's law firm, Shibley Righton, and the corporation's management company, Arthex.

[17] In total, seven LinkedIn posts were made by the Respondent that referenced condominium residents and/or their agents. It is these posts that were the catalyst for this application and the allegations that the Respondent is breaching Rule 17 and causing a nuisance, annoyance or disruption.

[18] The Respondent does not deny making these posts. However, he maintains that in doing so he was simply expressing his frustration with the corporation, its management, and its legal counsel, which he believes he is entitled to do. In any

event, the posts have been removed. However, I note that it appears, based on submissions from the Applicant, and information provided by the Respondent himself, that he has made further public posts during the hearing and tagged the Applicant's current legal representative, Jessica Hoffman, among others.

[19] According to the Applicant, this behaviour violates its Rule 17, titled the "Harassment Rule". The rule is nearly three pages long, so while I have reviewed all of the provisions in the rule, I will not reproduce it in full. The relevant part of the rule as relied on by the Applicant is s. 17.2, which reads in part:

> For the purposes of this rule, the term "Harassment" shall include, but shall not be limited to, the following:
>
> …
>
> d) Making oral or written statements that:
>
> (i) are vexatious, offensive, demeaning, annoying, intimidating, threatening, aggressive, violent, abusive and/or sexual;
>
> (ii) cause or may cause physical or psychological harm, fear, humiliation or embarrassment; and/or
>
> (iii) are known or reasonably ought to be known to be unwelcome or offensive;
>
> …
>
> g) Using, making, sending, posting or circulating a statement or media on an electronic or hardcopy public or private forum (including, but not limited to, social media platforms, online chat rooms, webpages, bulletin boards and messaging systems) that:
>
> (i) are defamatory, discriminatory, threatening, intimidating, disturbing, humiliating, embarrassing, demeaning, offensive, vexatious or intended to harass another Person
>
> …
>
> d) [sic] Spreading malicious rumours or gossip about another Person or Persons;
>
> g) [sic] Using the Internet to harass, threaten or maliciously embarrass another Person or Persons;

[20] The Applicant submits that the Tribunal has held that it has jurisdiction over harassment if the corporation has a provision in its governing documents specifically prohibiting harassment. The Applicant referred me *to York Condominium Corporation No. 444 v. Ryan*, 2023 ONCAT 81 ("Ryan"), *Toronto Standard Condominium Corporation No. 1498 v. Samimi*, 2024 ONCAT 193 ("Samimi") and *Toronto Standard Condominium Corporation No. 2510 v. Sharma,* 2025 ONCAT 55 ("Sharma").

[21] I do not accept the Applicant's broad interpretation of the Tribunal's decisions regarding jurisdiction in these cases. Unlike what is suggested by the Applicant, the Tribunal did not conclude in these cases that it had jurisdiction over harassment in general, or all rules that address harassment or harassing behaviour. In Ryan, Samimi and Sharma, the Tribunal concluded that depending on the wording of the rule and the actual conduct at issue, the Tribunal **may** have the authority to address conduct characterized as harassing, if the provision at issue fell under s. 1 (1) (d) (iii.2) of O. Reg. 179/17. This subsection does not provide jurisdiction to the Tribunal to hear all disputes over rules that deal with behaviour that is inappropriate or even intolerable, but those which cause nuisance, annoyance or disruption at law, to an individual in a unit or the common elements of the corporation.

[22] Rule 17 is broad in scope. It encompasses a wide range of behaviors, from trifling behaviour to behaviour that may legally be a nuisance, annoyance or disruption, to far more serious conduct that may qualify as potentially causing an injury or an illness to an individual and be excluded from the Tribunal's jurisdiction, as it would fall under s. 117(1) of the Act. So, while some conduct governed by this rule may fall within the Tribunal's jurisdiction, some does not. This means that to determine jurisdiction I must look specifically at the conduct alleged and consider if the provisions relied on to govern such behaviour would fall under s. 1 (1) (d) (iii.2) of O. Reg. 179/17.

[23] In this case, I find that the allegations of the Applicant regarding the Respondent's online conduct towards the Applicant's legal representatives are not within the Tribunal's jurisdiction to address. While a legal representative may find such social media posts to be disparaging and insulting (and indeed highly inappropriate) – particularly when other professional bodies are tagged – the provisions of the governing documents that the Tribunal has jurisdiction over must relate, as per s. 1 (1) (d) (iii.2) of O. Reg. 179/17, to a nuisance, annoyance or disruption "to an **individual in a unit, the common elements or the assets, if any, of the corporation**" (our emphasis). The Applicant's counsel neither reside in any unit nor perform work on the common elements. There is no conduct that is causing

nuisance, annoyance or disruption “to an individual in a unit or the common elements” in this instance. The pursuit of a sanction against a respondent for this type of conduct is not through the use of a condominium rule designed to address issues between owners and residents or even condominium staff.

[24] This leaves me to address the Respondent’s online conduct towards other condominium residents and its manager. As noted, the Tribunal does not have the authority to address conduct that may fall under s. 117 (1) of the Act, which prohibits a condition or an activity to take place in a unit, the common elements or the assets, if any, of the corporation if the condition or the activity, as the case may be, is likely to damage the property or the assets or to cause an injury or an illness to an individual. Given the evidence before me, I might have been inclined to find that the conduct was of the nature that excluded it from the Tribunal’s jurisdiction, because of its likelihood to cause injury to an individual, which includes psychological injury.

[25] The evidence before me supports such a finding. For instance, in a letter submitted by the board of directors addressing the Respondent’s online activity, it implies that the now former board president, Ruth Roberts, has felt threatened, intimidated and harmed by the online posts – suggesting a level of conduct that goes beyond a nuisance, annoyance or disruption. Additionally, the Applicant clearly had safety concerns, understandably, after the post made by the Respondent which referenced the death of the United Health Group CEO – these concerns were great enough that they called and made a report to the police. Furthermore, the severity of the remedies requested by the Applicant – i.e. banning the Respondent from posting on the internet anything mentioning the condominium or its residents and the initial request that the Tribunal order the Respondent comply with the OHSA – suggests that the Applicant at one time considered the Respondent’s behaviour as far more serious than an nuisance, annoyance or disruption, an inference bolstered by the fact that the Applicant has repeatedly referred to some of the posts as “threats”.

[26] However, the Aplicant has chosen to set a remedy against the Respondent at the Tribunal. The Applicant has urged upon me in submissions that even if there is injury or significant risk of injury arising from the posts or one of the posts, the question of whether the conduct is a nuisance, annoyance or disruption can be determined independently by the Tribunal. Here the Applicant pointed me to *Rahman v. Peel Standard Condominium Corporation No. 779*, 2021 ONCAT 1, where the Tribunal found that a mere concern or mention of safety does not automatically take the case outside of the Tribunal’s jurisdiction. The Applicant asserts that the issue of whether the Respondent’s conduct breached the rule and

is a nuisance, annoyance or disruption, can be determined independently of other issues related to the conduct that may fall under s. 117(1).

[27] Given this, I have accepted the Applicant's submission, in part, and have allowed the case to proceed. However, I consider the conduct in question only insofar as it may fall within the jurisdiction of the Tribunal to determine whether, in this case, the Respondent's conduct in the form of his online posts constitutes a nuisance, annoyance or disruption at law in breach of the Applicant's Rule 17.

Issue No. 1 & 2: Has the Respondent engaged in conduct that is a nuisance, annoyance or disruption in breach of the Applicant's Rule 17 and/or the Act? If so, what is the appropriate remedy?

[28] As noted, the conduct raised in the initial application is the Respondent's posting of seven online LinkedIn posts.

[29] Based on the evidence before me, I cannot find that the conduct amounts to a nuisance. A nuisance, in law, must substantially interfere with the quiet enjoyment of physical property in some way. In this case, the conduct is online and there is no evidence that there is a nexus between the conduct and a substantial interference with a unit or the common elements or any other part of the physical property of the corporation.

[30] This leaves me to determine if the conduct constitutes an annoyance or disruption. While an annoyance or disruption does not have to meet the same legal requirement of nuisance – interference with physical property –, the conduct must still rise to a level that is unreasonable.

[31] I will deal with the question of whether the conduct amounts to an annoyance first. The Applicant referred me to several cases, including Ryan, Sharma and Samimi, where the Tribunal found that the conduct in question in each case was deemed to be an annoyance. While the conduct in each was distinct, the findings in these cases are similar insofar as that the Tribunal determined the behaviour in each amounted to an annoyance at law because there was an overall unreasonable pattern of conduct that was repeated and ongoing and demonstrated a level of persistence in pursuing a course of intrusive behaviour, which amounted to an interference greater than the persons involved ought to be required to bear under the circumstances.

[32] The facts in this case differ from Ryan, Sharma and Samimi. Here, the conduct in evidence before me, and that formed the substance of the initial application, is the Respondent's seven online posts made during a contentious dispute between the parties over the installation of a Ring door camera. Despite being characterized by the Applicant as "constant," the posts have not, in fact, been constant. The first four posts were made in March/April 2024, and then the remaining three posts in December 2024 and January 2025. There is a seven-month gap between the two posting periods. There are two more posts, made in June and July 2025 during the course of this hearing, which did not make up part of the initial complaint; however, I will address them here for completeness since the Applicant believes they speak to a pattern of behaviour. Even if I include the two recent posts made by the Respondent, the totality of online posts is nine, posted within a 15-month period, in three groupings with several months between posts. All seven of the original posts have been taken down.

[33] I am not persuaded by the evidence before me that the conduct alleged is part of a persistent and ongoing course of intrusive and troubling behaviour over a period that amounts to unreasonable inference. Rather, what it appears to demonstrate, is that the Respondent is choosing to use LinkedIn to air his grievances with the corporation and its various agents as those grievances arise. It may indeed be an inappropriate way to do so, but I am not convinced by the number and frequency of the posts that it amounts to conduct that is an annoyance in law.

[34] As to the content of the posts, there is no question that much of it is immature, uncivil, disrespectful, negative, critical and annoying. There is also no question that some of those tagged in the posts, such as Ms. Roberts, who resigned her position as board president due to the posts, have felt embarrassment, stress and anxiety as a result. However, when considered in light of legal principles, the posts themselves may be considered a minor and transient interference, that in this case, does not rise above the ordinary annoyances, anxieties, and irritants that people living in close community routinely and sometimes reluctantly must accept. Sometimes people behave badly. While the posts may be annoying, frustrating and inappropriate, the conduct, when considered overall at this time, does not rise to the level of an annoyance at law.

[35] Regarding the question of whether the posts amount to a disruption, I do not find that the Applicant has presented any evidence that the posts have substantially disrupted the ability of either condominium management or the board to perform their respective roles. While the posts may have been a factor in Ms. Roberts decision to resign from the board and have caused the current condominium manager's stress, there is no evidence, as there was in Samimi and Sharma, that

the corporation's actual functioning has been impacted in any way. The posts have been primarily an irritant in this regard.

[36] Having found that the conduct at issue does not meet the threshold of a nuisance, annoyance or disruption at law, I find no remedy necessary. However, I wish to make clear that my conclusion is not to be read as condoning the behaviour of the Respondent. I strongly encourage the Respondent to carefully consider the appropriateness of his words before making any public post about the corporation and/or those who reside in it or work for it. I urge him to consider the language used to express any discontent with the Applicant, and the impact of his words on others. One would hope that even when disputes arise, good sense and courtesy would prevail, however these appear to have been in short supply. I further remind the Respondent that while the evidence, at this time, does not support a finding of nuisance, annoyance or disruption, if such conduct were to continue over a prolonged period of time, intensify or otherwise change in its character, it could become such. This decision is based only in the conduct and evidence of that conduct to date.

Issue No. 3: Should an award of costs be made?

[37] The Applicant request costs in this matter amounting to $15,334.50, and that the Respondent reimburse it $200 for its Tribunal fees. The Respondent did not request costs. As the Applicant has not been successful in its application, it is not entitled to costs.

C. ORDER

[38] The Tribunal orders that this application is dismissed, with no costs to either party.

Nicole Aylwin
Vice-Chair, Condominium Authority Tribunal

Released on: September 9, 2025