CONDOMINIUM AUTHORITY TRIBUNAL

DATE: September 15, 2025
CASE: 2025-00191N
Citation: Holloway v. Roberts, 2025 ONCAT 161

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

Member: Nicole Aylwin, Vice-Chair

The Applicant,
Jeffrey Holloway
Self-Represented

The Respondent,
Ruth Roberts
Represented by Jessica Hoffman, Counsel

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

Hearing: Written Online Hearing – May 16, 2025 to August 29, 2025

REASONS FOR DECISION

A. INTRODUCTION

[1] The Applicant, Jeffrey Holloway, alleges that the Respondent, Ruth Roberts, has breached the Harassment Rule ("Rule 17") of the Intervenor, Halton Condominium Corporation No. 115 ("HCC 115"). The allegation stems primarily from three alleged incidents where Mr. Holloway claims that Ms. Roberts engaged in harassing conduct (towards either him or his mother or both). Mr. Holloway has requested that the Tribunal find Ms. Roberts in breach of the rule and order that Ms. Roberts not be allowed to board the elevator when either he or his mother is in it. Mr. Holloway requested costs in the amount of $200.

[2] Ms. Roberts, who previously served as the president of HCC 115's board of directors, denies the allegations of harassment. She submits that she has not breached any provision of Rule 17 and that this case was brought against her in retaliation for HCC 115 filing a case with this Tribunal alleging that Mr. Holloway

had, in fact, breached Rule 17 and was harassing several members of the condominium community. She submits that his application was brought for an improper purpose and that she should be awarded costs.

[3] HCC 115 made no submissions and provided no evidence in relation to these matters.

[4] At the outset of the hearing, I raised a preliminary issue as to the Tribunal's jurisdiction to hear this application as it is based on allegations of harassment. The Tribunal does not have the jurisdiction to hear applications specifically about harassment or harassment rules (or anti-harassment rules). Rather, as per Ontario Regulation 179/17 ("O. Reg. 179/17") the Tribunal has the authority to hear disputes only in relation to provisions which govern parking, pets, vehicles, storage and certain kinds of nuisance, annoyance, and disruption. To fall within the Tribunal's jurisdiction the application must relate to a nuisance, annoyance or disruption either as described in the *Condominium Act, 1998* (the "Act") or in the provisions of the governing documents.

[5] I informed the parties that as part of my decision I would be considering whether the Tribunal has jurisdiction to hear this application. The parties were instructed to include full arguments on jurisdiction as part of their submissions. I advised the parties that if I determined the Tribunal did not have jurisdiction to hear the dispute, I would dismiss the application. However, if I determined it did have jurisdiction, I would decide the following issues:

1. Has Ms. Roberts engaged in conduct that is a nuisance, annoyance or disruption in breach of HCC 115's Rule 17 and/or the Act? If so, what remedy is appropriate?

2. Should an award of costs be made?

[6] Having considered the evidence and submissions, I have determined that the Tribunal does have the jurisdiction to hear this dispute. The Tribunal **may** have the authority to address conduct characterized as harassing, if the provisions at issue fall under s. 1 (1) (d) (iii.2) of O. Reg. 179/17 which allows the Tribunal to hear disputes about "provisions 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."

[7] Section 1 (1) (d) (iii.2) of O. Reg. 179//17 does not give the Tribunal jurisdiction to hear all disputes over rules that deal with behaviour that is inappropriate, or which may seem intolerable. However, disputes involving rules when the alleged

behaviour causes a nuisance, annoyance for disruption at law to an individual, may fall within the Tribunal's jurisdiction.

[8] Rule 17 is nearly three pages long and is broad in scope. It encompasses a wide range of issues, from trifling behavior to behavior that may be a nuisance, annoyance or disruption. Because the conduct complained of in this case is a kind that is covered by the rule and may cause a nuisance, annoyance or disruption at law, I find the issues in this case are within the Tribunal's jurisdiction, and I have decided the issues based on the evidence and submissions before me.

[9] For the reasons set out below, I find that there is no evidence that Ms. Roberts engaged in conduct that violated Rule 17 and amounted to a nuisance, annoyance or disruption. I award no costs to either party.

B. ISSUES & ANALYSIS

Issue No. 1: Has Ms. Roberts engaged in conduct that is a nuisance, annoyance or disruption in breach of HCC 115's Rule 17 and/or the Act?

[10] As noted, this is not the first Tribunal case involving these parties. In 2024, HCC 115 filed an application against Mr. Holloway alleging that he had breached Rule 17 and was engaging in harassing behavior by making offensive and inappropriate LinkedIn posts naming various members of the corporation's board, its agents and residents.[1] One of the people often named in these posts was the Respondent, Ms. Roberts. That application progressed to a hearing in May 2025.

[11] That application and this one appear to be the symptom of a deteriorating relationship between Mr. Holloway, the board of directors generally, and Ms. Roberts personally. In this application, Mr. Holloway alleges that there have been three incidents which, when taken either separately or together, demonstrate that Ms. Roberts has engaged in conduct that violates Rule 17 and causes a nuisance, annoyance or disruption.

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[1] See *Halton Condominium Corporation No. 115 v. Holloway*, 2025 ONCAT 149

[12] The first was in July 2024, when Mr. Holloway submits that Ms. Roberts was "aggressive and negative" towards him during a meet and greet event at the condominium. The second was in December 2024, when Mr. Holloway alleges that Ms. Roberts called the police to report that Mr. Holloway had intentionally left a medical blister pack in the hallway to threaten her. The third incident took place in March 2025, when Mr. Holloway alleges that Ms. Roberts said "fuck you" to him and his mother while riding the elevator together.

[13] I will set out the facts related to each incident and then assess whether any of the incidents alone, or on the whole, amount to a conduct that breaches Rule 17 and causes a nuisance, annoyance or disruption at law.

The Meet and Greet

[14] On July 4, 2024, HCC 115 hosted a meet and greet event as a precursor to an upcoming board election which was to take place at the next Annual General Meeting ("AGM"). The purpose of the meeting was to introduce the board nominees. While Ms. Roberts' and Mr. Holloway's recollections differ, they both state the meeting became heated.

[15] According to Ms. Roberts, Mr. Holloway and another resident, Philip Hartog, spoke at the meeting and made several false claims about the actions of the current board. When it was her turn to speak, Ms. Roberts admits to expressing her frustrations with what she felt was an intentional and misleading attack by Mr. Holloway and Mr. Hartog on the board of directors. She also aired her frustration regarding some of the conduct she personally had been subjected to because of her work on the board. She denies using any vulgarity or profanity.

[16] According to Mr. Holloway, Ms. Roberts was "very aggressive and negative" towards him. He states that Ms. Roberts cut him off while he was speaking. This was the only example he provided to demonstrate Ms. Roberts negative conduct toward him, although he also indicated that at the meeting Ms. Roberts swore at another unit owner, Mr. Hartog (a claim I address further in this decision).

[17] After the meeting, Ms. Roberts issued an apology by email to all residents for what she described in her own words as "unprofessional conduct" during her public remarks. In her note of apology, she stated that while she felt she spoke the truth, the way she expressed that to the room was unprofessional.

The Blister Pack

[18] Each party's narrative of the "blister pack incident" also differs. According to Mr. Holloway, on December 30, 2024, he received a notification from his Ring doorbell camera showing police at his door. When he spoke to the police, they questioned him about a medical blister pack that had been left outside of Ms. Roberts' door. They asked if he had placed it there. According to Mr. Holloway, he did not.

[19] According to Ms. Roberts, she did call the police regarding the blister pack. Ms. Roberts states that she called the police about the blister pack because earlier that day Mr. Holloway had made a public LinkedIn post about his mother's attempted overdose. That post followed other posts by Mr. Holloway in which he suggested that Ms. Roberts was causing his mother's heath to deteriorate. She felt the blister pack had been placed outside of her door to threaten her. Ms. Roberts indicated that she called Rexall Pharmacy to have them confirm the address of the patient to whom the blister pack belonged. She stated they confirmed it was the address of Mr. Holloway and his mother. There is no independent verification of the fact that the pharmacy disclosed this information to her.

[20] While there is a dispute over whether Mr. Holloway placed the pack in the hallway in front of Ms. Roberts' door on purpose (or at all), there is no dispute that the conduct Mr. Holloway alleges to be a violation of the rule (i.e. calling the police), happened. Mr. Holloway submits that in calling the police Ms. Roberts was seeking to falsely accuse him of wrongdoing, which is prohibited by Rule 17.2 (b) which prohibits:

> The making of oral or written statements about another Person or Person [sic] that:
>
> (i) are false, defamatory, malicious and/or meritless;
>
> (ii) Intended to damage one's reputation; and/or
>
> (iii) cause or may cause phycological harm, fear, humiliation or embarrassment.

The Elevator

[21] The culmination of these events, according to Mr. Holloway, led to the final incident, which is the elevator incident. Mr. Holloway claims that in March 2025, he was riding the elevator with his mother when Ms. Roberts boarded the elevator and said "fuck you" to him and his mother. He submits that this is a violation of

Rule 17.2 (f), which prohibits, “[s]wearing and/or using inappropriate language director towards another Person or Persons.”

[22] Ms. Roberts denies swearing at Mr. Holloway or his mother. She submits, that when she entered the elevator, she heard someone ask, “How are you?” and she replied “fine” and that no other words were spoken during the elevator ride. She notes she was wearing a medical mask at the time, which may have muffled her response.

[23] Ms. Roberts submitted a video of the elevator ride. This video has no audio component, making it of little use in determining what was said. All the footage demonstrates is that Mr. Holloway, his mother and Ms. Roberts rode the elevator together for a very short period. The body language does not suggest any aggressive or argumentative conduct by anyone in the elevator.

Did Ms. Roberts engage in conduct that is a nuisance, annoyance or disruption in breach of HCC 115’s Rule 17 and/or the Act?

[24] As indicated to the parties at the outset of the hearing, to find in Mr. Holloway’s favor, I would have to conclude that Ms. Roberts engaged in conduct that is a nuisance, annoyance or disruption in breach of HCC 115’s Rule 17 and/or the Act. To determine that, I explained I needed to be persuaded that the conduct occurred, that it violated the rule **and** amounted to a nuisance, annoyance or disruption at law. I do not find that Mr. Holloway has proven his case.

[25] First, I am not persuaded that all the alleged conduct occurred. While Mr. Holloway did provide a witness statement from his mother, Maris Holloway, about the elevator incident, it is of little use in helping to prove the facts. The statement merely reiterates almost word for word what is in Mr. Holloway’s statement. Specifically, that when Ms. Roberts got on the elevator, she swore at them. As noted, there is no objective evidence that Ms. Roberts said “fuck you” to Mr. Holloway and his mother and, based on the balance of probabilities, I find this to be unlikely.

[26] There is also no evidence before me that, at the meet and greet event, Ms. Roberts engaged in any “aggressive” conduct towards Mr. Holloway. What the evidence demonstrates is that during a heated moment at a public HCC 115’s meeting, tempers flared and Ms. Roberts, by her own admission, expressed her point of view unprofessionally. This can happen. There is no evidence that she was “vulgar” or aggressive toward Mr. Holloway, or that her behavior at this meeting ought to be considered anything other than perhaps regretful under the circumstances.

[27] Regarding the claim that Ms. Roberts swore at Mr. Hartog, I note that this application is not about Ms. Roberts' conduct towards Mr. Hartog. Nonetheless, I address it for completeness since Mr. Holloway has suggested that it speaks more generally to Ms. Roberts' poor conduct. Mr. Hartog provided a very brief witness statement indicating that Ms. Roberts swore at him during the meet and greet. I find Mr. Hartog's statement to be of little value – it is not substantiated by any other objective evidence (although I note there is another witness statement from an owner who attended the meeting which contradicts Mr. Hartog's statement), and it is clear from the evidence that there is a longstanding and ongoing conflict between Mr. Hartog and HCC 115's board (which included Ms. Roberts), which raises questions about the credibility of the statement. There is also an email from Mr. Hartog to another unit owner which appears to advise that in relation to the AGM, Mr. Holloway should "lay low and concentrate on Ruth [Ms. Roberts] in the hearings and in Court," suggesting that Mr. Hartog and Mr. Holloway may have more personal motivations for pursing a certain characterization of events that include Ms. Roberts.

[28] As for the blister pack incident, while I accept that the ongoing situation between Ms. Roberts and Mr. Holloway may have led Ms. Roberts to call the police, there is no evidence on which I can reasonably conclude that this was done for the purposes of spreading false, misleading or meritless claims or to cause damage to Mr. Holloway's reputation.

[29] Nonetheless, even if I were to accept that all the incidents took place exactly as described by Mr. Holloway and his witnesses, I would still not be persuaded that, either alone or together, this conduct amounts to a nuisance, annoyance or disruption at law. To qualify, the conduct complained of must create a substantial interference that is greater than the persons involved ought to be required to bear under the circumstances. An individual's subjective feelings of annoyance, irritation or inconvenience do not qualify as a nuisance, annoyance or disruption at law.

[30] In this case, even if taken at face value, the incidents would only demonstrate that there have been three discrete events where people in conflict with one another have at times acted impolitely or in a manner that was frustrating. The evidence speaks more to the underlying dispute Mr. Holloway has with Ms. Roberts, both personally and as a former member of the board, than it does to a conduct that would qualify as a nuisance, annoyance or disruption, a point I address further below.

Issue No. 2: Should an award of costs be made?

[31] Section 1.44 (1) 4 of the Act states that the Tribunal may make "an order directing a party to the proceeding to pay the costs of another party to the proceeding."

[32] The cost-related rule of the Tribunal's Rules of Practice relevant to this case is:

> 48.2 The CAT generally will not order one Party to reimburse another Party for legal fees or disbursements ("costs") incurred in the course of the proceeding. However, where appropriate, the CAT may order a Party to pay to another Party all or part of their costs, including costs that were directly related to a Party's behaviour that was unreasonable, undertaken for an improper purpose, or that caused a delay or additional expense.

[33] The Tribunal's "Practice Direction: Approach to Ordering Costs" provides guidance regarding the award of costs. Among the factors to be considered are whether the case was filed in bad faith or for an improper purpose; the conduct of all parties and representatives; and the potential impact an order for costs would have on the parties.

[34] Mr. Holloway was not successful in this case and thus he is not entitled to costs.

[35] Ms. Roberts has requested Tribunal fees and costs in an unspecified amount; she has not provided any details of the legal expenses she has personally incurred. I note that Ms. Roberts submits that she is "entitled to full indemnity costs including the Tribunal fees incurred in this Application pursuant to the indemnification provisions in Article XIV (1) of the Corporation's By-law No. 7". Ms. Roberts is the Respondent in this case. She paid no Tribunal fees. Additionally, the articles of the Corporation's by-laws are not applicable in this case. These provisions provide for indemnification to the condominium corporation – not an owner.

[36] Ms. Roberts further submits that she is entitled to costs because this application was made for an improper purpose, namely in retaliation for HCC 115 pursuing its own application against Mr. Holloway. As noted, Ms. Roberts is the former president of HCC 115's board.

[37] As indicated, this application arises in the context of a continuing dispute between not just Mr. Holloway and Ms. Roberts, but also between Mr. Holloway and the board of HCC 115, of which Ms. Roberts was president. Ms. Roberts submits that this application is part of an ongoing attempt to damage her reputation in the community and cause her undue stress.

[38] Ms. Roberts referred me to the Tribunal decision *Gale v. Halton Condominium Corporation No. 61*, 2022 ONCAT 85 ("Gale"), in which the Tribunal determined that Mr. Gale had demonstrated through a pattern of past and current conduct that he had undertaken his application "at least partly for an improper purpose" – i.e. in an attempt to cast doubt on the board's decision-making and to harass it into keeping records according to his standards. The Tribunal awarded costs to the Respondent in Gale in the amount of $2,000.

[39] I do find that there are some troubling aspects regarding Mr. Holloway's pursuit of this application. At several points, Mr. Holloway made it clear that he held Ms. Roberts personally responsible for actions taken by the HCC 115's board regarding a lien placed on his property, and other disputes between himself and HCC 115, lending some credibility to the claim that Mr. Holloway was seeking to retaliate against Ms. Roberts for actions taken by HCC 115. There is also the timing of this application which coincides with HCC 115's filing of an application against Mr. Holloway. Further, despite being advised from the outset about the legal tests that would form the basis for determining the issues, Mr. Holloway made no arguments on the legal merits of claims, but rather simply continued with personal attacks on Ms. Roberts' character, stating only that her evidence was fabricated and that she had "lied" about most of the facts.

[40] I recognize that Mr. Holloway is self-represented and, therefore, I have given him some leeway regarding how he presents his evidence and asserts the legal merits of his case, as is appropriate. However, even when taking this into account, taken together, the facts above raise questions about Mr. Holloway's motivations, suggesting that his pursuit of this claim may be at least in part for an improper purpose; that is, it may be motivated more by personal animus than any real legal dispute. This is an improper use of the Tribunal. At the same time, I understand that because of the nature of HCC 115's Rule 17, Mr. Holloway may have thought he had a valid claim.

[41] Costs awards are discretionary. After careful consideration I have decided not to make an order for costs against Mr. Holloway. Though I have noted my concern about Mr. Holloway's motivations in pursuing this case, I have also noted that Ms. Roberts has not provided any information about the legal costs she has personally incurred. This case is an unfortunate result of the ongoing acrimonious relationship between the parties – Mr. Holloway and Ms. Roberts in particular. This level of dysfunction is regrettable, but the Tribunal is not the appropriate forum for the resolution of disputes of this nature. I caution both parties against using the Tribunal in this way.

C. ORDER

[42] The Tribunal orders that:

1. This application is dismissed.

Nicole Aylwin
Vice-Chair, Condominium Authority Tribunal

Released on: September 15, 2025