

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: October 20, 2025

CASE: 2025-00248N

Citation: Canham v. Toronto Standard Condominium Corporation No. 2160, 2025 ONCAT 178

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

Member: Nicole Aylwin, Vice-Chair

The Applicant,
Daniel Canham
Self-Represented

The Respondent,
Toronto Standard Condominium Corporation No. 2160
Represented by Angad Singh, Counsel

WITHDRAWAL ORDER

- [1] The Applicant filed an application with the Condominium Authority Tribunal (“the Tribunal”) against the Respondent alleging that the Respondent had allowed two different unit owners to carry on activities that resulted in the creation and continuation of unreasonable noise contrary to s. 117(2) of the *Condominium Act, 1998* (“the Act”). According to the Applicant he repeatedly experienced unreasonable late-night noise including loud music and banging from a unit above his. He also alleged that in 2023-2024 he was regularly and frequently disturbed by piano music that came from another unit out of which piano lessons were being offered. He alleges that the Respondent did not properly address his noise complaints and allowed these activities to continue resulting in unreasonable noise contrary to the Act.
- [2] On October 10, 2025, the Applicant made a request to withdraw his case. The request was made near the end of the completion of the hearing. Both parties had submitted evidence and made submissions. The Applicant was informed that because the request was made at such a late stage in the hearing, any request to

withdraw would be considered only “with prejudice” meaning that if the withdrawal was accepted, the Applicant would not be able to re-file an application with the Tribunal about these specific issues. The issues that were the basis of this application would be considered closed. No decision on the merits of the application would be made.

- [3] The Applicant confirmed that he would like to proceed with the request.
- [4] The Respondent had no objection to the request.
- [5] Under Rule 43.1 of the CAT’s Rules of Practice, the CAT can close a case in Stage 3 – Tribunal Decision if the Applicant has informed the CAT that they wish to withdraw their case.
- [6] The Tribunal accepts the Applicant's withdrawal with prejudice. The issues in this application are considered closed, and the Applicant may not refile with the Tribunal on these issues.

ORDER

- [7] The Tribunal orders that:
 - 1. This case is closed in Stage 3 - Tribunal Decision under Rule 43.1 of the CAT’s Rules of Practice. The Applicant may not refile with the Tribunal on these issues.

Nicole Aylwin
Vice-Chair, Condominium Authority Tribunal

Released on: October 20, 2025