

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** January 7, 2026

**CASE:** 2025-00263N

**Citation:** Deutsch v. Toronto Standard Condominium Corporation No. 2471, De Andrade, 2026 ONCAT 2

Order under Rule 4 of the Condominium Authority Tribunal's Rules of Practice.

**Member:** Brian Cook, Member

**The Applicant,**  
Johnathan Deutsch,  
Self-Represented

**The Respondents,**  
Toronto Standard Condominium Corporation No. 2471  
Represented by Jessica Hoffman, Counsel

Francisco José De Andrade,  
Self-Represented

**Submission Date:** December 19, 2025

### **MOTION ORDER**

- [1] In this Application, Johnathan Deutsch alleges that he experiences unreasonable noise. He believes that the source of the noise is the unit below his, occupied by Mr. De Andrade and his family.
- [2] The case proceeded to Stage 2 – Mediation on July 21, 2025, and remained there for several months. I was the assigned mediator. In November 2025, I determined that there was no reasonable prospect that the case would resolve in mediation and closed the mediation on November 7, 2025. Under the Tribunal's rules, Mr. Deutsch had the option of asking for the case to move to Stage 3 – Tribunal Decision within 15 days of the close of mediation. He did not do that, and the case was dismissed on December 2, 2025.
- [3] On December 19, 2025, Mr. Deutsch requested that the case be re-opened. He provided the following explanation:

Once the case was dismissed after some improvement during mediation the unit below me has reverted to using their machines at maximum volume at all times as they were doing before the cat case began. The result is that I cannot sleep in the unit at any time.

- [4] During the mediation, Mr. Deutsch indicated that he believed the noise was coming from some sort of internet device in Mr. De Andrade's unit. He initially believed that the device was a Rogers modem or TV box. However, Mr. De Andrade advised that he no longer had this device. Mr. Deutsch then indicated that he believed the cause of the noise was a blocked filter on an air purifier. Mr. De Andrade denied using an air purifier.
- [5] Mr. Deutsch indicated that the noises he experiences vary. Sometimes they are not present but at other times they are so bothersome that he cannot stay in his unit. Complaints of bothersome noise continued even during a period of about one week when Mr. De Andrade and his family were away with the power to their unit turned off.
- [6] Prior to the case coming to the CAT, two sound engineers conducted noise testing. Some noise was captured which was attributed to a possible problem with the building's circulation pumps, which have since been repaired or replaced. During the mediation, Mr. Deutsch would not agree to consider a third test because he questioned the reliability of any test results.
- [7] The Tribunal's rule 47 allows the Tribunal to re-open a case if a party fails to participate, or fails to respond to a communication, which could in this case include the communication closing the mediation and advising the applicant that he could move the case to Stage 3 – Tribunal Decision within 15 days. Under rule 47, the request to re-open should be made within 15 days of the date the case was closed. Mr. Deutsch filed his request 17 days after the case was closed. Noting the intervening holiday period, I would be inclined to excuse that two-day delay.
- [8] I understand that Mr. Deutsch is disturbed by his experience of noise. However, there is no evidence that might establish the nature and extent of the noise Mr. Deutsch experiences. Apart from his suspicions, there is no evidence that might establish the source of the noise either. If, as suggested by the sound engineers, the building mechanics are a source of noise that transmits to Mr. Deutsch's unit, the Tribunal does not have jurisdiction to deal with defects in building mechanics.
- [9] In these circumstances, I conclude that there is not good reason to re-open this case at either the Stage 2 – Mediation or Stage 3 – Tribunal Decision level.
- [10] Since there was no settlement and no finding on the merits of the case, it may be

possible for Mr. Deutsch to make a new Application in the future. However, if he wishes to do that, he should be prepared to point to some evidence that would support his allegations.

**ORDER**

[11] The request to re-open the case is denied.

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Brian Cook  
Member, Condominium Authority Tribunal

Released on: January 7, 2026