

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** March 12, 2026

**CASE:** 2026-00063N

**Citation:** Zedan v. Toronto Standard Condominium Corporation No. 2289 2026 ONCAT 47

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

**Member:** Nicole Aylwin, Vice-Chair

**The Applicant,**

Karim Zedan

Self-Represented

**The Respondent,**

Toronto Standard Condominium Corporation No. 2289

**Submission Dates:** February 4, 2026 to February 18, 2026

### **MOTION ORDER**

- [1] Karim Zedan submitted an application to the Condominium Authority Tribunal (the "Tribunal") alleging that the Respondent, Toronto Standard Condominium Corporation No. 2289 ("TSCC 2289") has permitted the creation and continuation of an unreasonable noise that is a nuisance under s. 117(2) of the *Condominium Act, 1998* (the "Act"). He asserts that this noise interferes with his enjoyment of his unit.
- [2] On review of the application, the Tribunal issued a Notice of Intent to Dismiss the case under Rule 19.1 of the Tribunal's Rules of Practice. It appeared that the application was about noise that resulted from repair and maintenance issues. Repair and maintenance issues fall under s. 89 - 92 of the Act. These sections of the Act do not fall under the Tribunal's jurisdiction as set out in Ontario Regulation 179/17 ("O. Reg 179/17").
- [3] Having concluded the motion process and reviewed the Applicant's submissions, I have decided not to dismiss the application at this stage.
- [4] According to the submission of the Applicant, despite his repeated attempts to address the issue with TSCC 2289 they have not identified or disclosed to him the

source of the noise, only characterized it as “potentially mechanical”. Therefore, he submits that TSCC 2289 is allowing an activity to continue that is causing a noise nuisance. Subsection 117 (2) of the Act states that

(2) No person shall carry on an activity or permit an activity to be carried on in a unit, the common elements or the assets, if any, of the corporation if the activity results in the creation of or continuation of,

(a) any unreasonable noise that is a nuisance, annoyance or disruption to an individual in a unit, the common elements or the assets, if any, of the corporation

[5] At this stage it is not clear whether this is an issue of unreasonable noise nuisance that would be captured by s. 117(2) of the Act (i.e. if there is a person, carrying on an activity that results in unreasonable noise) or whether it is a dispute over the repair and maintenance of common elements. To determine this will require the Tribunal to hear facts and arguments. Therefore, I find it would be premature to dismiss this application at this early stage and I will allow the case to proceed. However, I advise the Applicant that the Tribunal cannot hear or decide disputes that are outside of its jurisdiction. The parties may be required to address the question of jurisdiction again as the case proceeds.

## **ORDER**

[6] The case may proceed.

---

Nicole Aylwin  
Vice-Chair, Condominium Authority Tribunal

Released on: March 12, 2026