

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: April 2, 2026

CASE: 2025-00465N

Citation: York Condominium Corporation No. 344 v. Gruss 2026 ONCAT 61

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

Member: Nicole Aylwin, Vice-Chair

The Applicant,

York Condominium Corporation No. 344

Represented by Anthony Spadafora, Counsel

The Respondent,

Carol Gruss

Represented by Vanessa Ford, Counsel

Hearing: Written Online Hearing – September 2, 2025 to March 10, 2026

REASONS FOR DECISION

A. INTRODUCTION

[1] The Applicant, York Condominium Corporation No. 344 (“YCC 344” or the “corporation”), brings this application to enforce compliance with its pet rule which allows the board to require a pet to be removed from the property if the board deems it a nuisance. YCC 344 alleges that the Respondent, Carol Gruss, has allowed her dog, Chanel, to cause a nuisance in the form of barking, which is substantially interfering with other unit owners’ enjoyment of their units.

[2] In April 2025, the corporation issued a notice to Ms. Gruss indicating that the board had deemed her dog a nuisance and they were requiring her to remove Chanel from the property within 14 days of the date of the letter. Ms. Gruss has not removed her dog. YCC 344 asks the Tribunal to find that it exercised its discretion reasonably when it made the decision to require Chanel be removed and asks the Tribunal to order Ms. Gruss to permanently remove Chanel from the property.

[3] Ms. Gruss takes the position that the corporation’s enforcement action – i.e. requiring the removal of her dog – is unreasonable. She takes the position that the

unit owners making the complaints against her have a personal grudge against her and their complaints are unfounded. While she acknowledges Chanel does occasionally bark, she argues some barking ought to be expected and tolerated by her neighbours given the 'pet friendly' nature of the building. She further asserts that Chanel is an emotional support animal and therefore she should be entitled to keep Chanel in the unit as an accommodation under the *Human Rights Code*, R.S.O. 1990 (the "Code"). She asserts that in ordering her dog to be removed, YCC 344 has failed in its duty to accommodate. Finally, she takes the position that YCC 344 is discriminating against her. She submits that many dogs in the building bark but claims she has been the only person subject of any enforcement action.

- [4] For the reasons that follow, I find that YCC 344 did not act reasonably when making the decision to remove Chanel; therefore, I deny the request to order the immediate removal of Chanel.
- [5] While I have reviewed all the evidence and submissions provided to me, I refer only to those necessary to determine the issues before me.

B. BACKGROUND

- [6] The chronology of events preceding this application provides helpful context for the issues before me.
- [7] Ms. Gruss moved into her unit with her dog Chanel in August 2022. YCC 344's rules do not prohibit dogs. The evidence is that there are several dogs in the building.
- [8] According to Daniel Laframboise, who was the on-site condominium manager for YCC 344 from October 2023 to April 2025, the barking from Chanel was the source of complaints throughout his time as manager.
- [9] During that period, complaints were received from two neighbouring units. First – starting in 2022 – from Ellen Burk and William Carney, who live in the unit below Ms. Gruss, and, later, also from Christina Vercillo, a neighbour whose unit is on the same floor as Ms. Gruss' unit. Ms. Vercillo's complaints did not arise until 2025. Ms. Burk states Chanel has been barking in an "excessive manner" since Ms. Gruss moved into the unit in 2022.

- [10] According to Ms. Gruss, YCC 344 wrote to her on September 1, 2022, January 18, 2023, January 27, 2023, informing her of complaints they received regarding Chanel's barking. She states that none of that correspondence provided evidence of the barking. For various reasons, she does not accept these complaints were valid, which is a position I will address further in this decision.
- [11] Ms. Gruss states that on April 6, 2023, a legal letter was sent to her that purportedly demanded that she remove her dog from her residence. This letter is not before me, but I was provided with a copy of the response delivered by Ms. Gruss' legal counsel at the time. That letter disputes the allegation that Chanel's barking was causing a nuisance. It asserts that YCC 344's pet rules define nuisance as "pets who make noise continuously" and that when "viewed objectively" Chanel's barking could not be considered a nuisance by this definition given that the only complaints raised were in September 2022 and January 2023. The letter points out that no complaints were raised in October, November and December 2022 or February, March or April 2023. The letter also goes on to advise that Ms. Gruss relies on her dog for emotional support and attaches a copy of a letter from her doctor in this regard.
- [12] What happened immediately after this exchange of letters is not clear; however, Chanel remained with Ms. Gruss in her unit and on at least two occasions, Ms. Gruss sent correspondence to YCC 344's management alleging that Ms. Burk was engaging in harassment. She complained that on several occasions she came home to find Ms. Burk standing outside her doorway which was causing Chanel to bark. According to Mr. Laframboise, it is "unknown" whether the complaints Ms. Gruss made about Ms. Burk were ever investigated or followed up on.
- [13] In February 2024, YCC 344 met with Ms. Burk, Mr. Carney and Ms. Gruss in an apparent attempt to resolve the issue; based on the evidence before me, Ms. Burk and Mr. Carney were the only complainants at this point. At some point, either before or after this meeting, YCC 344 drafted a Memorandum of Understanding ("MOU") that was to be agreed to by YCC 344, Ms. Gruss, Mr. Carney and Ms. Burk. This MOU attempted to set out "clear expectations" regarding the "threshold upon which noise [barking] emanating" from Ms. Gruss' unit could be deemed to be excessive. This threshold was listed as "ongoing for at least 15 consecutive minutes at any time day or night" and "sufficiently loud" that it would be disturbing to any regular person; and the barking would be considered excessive if it was ongoing for a least five consecutive minutes between 11 p.m.– 7 a.m. The MOU also set out a proposed noise complaint protocol to be followed by Ms. Burk and Mr. Carney and steps that Ms. Gruss would take to prevent noise. There is no evidence that Ms. Gruss, Ms. Burk and/or Mr. Carney agreed to this

MOU.

- [14] In December 2024, YCC 344's condominium manager sent another compliance letter to Ms. Gruss on behalf of the board of directors about Chanel's barking. It states that the corporation had received "several complaints" from neighbouring units about her dog barking excessively. It provides some details about the complaints and goes on to state that the "problem is now one of frequency rather than duration". The letter states that Ms. Gruss has two weeks to fix the problem but if the corporation continues to receive complaints and if "neighbouring residents continue to express the view that they cannot tolerate the excessive barking" the board may decide to deem the dog a nuisance.
- [15] According to Mr. Laframboise, the barking continued. In March 2025, at he received email complaints from another owner, Ms. Vercillo, who resides in a unit on the same floor as Ms. Gruss. The complaints in evidence were sent by email on March 21 and 25, 2025 and April 3, 2025. On April 17, 2025, at the direction of the board Mr. Laframboise sent Ms. Gruss another letter informing her of those complaints. The letter states that the barking unreasonably impacts "numerous" other residents' daily lives and their use and enjoyment of their property. The letter goes on to conclude, that, as such, YCC 344 has deemed Chanel to be a nuisance, and she must be permanently removed from the property within two weeks.
- [16] Ms. Gruss did not remove Chanel, and the evidence is that between April 17, 2025, and June 2025 several actions were taken by Ms. Gruss, the corporation and Mr. Carney. Ms. Gruss filed a case with the Human Rights Tribunal of Ontario ("HRTO"), alleging that YCC 344 had failed to accommodate her disability and had discriminated against her. Mr. Carney filed an application at this Tribunal alleging that YCC 344 had not done enough to enforce its rules and the noise provisions of the Act and had allowed Ms. Gruss' dog to continue to make unreasonable noise that is a nuisance. According to the Ms. Burk and YCC 344, Mr. Carney ended up withdrawing that application after he and Ms. Burk entered into a private settlement agreement with YCC 344 wherein Mr. Carney agreed to withdraw his Tribunal application on the condition that the corporation commence a Tribunal application against Ms. Gruss for a declaration that Chanel is nuisance and that they seek Chanel's removal. YCC 344 then filed this application. On September 2, 2025, the HRTO application was dismissed as abandoned. According to Ms. Gruss' counsel, the HRTO application remains under review for reconsideration.

C. ISSUES & ANALYSIS

Issue No. 1: Has YCC 344 reasonably enforced its pet rules?

- [17] YCC 344 has asked the Tribunal to find that its decision to deem Chanel a nuisance and require her to be removed from the property were reasonable. It insists that it is not asking the Tribunal to determine whether Chanel's barking constitutes a nuisance but is only asking the Tribunal to determine that it acted reasonably in making its decision. It argues that Tribunal should show deference to the decision of YCC 344's board to declare Chanel a nuisance and not substitute its own opinion for that of the board.
- [18] Ms. Gruss argues that YCC 344's decision was not reasonable. She argues that the rules have been applied inconsistently and in a way that targets her and her dog specifically, that the corporation has failed to independently verify the complaints, instead relying solely on the complaints of two unit owners – both of which have ties to the board (i.e., Mr. Carney was former board president and Ms. Vercillo's aunt sits on the board). She further alleges that Ms. Burk and Mr. Carney have a personal grudge against her that began when she refused to support Mr. Carney's nomination for the board. Finally, she argues that the decision was unreasonable, since YCC 344 has failed to accommodate her need for Chanel as an emotional support animal.
- [19] Both parties referred me to multiple Tribunal and court decisions that set out the applicable legal standard relevant to the issues before me, namely reasonableness of enforcement. While I have reviewed all the decisions cited to me, I reference only those necessary to make my decision.
- [20] It is well established that the Tribunal should show deference to a board's decision regarding enforcement of its governing documents and the Act, when that decision is made reasonably (see: *Muskoka Condominium Corporation No. 39 v. Kreutzweiser*, 2010 ONSC 2463; *Middlesex Vacant Land Condominium Corporation No. 605 v. Cui*, 2021 ONCAT 91; *Durham Condominium Corporation No. 136 v. Crowther*, 2023 ONCAT 159; *York Condominium Corporation No. 288 v. Tamhane*, 2023 ONCAT 16).
- [21] What constitutes reasonable enforcement depends on a variety of contextual factors. For example, boards must act in good faith, with due diligence, and the decision must lay within a range of reasonable choices. It must not act capriciously.

[22] YCC 344 submits it made a reasonable decision to declare Chanel a nuisance and require her removal for the following reasons:

1. Prior to making its decision, it attempted to resolve the matter amicably and with the cooperation of Ms. Gruss. As evidence of this, it points to the letter it sent Ms. Gruss on December 24, 2024, which advised her of the complaints and gave her time to address Chanel's barking. It asserts that only when this did not happen did it make the decision to require Chanel's removal.
2. It acted on legitimate complaints from two of Ms. Gruss' neighbours – Ms. Vercillo and Ms. Burk/Mr. Carney. It submits Ms. Burk provided several videos that demonstrate the sound of the barking in her own unit and in the hallway outside Ms. Gruss' unit. As evidence that the barking was creating a nuisance, YCC 344 relies on the fact that both Ms. Vercillo and Ms. Burk have indicated the barking is "excessive" and "loud and disturbing." It also notes that Ms. Vercillo indicated in one email that she had stopped receiving parcels to her door to try to avoid triggering Chanel's barking and that on some occasions Chanel's barking occurred during the overnight hours.
3. Legal proceedings were commenced against YCC 344 in connection with Chanel's barking. To address these complaints, it agreed to declare Chanel a nuisance and commence this application.

[23] Based on this, YCC 344 submits that it made the reasonable decision to declare Chanel a nuisance, and that its rules allow it to do so.

[24] YCC 344 relies on s. 2.4 of its Pet Rules which reads:

If, in the sole opinion of the Board, a pet is deemed to be a nuisance, the owner of such a pet shall, on receipt of a written notice by direction of the Board, make every effort to correct the behaviour within a reasonable time frame. If the behaviour is not corrected within a reasonable time frame, on the direction of the Board, the pet owner shall be required to remove the offending pet permanently from the property, within fourteen (14) days.

[25] It adds that, to date, Ms. Gruss has not provided any evidence that the barking is likely to stop or that Chanel can be trained to stop barking, and notes that Ms. Gruss herself has acknowledged on cross-examination that Chanel barks in response to loud noises and if there is a knock at the door or if someone is standing outside her unit.

- [26] However, the evidence before me is not as straightforward as it may appear. While YCC 344 has been in communication with Ms. Gruss for some time regarding the complaints about Chanel, it has relied only on the complaints of two unit owners and their impressions of the barking to determine that Chanel is a nuisance. While I accept that both Mr. Laframboise and the superintendent have confirmed Chanel's barking can be heard in the hallway, there is no evidence before me that either the superintendent or Mr. Laframboise, found the barking they had heard to be unreasonable or excessive, particularly in a building that allows dogs.
- [27] In fact, Mr. Laframboise indicated to Ms. Vercillo on at least two occasions that the barking she was hearing would not be considered out of the ordinary in a building that allowed dogs. For example, on March 21, 2025, Mr. Laframboise wrote to Ms. Vercillo in response to a complaint from her that Chanel "continues to bark numerous times throughout the day" and that while "the barking is never longer than 10 seconds to one minute at a time" she hears Chanel "most times" when she exits her unit or makes movement near her front door. In response, Mr. Laframboise advised Ms. Vercillo that the amount of barking she was experiencing is "not something that would justify legal intervention" but if she hears the dog barking "for longer periods of time" the corporation should be notified. He also advised Ms. Vercillo to inform them if the dog barks in the late evening hours and wakes her up, as he believed this would justify legal intervention.
- [28] On March 31, 2025, in responding to another of Ms. Vercillo's complaints, Mr. Laframboise, explained, "If the dog barks only for a few seconds because it hears something in the corridor, that's almost 'normal', but if it barks non-stop for long periods of time, this is not normal behavior."
- [29] It is also of note that according to Ms. Burk, she has been complaining since 2022, but the complaints in evidence from Ms. Vercillo only began in 2025 and there are before me only four complaints in total from Ms. Vercillo. There is no evidence that before 2025, Ms. Vercillo complained about Chanel's barking.
- [30] Ms. Burk also provided several videos of what she alleges is Chanel's barking. These videos record barking as heard either from the corridor of Ms. Gruss' floor and/or Ms. Burk and Mr. Carney's unit. I have listened to all of these and accept that Ms. Burk has many more. In one of the videos taken from Ms. Burk's unit, muffled barking can be heard, and it does appear to be coming from directly above; however, the barking is not over an extended period. The videos from the hallways outside of Ms. Gruss' unit do demonstrate barking coming from her unit is clearly audible in the hallway (even to the end of the hallway). I accept that Ms. Burk finds the barking to be excessive and disturbing. I also accept that on

occasion Chanel has barked during what would be quiet hours (i.e., overnight), but the evidence does not demonstrate that this is a regular occurrence.

[31] However, there is no evidence that the corporation has independently verified the complaints it has received. While, as noted, Mr. Laframboise indicated that he has heard Ms. Gruss' dog "from the hallway" he offered no indication of when and/or how often he had heard or noted the barking. During cross-examination, he confirmed that he had no independent evidence that the barking was persistent or continuous, he had only been told by others that this was so. He also confirmed that he had never attended Ms. Burk's unit to hear the barking for himself. There is also no evidence before me that any member of the board or other staff sought to verify the complaints and no evidence that there have been complaints from anyone other than Ms. Burk (and/or her husband Mr. Carney) and Ms. Vercillo. It appears from the evidence that YCC 344 simply accepted the complaints made by two units as proof of excessive barking and largely accepted their definition of excessive, a point I return to below.

[32] This is particularly problematic given that Ms. Gruss has on many occasions denied Chanel was the source of all the barking complained of. It is Ms. Gruss' evidence that out of fear that Ms. Burk or now Ms. Vercillo will complain about Chanel's barking she does not leave Chanel home alone – instead driving her to her daughter's home when she must leave the unit for any extended period. Her daughter submitted a statement confirming she often looks after Chanel when Ms. Gruss runs errands. She submits that Chanel is not ever in the unit unattended and she has often returned home to hear other dogs barking. She further submits that some of the complaints against Chanel made were during times she was home and Chanel was not barking. There is evidence that Ms. Gruss has sent emails to management about other dogs barking – not to complain, but simply to ensure it is noted so that Chanel does not get blamed for it.

[33] Ms. Gruss further asserts that in some instances Ms. Burk has provoked Chanel's barking for the purposes of making a complaint. She submits that Ms. Burk's insistence on standing outside her door to "record" Chanel in fact triggers her barking as Chanel senses someone on the other side of her door. As noted earlier, in 2023, Ms. Gruss sent a letter Mr. Laframboise complaining of this. In the letter, she states that she stepped out of her unit to dispose of her garbage and when she returned two minutes later Ms. Burk was standing outside her door recording Chanel. Ms. Gruss admits in that letter that when she left the unit Chanel did bark for a moment, but indicated she was triggered to keep barking when Ms. Burk showed up to record the sound. I note that, the evidence before me is Ms. Gruss made several complaints of this nature to management but Mr. Laframboise

“cannot recall” if anything was done in response to them. Ms. Gruss also claims that Ms. Vercillo’s assertion that she no longer receives packages to her door because of Chanel’s barking is disingenuous. She submits Ms. Vercillo posted a note in the lobby regarding package thefts and this is the reason she no longer receives packages to her door, not due to Chanel’s barking.

- [34] Before me are two very different perceptions and experiences of Chanel’s barking. That of Ms. Gruss who does not deny that Chanel barks but rather asserts the amount and frequency of barking is reasonable in a pet friendly building that allows dogs and that of her two neighbours, who find it to be “excessive” and “annoying.”
- [35] In situations like this, the due diligence of the board becomes especially important. Ms. Gruss, Ms. Burk and Ms. Vercillo each have their own subjective experiences of the situation, likely coloured by the long-term and ongoing animus between them. Thus, it was incumbent upon the corporation to do its own due diligence to determine objectively and in its **sole opinion** (as per the corporation’s rule) whether Chanel’s barking is a nuisance in the context of a building that allows dogs. There is no evidence before me that it has done so. It has relied chiefly on the complaints of two unit owners and their subjective view and description of the barking as excessive.
- [36] Additionally, YCC 344 has not offered any evidence that it tried to independently verify the complaints and/or took seriously or investigated any of Ms. Gruss’ objections and/or denials of the complaints. Due diligence means gathering and investigating all relevant information – there is no evidence that YCC 344 carefully considered any of the complaints or alternative evidence provided by Ms. Gruss.
- [37] The evidence is that, over time, YCC 344 appears to have simply acquiesced to the subjective opinion that the barking is excessive as defined by two unit owners, despite having informed one owner that the barking she was describing would not be considered actionable. It also appears to have simply yielded to the legal pressure applied by Mr. Carney in lieu of making its own reasonable decision about the question of whether the barking rises to the level of nuisance at law in breach of its rule. While YCC 344 was correct to take the complaints seriously, there is no evidence they performed an independent assessment to verify the complaints and assess whether the barking was unreasonable given the fact that the building does allow dogs and some barking ought to be expected and tolerated.

- [38] Moreover, the evidence also demonstrates that the corporation has not been consistent in how it applies its rule. It appears, at some point, the corporation shifted its definition of ‘nuisance’ and did so not generally for everyone, but as applied to Chanel’s barking specifically. The corporation’s pet rules state that examples of nuisance behavior include but is not limited to: “[p]ets who make noise continuously and/or incessantly to the disturbance of any person at any time day or night.”
- [39] As noted, the MOU drafted and presented to Ms. Gruss early in 2024, which was signed by two members of the board, contains a paragraph that “attempts to set clear expectations” and proposes a “threshold upon which noise emanating from [Ms. Gruss’] unit due to Chanel’s barking shall be deemed potentially excessive.” It defines this as barking for “at least” 15 consecutive minutes during the day and five consecutive minutes in the overnight hours. It then goes on to state that, “The parties recognize that the proposed threshold of excessive noise, as set out in paragraph 4 above, represents the position of YCC 344 ...”
- [40] While I understand the MOU was never agreed to by those involved, and that the Pet Rule does not provide an exhaustive list of what might be considered nuisance behavior, this MOU indicated the standard YCC 344 was using to assess whether Chanel’s barking was a nuisance.
- [41] However, in its December 2024 letter to Ms. Gruss, YCC 344 wrote, “[th]ere is rarely an instance where the barking continues uninterrupted for more than 15 minutes (our previous definition of excessive daytime barking). Instead, the problem now is one of frequency and sudden disturbance than duration. Chanel is barking in frequent short bursts that make life difficult for other residents.”
- [42] This letter appears to advise Ms. Gruss – for the first time – that the corporation has changed its definition of what constitutes excessive daytime barking. It appears to “move the goal post” to speak. There is no evidence before me that this shift was related to a change in Chanel’s barking (or barking patterns) as verified by the corporation, only that it was suddenly applying different criteria to determine nuisance. What the evidence demonstrates is the YCC 344 defined one standard to Ms. Gruss and then, when the barking did not meet that threshold, it set a new one that captured it. This lends some weight to Ms. Gruss’ argument that the board sought to change the way it applied its rule to target Chanel’s barking and order her removal. The evidence supports a finding that the corporation has not acted in good faith including being consistent in the application of its rule.

- [43] Finally, Ms. Gruss claims that the corporation has not acted reasonably because they have not accommodated her disability. She asserts that Chanel should be allowed to stay in the unit as an accommodation. According to her doctor's note, Chanel helps Ms. Gruss manage anxiety and stress by providing emotional support and helps her to manage pain by encouraging her to get physical movement. She argues that asking for Chanel's removal amounts to a failure to accommodate her need to have Chanel.
- [44] YCC 344 argues that Ms. Gruss does not require an accommodation to keep Chanel in her unit as the corporation allows dogs. It asserts that Ms. Gruss has provided no evidence that her need for a support dog, even her specific need for Chanel, is incompatible with YCC 344 rules restricting noise nuisances created by pets. In any event, it submits that a need for a support dog does not provide a licence for the dog to behave in a nuisance manner (see: *Toronto Standard Condominium Corporation No. 2370 v. Chong et al.*, 2021 ONCAT 108). It takes the position that it has not failed to accommodate Ms. Gruss, but rather, there is no evidence that an accommodation related to the barking/pet nuisance rules is required to meet Ms. Gruss' stated needs.
- [45] In considering all of the above, what the evidence before me demonstrates is that the corporation has not acted reasonably in determining Chanel's barking is a nuisance. It has not done its due diligence and has not applied its rule consistently thereby leading to unreasonable enforcement. Therefore, I deny the request for an order to remove Chanel from the property at this time. Given this, it is unnecessary for me to determine whether Ms. Gruss is entitled to an accommodation to keep Chanel in her unit.
- [46] Finally, although I have found that the board failed to investigate the alleged breach of the rule and applied its rule inconsistently leading to the finding that it has taken unreasonable enforcement action in declaring Chanel to be a nuisance and ordering her removal, it is evident on the facts that Chanel's barking does cause some disturbance that is bothering some of Ms. Gruss' neighbors. It would behoove Ms. Gruss to consider her neighbors' concerns and do what she reasonably can to help minimize Chanel's barking. Her neighbours must also be more tolerant, not overstating their complaints and certainly not taking action that causes or exacerbates whatever barking does occur. If all parties – Ms. Gruss, her neighbors, and YCC 344's board – take reasonable steps toward consideration for one another's concerns, the likelihood of future noise incidents and conflict over them may be reduced.

Issue No. 2: Is any party entitled to costs?

[47] Both parties requested costs. Neither party specified an amount but asked to be allowed to make further costs submissions if they were found to be successful in this application. I find more costs submissions are not necessary.

[48] Costs awards are discretionary and are made in accordance with the rules of the Tribunal as per s. 1.44 (2) of the Act. The cost-related rules of the Tribunal's Rules of Practice relevant to this case are:

48.1 If a Case is not resolved by Settlement Agreement or Consent Order and a CAT Member makes a final Decision, the unsuccessful Party will be required to pay the successful Party's CAT fees unless the CAT member decides otherwise.

48.2 The CAT generally will not order one Party to reimburse another Party for legal fees or disbursements ("costs") incurred during 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.

[49] YCC 344 was not successful in this case and is therefore not entitled to the reimbursement of its Tribunal fees.

[50] There was no behavior during this proceeding that was unreasonable or undertaken for improper purpose by either party that would justify a costs award to either of them. YCC 344 does submit that Ms. Gruss' preliminary motion to stay the proceeding due to her HRTTO application was unreasonable because she knew, when the motion was made, that application had been dismissed. However, as noted earlier in the decision, the HRTTO application was not dismissed on its merits but rather was dismissed as abandoned. At the time the motion to stay was made in this hearing, Ms. Gruss had applied for reconsideration. Ms. Gruss did not act unreasonably in making the motion, as she hoped the HRTTO matter would still be heard on its merits. I do not find the motion to stay to be a factor that merits an award of costs in this case.

[51] In this case, I find it reasonable that both parties bear their own costs, and I make no order for costs.

D. ORDER

[52] The Tribunal orders that:

1. YCC 344's application is dismissed.
2. Under s. 1.44 (1) 2, YCC 344 shall be prohibited, at this time, from requiring the immediate removal of Ms. Gruss' dog Chanel from the property due to a breach of its Rule 2.4.

Nicole Aylwin
Vice-Chair, Condominium Authority Tribunal

Released on: April 2, 2026