

*Case Name:*  
**London Condominium Corp. No. 13 v. Awaraji**

**Christian Awaraji, Tania Bayoud**  
**v.**  
**London Condominium Corporation No. 13**

[2007] S.C.C.A. No. 203

File No.: 32001

Supreme Court of Canada

Record created: April 23, 2007.  
Record updated: August 23, 2007.

**Appeal From:**

ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO

**Status:**

Application for leave to appeal dismissed with costs (without reasons) August 23, 2007.

**Catchwords:**

*Property -- Condominiums -- What is the standard to enact rules that restrict the common law right to use land for all lawful purposes -- Who bears the evidentiary onus to demonstrate that the rules of the Condominium Corporation further the two objectives provided for in s. 58(1) of the Condominium Act.*

**Case Summary:**

The Applicants, Awaraji and Bayoud are condo residents who installed two satellite dishes on the patio of their unit which the Respondent, Condominium Corporation alleges is contrary to the Condominium Corporation's declaration, by-laws and rules. Awaraji and Bayoud contended that the Condominium Corporation only provided Star Choice reception through the common satellite television and they wanted the Rogers service as it provided access to Lebanese television. As a result, they put up their own satellite dishes and subscribed to the Rogers service. The Condominium Corporation declaration provided that no television antennae, aerial tower or similar structure shall be erected or fastened to any units except for or in connection with a common television cable system.

By-law number 1 adopts this provision and the rules of the Condominium Corporation provides as follows:

The corporation has an agreement with Star Choice for exclusive delivery of satellite services. This service has one dish on each set of units. No other satellite services are allowed.

The trial judge ordered that Awaraji and Bayoud remove the satellite dishes. Their appeal was dismissed.

**Counsel:**

Wade W. Sarasin (Lerners), for the motion.

Jocelyn R. Kraats (Brown, Beattie, O'Donovan), contra.

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**Chronology:**

1. Application for leave to appeal:

FILED: April 23, 2007. S.C.C. Bulletin, 2007, p. 661.

SUBMITTED TO THE COURT: July 3, 2007. S.C.C. Bulletin, 2007, p. 984.

DISMISSED WITH COSTS: August 23, 2007 (without reasons).  
S.C.C. Bulletin, 2007, p. 1174.

Before: McLachlin C.J. and Charron and Rothstein JJ.

**Procedural History:**

Judgment at first instance: Applicants ordered to remove satellite dishes.

Ontario Superior Court of Justice, Jenkins J., December 19, 2005.

Judgment on appeal: Appeal dismissed.

Court of Appeal for Ontario, Simmons, MacFarland and Pardu JJ.A., February 21, 2007.

[2007] O.J. No. 840.

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