

Case Name:

**Metropolitan Toronto Condominium Corp. No. 562 v.  
Froom**

Between

Metropolitan Toronto Condominium Corporation  
No. 562, (Applicant/Respondent), and  
Arthur Froom, (Respondent/Appellant)

[2006] O.J. No. 3314

Docket: C44467

**Ontario Court of Appeal  
Toronto, Ontario**

**S. Borins, R.G. Juriansz and H.S. LaForme J.J.A.**

Heard: August 15, 2006.

Oral judgment: August 15, 2006.

Released: August 18, 2006.

(2 paras.)

Appeal From:

On appeal from the order of Justice Arthur Belobaba of the Superior Court of Justice dated October 14, 2005.

**Counsel:**

Arthur Froom In person

Christopher J. Jaglowitz For the applicant/respondent

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**ENDORSEMENT**

The following judgment was delivered by

¶ 1 **THE COURT** (oral endorsement):— We are satisfied that the dispute between the parties relates to the application of the respondent condominium's pet rules. Central to the resolution of Mr. Froom's alleged failure to comply with the pet rules was whether the 2003 release applies to the new rules and the present circumstances. In our view, the interpretation of the 2003 release and the compliance issue could not be separated, and together should have been submitted to the mediation and arbitration of the *Condominium Act* before the respondent resorted to the court.

¶ 2 Accordingly, the appeal is allowed and the order of Belobaba J. is set aside. The application is dismissed with costs of both the application and the appeal in the amount of \$8,500 inclusive of disbursements and GST.

S. BORINS J.A.  
R.G. JURIANSZ J.A.  
H.S. LaFORME J.A.

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