



Ontario Judgments

Ontario Superior Court of Justice

E.M. Morgan J.

Heard: June 15, 2016.

Judgment: June 15, 2016.

Court File No.: CV-16-550793

[2016] O.J. No. 7117 | 2017 ONSC 3010

RE: Toronto Standard **Condominium** Corporation No. 1816, and Linda Greco et al.

(7 paras.)

Counsel

Timothy Duggan, for the Applicant.

No one appearing for Respondent.

ENDORSEMENT

E.M. MORGAN J.

1 No one has appeared for the Respondent, although it is now 11:00 a.m. the Respondent was personally served with the Application Record on May 10, 2016. A scheduling order was issued by Firestone J. on April 18, 2016, and the Respondent was served personally with that Order. A further Order was issued by Lederer J. on May 3, 2016, in which it was held that the Respondent, Linda Greco, has a statutory duty to ensure that all residents in her **condominium** unit, including her daughter Jasmine Greco, abide by the **condominium** rules, and determining that therefore Jasmine Greco is not a necessary party to this Application.

2 The Respondent was also served personally with that Order. Counsel for the Applicant has written three warning letters over the past number of weeks advising the Respondent that this matter would be proceeding today and that the Applicant would be seeking an Order requiring her to sell her **condominium** unit. The Respondent has not responded to any of this correspondence nor has she ever appeared, either personally or through counsel, at any stage of the Application.

3 The behaviour of the Respondent and her daughter in this relatively small **condominium** building is appalling. The affidavit in support of this application describes loud screaming in the middle of the night, disturbing the peace of the other unit owners -- some of those owners have recorded the screaming, which is audible from inside their units. The Respondent and her daughter apparently fight constantly, requiring the attendance of the police and

ambulance at their unit. They allow the dog to wander the hallways of the building, soiling the hallway and the elevator in the way that dogs will do.

4 The Respondent has received a large number of warnings from the building management and its counsel over the past 9 months, but nothing appears to have the effect of calming the Respondent and her daughter down or modifying the complained of behaviour. It has reached the point where the other unit owners in the building need protection. They have a right to enjoy peace, quiet, and safety in their own home. The Respondent and her daughter also have frequent guests that are threatening, rude, and otherwise disquieting to the other residents of the building.

5 Given the state of affairs, I am left with little choice but to intervene to prevent any further violation of the **Condominium** Act and to protect the interests of the other unit owners and residents. The Respondent shall be required to vacate her unit within 30 days and to sell it within 90 days, failing which the Applicant may sell the unit for her and recoup the costs of doing so from the proceeds of sale. During the upcoming 30 days (and thereafter), the Respondent shall refrain from any of the disruptive behaviours that she and her daughter have been engaging in.

6 The Applicant's counsel has submitted a Costs Outline seeking just over \$28,000 on a substantial indemnity basis and just over \$31,000 on a full indemnity basis. Although this may seem high for an undefended Application, the Respondent's conduct in the unit has compelled counsel to be intensely involved on the Applicant's behalf. It is therefore reasonable under the circumstances that at least substantial indemnity costs be awarded.

7 Judgment to go as submitted today and modified by me.

E.M. MORGAN J.