

CITATION: *TSCC No. 1834 v. Kadom*, 2020 ONSC 5333
COURT FILE NO.: CV-19-00629620
DATE: 2020-09-04

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: Toronto Standard Condominium Corporation No. 1834, Applicant

AND:

Zahra Kadom, Respondent

BEFORE: Carole J. Brown J.

COUNSEL: Jordan Cowan, for the Applicant

Zahra Kadom, representing herself

HEARD: In Writing

ENDORSEMENT

- [1] This matter came before me, in writing, brought by the applicant, Toronto Standard Condominium Corporation No. 1834 (“TSCC”) for an order that the respondent has breached the *Condominium Act* and the Declaration and Rules of the Condominium Corporation by renting her condominium unit on AirBnb contrary to the *Condominium Act*, 1998 S. O. 1998, c. 19, as amended, the Declaration and the Rules applicable to TSCC 1834.
- [2] The respondent is the daughter of the owners of the condominium unit, Mohanad Kadom and Tatiana Gavriyuk, and the registered resident of the unit.
- [3] The Condominium Corporation does not permit transient and commercial use of condominium units by renting them on a short-term basis. The subject unit has been advertised on AirBnb since approximately April 3, 2019 and rented out for short-term rentals. Despite numerous notices to cease all short-term rentals of the unit, the respondent continues to advertise the unit on AirBnb. I am satisfied, based on all of the documentation before me, that the respondent was properly served with all orders and materials on this motion, and has not responded to this application. I am satisfied based on the documentation adduced, that the respondent has breached the Declaration and Bylaws of the condominium as well as the *Condominium Act*, by failing to comply with the Declaration applicable to the property legally described as T SCC plan no 1834 and the Corporation’s Rules respecting use of the units and common elements of the property. I find that respondent has failed to comply with the Declaration applicable to the property legally described as Toronto Standard Condominium Plan No 1834 respecting use of the units and common elements of the property.

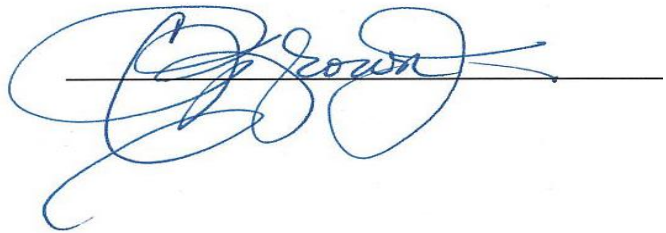
[4] I order that the respondent:

1. immediately cease all short-term rental unit use and commercial use of the unit and that the unit shall only be used in a manner that is compliant with the *Act*, the Declaration and the Rules;
2. the respondent and any future occupants of the unit are to comply with TSCC 1834's residential use restrictions;
3. the units of TSCC 1834 shall only be occupied by a single-family residence, pursuant to Article II, section 1 of the Rules and Part IV, section 4.1 (a) of the Declaration and that any other use of the unit is deemed a breach of the Declaration and Rules;
4. the respondent must forthwith remove the listing with respect to the unit from AirBnb.

[5] This Order is to be provided to all occupants of the unit, present and future and be attached to all status certificates issued for the unit;

[6] The respondent is ordered to pay forthwith to the applicant the amount of \$9,491.61, all inclusive.

Notwithstanding Rule 59.05, this Order is effective from the date it is made and is enforceable without any need for entry or filing in accordance with Rules 77.07(6) and 1.04. No formal Order need be entered and filed unless an appeal or a motion for leave to appeal is brought to an appellate court. Any party to this Order may nonetheless submit a formal Order for original signing, entry and filing when the Court returns to regular operations.



Carole J. Brown J.

Date: September 4, 2020