

York Condominium Corp. No. 419 v. Black, [2020] O.J. No. 1430

Ontario Judgments

Ontario Superior Court of Justice

F.L. Myers J.

Heard: April 3, 2020.

Judgment: April 3, 2020.

Court File No.: TBD

[2020] O.J. No. 1430 | 2020 ONSC 2098

Between York Condominium Corporation No. 419, Applicant, and Seth Black and Camesha Black, Respondents
APPLICATION UNDER sections 17, 98 117, 119 and 134 of the Condominium Act, 1998 and Rule 14.05(2) of the
Rules of Civil Procedure

(7 paras.)

Counsel

Caleb Edwards, for the Applicant.

Camesha Black, in person.

ENDORSEMENT

F.L. MYERS J.

1 I heard counsel for the applicant and Ms. Black at an urgent case conference this afternoon on very little notice. As set out in my initial endorsement:

[1] The applicant condominium corporation sues for an order requiring the respondents to stop renovating their condominium unit. The condominium corporation asks for an urgent injunction prohibiting the respondents from having third party trades people attending in the building on an interim basis during the global COVID-19 pandemic. There is also an issue as to whether the renovations are being properly conducted in accordance with the condominium's declaration, by-laws, and the applicable law.

[2] This is a matter of great urgency. A majority of the condominium building's residents are seniors.

2 During the case conference, Ms. Black quite fairly requested time to seek legal counsel to help her respond to this lawsuit. She pointed to the pandemic as a basis to submit that the matter should not proceed at present. She was concerned with the prospect of finding a lawyer at this time. She said that she is carefully practising "social

distancing" especially because Mr. Black has a pre-existing medical condition that she says is causing her great anxiety.

3 The condominium corporation expressed some concern because it appeared that two painters had attended at the Blacks' unit this morning. Ms. Black advised that they are old friends who just happen to be painters visiting at a time when her renovations are at the painting stage. She said that she was keeping her distance from them, but agreed that proper social distancing would preclude anyone from visiting the unit for the time being.

4 Ms. Black agreed that in return for this application being put off in order to defer the need for her to find a lawyer, no one should attend the premises to do renovation work. She suggested that to be safe, there should be no visitors whatsoever allowed into the unit during the interim period. The applicant agreed to a deferral of the proceeding on this basis.

5 On consent therefore, the application is adjourned until June 1, 2020 to be spoken to. There will not be a full hearing that day. Rather, the case will be re-scheduled along with all of the other cases that are being deferred due to the pandemic.

6 As a term of this adjournment, the court orders, on consent, that the respondents allow no one to enter into their condominium unit until further order of the court. This order does not preclude the parties from authorizing entry upon the external patio and yard exclusive use common areas. This order also does not apply to government first-responders who may enter the unit in the event of an emergency. If the applicant wishes to exercise a right to enter the unit, if it has such a right, then the parties are to attempt to reach agreeable terms for such a visit or seek a case conference with judge to help them do so.

7 Notwithstanding Rule 59.05, this order is effective from the date it is made, and is enforceable without any need for entry and 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 may nonetheless submit a formal order for original signing, entry and filing when the Court returns to regular operations.

F.L. MYERS J.