

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: December 17, 2025

CASE: 2025-00644N

Citation: Middlesex Condominium Corporation No. 91 v. Zabian, Zabian, Alasaf, 2025 ONCAT 214

Order under section 1.44 of the *Condominium Act, 1998*.

Member: Brian Cook, Member

The Applicant,

Middlesex Condominium Corporation No. 91

Represented by Madeleine Stirland, Paralegal

The Respondents,

Atta Zabian

Self-represented

Zakia Zabian

Self-represented

Maram Alasaf

Not participating

Hearing: October 7, 2025 to December 12, 2025

REASONS FOR DECISION

A. BACKGROUND

[1] This case concerns a unit in Middlesex Condominium Corporation No. 91 (MCC 91) that is owned by Atta Zabian and Zakia Zabian (“the owners”). The unit is leased to Maram Alasaf. Ms. Alasaf lives in the unit along with her four children. MCC 91 alleges that Maram Alasaf has created, or allowed others to create, unreasonable noise that results in a nuisance, annoyance or disruption to other residents and that the owners have not done enough to address the concerns.

[2] The owners joined the case and participated in the proceedings. Maram Alasaf did

not join the case. MCC 91 has provided proof that Ms. Alasaf received notice of the case. I am satisfied that Ms. Alasaf had notice of the case.

- [3] By not joining the case, Ms. Alasaf gave up her right to challenge the evidence of the participating parties, who are MCC 91, Atta Zabian, and Zakia Zabian.
- [4] A video conference call was held with me and the participating parties on November 27, 2025. At the conference call, the participating parties agreed that Ms. Alasaf has caused or allowed others to cause unreasonable noise that is a nuisance, annoyance, or disruption to other residents. Atta Zabian confirmed that he has started a proceeding at the Landlord and Tenant Board (LTB) seeking an eviction order. The hearing is scheduled for February 3, 2026. During the hearing, Mr. Zabian provided contact information for the person who is assisting with the LTB proceeding.
- [5] MCC 91 sent letters addressed to the tenant, copied to the owners, asking for compliance with the *Condominium Act, 1998* and the condominium's rules, which prohibit a person from creating or allowing others to create unreasonable noise. Details of the complaints are set out in redacted emails received by MCC 91 from residents. They include complaints of noise from loud banging, jumping, and yelling in the unit, on the unit's balcony, and the building stairwell. The complaints indicate that the noise often occurs at night during normal sleeping hours. The police have been called on more than one occasion.
- [6] As noted, these allegations are not disputed by the participating parties. Because Ms. Alasaf has not participated in the hearing, she has given up the right to challenge the allegations.

B. FINDINGS

- [7] I accept the evidence provided by the participating parties. I find that Maram Alasaf has created, or allowed others to create, unreasonable noise that is a nuisance, annoyance or disruption to other residents. I order her to stop creating, or allowing others to create, unreasonable noise.

C. COMPENSATION AND COSTS

- [8] MCC 91 has incurred costs in its efforts to seek compliance with its rules about noise. These include the costs of letters from a lawyer and costs associated with bringing this application. The participating parties have agreed to resolve the issue of compensation and costs claimed by MCC 91. Atta Zabian and Zakia Zabian agree that they will each pay MCC 91 \$1,000, for a total of \$2,000. MCC 91

agrees to accept this payment and will not seek any additional money from the owners for anything that has happened to the date of this decision relating to the events giving rise to the application. I agree that this is a reasonable resolution of this issue.

D. ORDER

[9] The Tribunal orders that:

1. Mara Alasaf shall stop creating unreasonable noise and shall ensure that any other resident, guest or visitor in the unit does not create, or allow others to create, unreasonable noise in the unit or in the common areas of the building, including stairwells.
2. Within 21 days of the date of this decision, Atta Zabian and Zakia Zabian will each pay MCC 91 \$1,000.
3. Atta Zabian shall keep MCC 91 informed of the progress of the proceeding before the LTB, including any decisions issued by the LTB relevant to this case.

Brian Cook
Member, Condominium Authority Tribunal

Released on: December 17, 2025