

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: April 6, 2026

CASE: 2026-00086N

Citation: Metropolitan Toronto Condominium Corporation No. 723 v. Acai, Vipulanandan, 2026 ONCAT 62

Order under Rule 4 of the Condominium Authority Tribunal's Rules of Practice.

Member: Victoria Romero, Member

The Applicant,

Metropolitan Toronto Condominium Corporation No. 723
Represented by Anthony Spadafora, Counsel

The Respondents,

Goldie Acai
Represented by Thiru Sundram, Agent

Neethra Vipulanandan
Self-Represented

Submission Dates: March 10, 2026 to March 25, 2026

MOTION ORDER

- [1] As a preliminary matter raised at the beginning of this Stage 2 – Mediation, the Respondent Goldie Acai (“Acai”) asks the Tribunal to adjourn this Condominium Authority Tribunal (“CAT”) application for an indefinite time while Acai’s application to the Human Rights Tribunal of Ontario (“HRTO”) proceeds. Or, alternatively, until the final resolution of the parallel application, HRTO File No. 2026-65786-I, filed on February 20, 2026. The Applicant, Metropolitan Toronto Condominium Corporation No. 723 (“MTCC 723”), opposes this request.
- [2] Under Rule 4 of the CAT’s Rules of Practice, the CAT can give directions or make Orders to provide a fair, focused and efficient process in each case.
- [3] I clarify that this motion only addresses the adjournment request. This decision does not determine the merits of this case.
- [4] For the reasons set out below, I deny the Respondent’s motion.

Respondent's Position – Goldie Acai (Moving Party)

- [5] Acai is requesting a deferral of these CAT proceedings pending the resolution of a parallel application filed with the HRTO on February 20, 2026.
- [6] They explain that the core issue of this case, from their perspective, is whether MTCC 723's enforcement of pet-related restrictions on the Respondent's service dog, Bobby, constitutes a failure to accommodate a disability under the Human Rights Code (the "Code").
- [7] Acai submitted, as per CAT's Practice Direction on Scheduling Requests and Adjournments (effective April 11, 2024), as follows:
1. Regarding the necessity for a fair hearing, parallel proceedings on the identical accommodation issue risk inconsistent outcomes.
 2. Regarding prejudice to parties, denying the adjournment fragments the Respondent's human rights claim and forces duplicative litigation; MTCC 723 faces minimal prejudice, as the dog is already present, task-trained, and causing no urgent safety issues.
 3. Regarding timeliness of the adjournment request, they submit that it was made promptly after the HRTO filing and early in the CAT proceedings, with no prior adjournments sought. Exhibit C confirms that Acai filed their case with HRTO on February 20, 2026, alleging discrimination in housing under the Code.
 4. Regarding efforts to avoid delay, the Respondent submits that comprehensive evidence was submitted upfront, which I take them to be the four exhibits the Respondent has listed as part of their materials and the documents in the ODR platform.
 5. Regarding complexity and urgency, Acai submits that the Code has primacy over the *Condominium Act, 1998* (the "Act"), as the HRTO is the specialized forum equipped to determine the legality of these restrictions. In their view, the CAT lacks the specialized mandate of the HRTO to adjudicate complex human rights damages (including the \$25,000 claim for injury to dignity). Therefore, they submit, a deferral is the most procedurally fair and efficient route, and no pressing safety or emergency concerns exist.

Acai submits that s. 47 (2) of the Code gives it primacy over conflicting laws unless expressly overridden. Tribunals must apply the Code when engaged (*Tranchemontagne v. Ontario (Director, Disability Support Program)*, 2006

SCC 14) (“Tranchemontagne”). Framing the issue solely as nuisance under s. 117 (2) of the Act does not displace accommodation obligations.

6. Regarding avoidance of multiplicity/res judicata risks, HRTO resolution could provide complete relief, reducing the need for overlapping adjudication.
- [8] Lastly, Acai submits that while the CAT has jurisdiction to consider Code issues in the context of nuisance claims under s. 117 (2) of the Act and may award damages for injury to dignity, feelings, and self-respect (e.g., \$15,000 awarded in *Waterloo North Condominium Corporation No. 37 v. Baha et al*, 2024 ONCAT 131, affirmed by *Waterloo North Condominium Corporation No. 37 v. Baha*, 2025 ONSC 3486), the HRTO holds specialized expertise in human rights adjudication and broader remedial powers, including potential systemic remedies and higher compensation in appropriate cases.

Respondent’s Position – Neethra Vipulanandan

- [9] The Respondent Neethra Vipulanandan’s only submissions were limited to confirm that they fully adopt and rely upon Acai’s submissions.

Applicant’s Position – MTCC 723 (Responding Party)

- [10] MTCC 723 explains that they were a strict “no dogs” building until they formally amended its rules to confirm that MTCC 723 has appropriate, lawful, and narrow exceptions for accommodating residents with legitimate disability-related needs.
- [11] While Section 1.05 of MTCC 723’s Pet Rule provides for a general prohibition on residents keeping pet dogs within the condominium premises, Section 4.02 of MTCC 723’s Pet Rule creates an exemption from the prohibition for residents that require the presence of an emotional support dog. Section 4.02 mandates that benefactors of the exemption enter into a written accommodation agreement and places basic restrictions on the conduct/handling of emotional support dogs on the condominium premises.
- [12] In this regard, Section 4.02 of MTCC 723’s Pet Rule provides:

Emotional Support Dogs: If an Owner requires an exemption from the scope of permitted Pets to accommodate an emotional support dog, then the Owner shall register the dog in accordance with these Pet Rules and provide a letter from the Owner’s attending medical doctor upon registration confirming that the exemption is required to accommodate a recognized disability, and that an otherwise permitted Pet would not meet the Resident’s disability-related needs. Thereafter, the Owner shall promptly enter into a written

accommodation agreement with the Corporation. Emotional support dogs shall weigh 25 pounds or less, shall be carried or transported in a pet carrier on the Common Elements, shall not be permitted in amenity areas, and shall not be permitted to create a nuisance.

- [13] MTCC 723 submits that the issue in this case is whether Acai is obligated to comply with Section 4.02 of MTCC 723's Pet Rule notwithstanding Acai's claim that her dog provides support for a disability-related need.
- [14] MTCC 723 relies on *York Condominium Corporation No. 435 v. Karnis et al.*, 2022 ONCAT 86 ("Karnis"), which is a decision dealing with a request to adjourn proceedings before this Tribunal while an application to the HRTO proceeds. This Tribunal stated at paragraph 35 of the decision that "an adjournment or stay is not automatic and requires a balancing of several factors." Those factors and MTCC 723's submissions relating to them are summarized below.

Factor #1: Do the issues overlap?

- [15] MTCC 723 received Acai's HRTO application on February 20, 2026, in which Acai asks the HRTO to find that MTCC 723 discriminated against her by failing to recognize Bobby as a service dog. As this is an issue which will be before the CAT in the context of this hearing and the CAT has the authority to decide Code issues in the context of a dispute properly before it, the issues necessarily overlap.

Factors #2 and #3: Which application was commenced first, at what stage is each application, and when will each of the proceedings be complete?

- [16] The Application at this Tribunal commenced first and is currently in Stage 2 – Mediation, with the parties being ready to mediate.
- [17] MTCC 723 submits that this CAT application was commenced first and is at Stage 2 – Mediation. However, MTCC 723, though it was provided with a copy of the HRTO application by Acai, has not received notice of the application from the HRTO. The CAT is much further advanced and is likely to be completed much sooner.

Factor #4: Is the CAT application vexatious or abusive?

- [18] MTCC 723 submits that the application is not vexatious.
- [19] In accordance with Section 4.02 of MTCC 723's Pet Rule, Acai was requested to sign an accommodation agreement setting out the relevant parameters of caring for an emotional support dog on MTCC 723's premises. The accommodation

agreement was consistent with MTCC 723's Pet Rule. Acai has refused to enter into the required accommodation agreement in breach of MTCC 723's Pet Rule which has necessitated this application.

Factor #5: Would success in one forum effectively dispose of the other application?

- [20] MTCC 723 submits that pursuant to s. 1.36 (1) and 1.42 (1) of the Act, and s. 1 (1) (d) (i) of Ontario Regulation 179/17 ("O. Reg. 179/17") made under the Act, this Tribunal has the exclusive jurisdiction to consider the applicability of rules governing pets in condominium corporations. This application is about the application of MTCC 723's Pet Rule, and therefore, it is properly before the Tribunal.
- [21] In contrast, the HRTTO cannot consider the portion of the underlying dispute involving the applicability of MTCC 723's Pet Rule and cannot order Acai to comply with Section 4.02 of MTCC 723's Pet Rule or the restrictions on pets set out therein.
- [22] Accordingly, regardless of the status of Acai's application before the HRTTO, MTCC 723 would still have to proceed with the application before this Tribunal to receive an order mandating Acai to comply with MTCC 723's Pet Rules. Where two forums can consider a dispute, MTCC 723 submits that the dispute ought to be heard in the forum that has the more comprehensive jurisdiction over the dispute. Furthermore, if MTCC 723 is successful in this application, then that would effectively dispose of the HRTTO application.

Factor #6: Would a stay or denying a stay be unfairly prejudicial?

- [23] MTCC 723 submits that Acai would not suffer any prejudice if this proceeding is not stayed/the adjournment request is not granted. If the adjournment is not granted, and this Tribunal orders Acai to comply with Section 4.02 of MTCC 723's Pet Rule or the restrictions on emotional support dogs, this Tribunal's decision would be based (in part) on a finding that MTCC 723 did not violate the Code and did not fail to accommodate Acai. If such a decision was made, it would occur following a fair and full hearing on the merits of the case. In contrast, if this application is adjourned, MTCC 723 will be prejudiced by delay as it cannot advance its claim for rule compliance at the HRTTO.

A. ANALYSIS

- [24] I have considered the factors referred to in the Karnis decision, which are also reflected on the CAT's Practice Direction on Scheduling Requests and

Adjournments. I am also guided by the Tranchemontagne decision cited above, which states that tribunals must apply the Code when engaged. While I have considered all the parties' submissions, to the extent that they have referred to evidence, I have only considered that to the extent necessary to decide this motion.

1. Do the issues to be decided in the CAT and HRT0 proceedings overlap?

- [25] As Acai has stated, the core issue in this case is whether MTCC 723's enforcement of pet-related restrictions related to the service dog, Bobby, constitutes a failure to accommodate a disability under the Code. MTCC 723 frames the issue similarly – whether Acai is obligated to comply with Section 4.02 of MTCC 723's Pet Rule notwithstanding Acai's claim that her dog provides support for a disability-related need. Essentially, both parties indicate that the issue here is the same: Enforcement of a pet rule, which falls squarely within the jurisdiction of the Tribunal pursuant to s. 117 (2) of the Act.

2. When were each of the proceedings brought, and what stages are each of the proceedings when the motion for a stay is brought?

- [26] Based on the submissions about the status of the HRT0 application in relation to the one before me, I note that this case is already in process whereas the HRT0 has not yet provided notice of the commencement of the application to MTCC 723. It is uncertain as to when the HRT0 proceeding will proceed. The fact that the CAT mediation is ready to begin immediately weighs against an adjournment. The timeliness of having the issues addressed is a legitimate consideration.

3. When will each of the proceedings be complete if allowed to proceed?

- [27] I also note that a mediation before this Tribunal is expected to take one month approximately. Furthermore, if the case does not settle and it goes to Stage 3 Hearing, the dispute will likely be completed within six months. Neither party have advised how long the HRT0 proceeding would be. However, it is reasonable to assume that it would be longer given that the pleadings stage of the application Acai is bringing to the HRT0 have not yet been completed.

4. Is the CAT proceeding vexatious or abusive?

- [28] This case is about the enforcement of a pet rule. Therefore, it has been properly brought before this Tribunal. And, as outlined above, because the Tribunal can deal with the Code issues in the context of this application, having the matter proceed before the Tribunal will effectively and efficiently deal with the matters of

concern for both parties.

5. Would the success of one party in one forum require the second proceeding to proceed?

- [29] Acai submits that an HRTO resolution could provide complete relief, reducing the need for overlapping adjudication.
- [30] MTCC 723 also submits that if they are successful in this application, then this would effectively dispose of the HRTO application. However, MTCC 723 submits that the HRTO cannot consider the portion of the underlying dispute involving the applicability of MTCC 723's Pet Rule and cannot order Acai to comply with Section 4.02 of MTCC 723's Pet Rule or the restrictions on pets set out therein. Accordingly, regardless of the status of Acai's application before the HRTO, MTCC 723 would still have to proceed with the Application before this Tribunal to receive an order mandating Acai to comply with Section 4.02 of MTCC 723's Pet Rule or the restrictions on pets set out therein.
- [31] I therefore find that even if one party is successful at the HRTO, in this case MTCC 723, the second proceeding would still move forward given that MTCC 723 would need an order mandating Acai to comply with MTCC 723's Pet Rule or the restrictions on pets set out therein.

6. Would a stay or a denial of a stay unduly prejudice one of the parties?

- [32] Regarding prejudice to parties, while Acai submits that denying the adjournment would fragment Acai's human rights claim, they do not explain how this would happen.
- [33] I also note that Acai states that the Code has primacy over the Act and adds that the HRTO is the specialized forum equipped to determine the legality of the pet rule restrictions. In their view, the CAT lacks the specialized mandate of the HRTO to adjudicate complex human rights damages (including the \$25,000 claim for injury to dignity).
- [34] While I acknowledge that the CAT cannot address the general, special and aggravated damages remedies that would be potentially requested by Acai in the HRTO application, this does not give primacy to the HRTO over this dispute. As stated in paragraph 40 of Karnis: "Ultimately, one tribunal's decision may impact a party's access to another tribunal and the remedies within that other tribunal's jurisdiction. This is a consequence when tribunals have overlapping jurisdictions."

- [35] Acai also adds that MTCC 723 faces minimal prejudice, as the dog is already present, task-trained, and causing no urgent safety issues. However, this does not address the prejudice by the delay MTCC 723 would suffer for not being able to advance its claim for rule compliance at the HRTTO.
- [36] When balancing all of the factors, I dismiss the Respondent's request for an adjournment of the CAT proceeding.

B. ORDER

- [37] The Motion is dismissed. The Tribunal orders that the case proceed.

Victoria Romero
Member, Condominium Authority Tribunal

Released on: April 6, 2026