

2009 CarswellOnt 4441  
Ontario Superior Court of Justice

Toronto Standard Condominium Corp. No. 1612 v. Baig

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**Toronto Standard Condominium Corporation No. 1612, Applicant  
and Hafiz Mirza Naveed Baig and Mirza Tanveer Baig, Respondents**

TSCC No. 1612 v. Baig

D.G. Stinson J.

Judgment: July 6, 2009

Docket: CV-09-372583

Counsel: Douglas Levitt, for Applicant  
Hafiz Baig, for himself

Subject: Property

**Related Abridgment Classifications**

For all relevant Canadian Abridgment Classifications refer to highest level of case via History.

**Real property**

X Condominiums

X.6 Condominium corporation

X.6.j Miscellaneous

**Real property**

X Condominiums

X.13 Practice and procedure

X.13.i Costs

**Headnote**

**Real property --- Condominiums — Condominium corporation — Miscellaneous**

**Real property --- Condominiums — Practice and procedure — Costs**

**Table of Authorities**

**Cases considered by D.G. Stinson J.:**

*Peel Condominium Corp. No. 449 v. Hogg* (1997), 8 R.P.R. (3d) 145, 25 O.T.C. 304, 1997 CarswellOnt 630 (Ont. Gen. Div.) — considered

**D.G. Stinson J.:**

1 Mr. Baig informs the court that he has removed the satellite dishes and removed any impact of their installation and removal. The parties have therefore agreed on a form of final Order. The only point of contention concerns costs.

2 The condominium rules and declaration make clear that the costs incurred by the condominium corporation can be recovered against an owner where it goes to court to enforce its rules against a condominium owner. This rule is similar to that which was the subject of the decision of Carnwith J. in *Peel Condominium Corp. No. 449 v. Hogg*, [1997] O.J. No. 623 (Ont. Gen. Div.). In the present case, the condominium corporation made repeated attempts to require Mr. Baig to comply, without success. It therefore proceeded with a court application. Regrettably, the failure of Mr. Baig to respond to and deal with this situation has caused the condominium corporation to incur substantial legal costs.

3 As sympathetic as one might be to Mr. Baig's circumstances, the fact remains that he did not comply with the multiple requests to remove the satellite dishes until after this court proceeding was commenced. The condominium corporation has incurred significant expense as a result. It would be unfair to force the other owners to bear the cost that Mr. Baig alone caused the condominium corporation to incur.

4 I therefore order Mr. Baig to pay costs of \$7,918.44, in accordance with the costs outline of the applicant.

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