

## **Toronto Standard Condominium Corporation No. 2143 v. Robibaro, 2026 ONCAT 138**

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## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** July 28, 2026

**CASE:** 2025-00681N

**Citation:** Toronto Standard Condominium Corporation No. 2143 v. Robibaro, 2026 ONCAT 138

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

**Member:** Nicole Aylwin, Vice-Chair

**The Applicant,**

Toronto Standard Condominium Corporation No. 2143  
Represented by Justin McLarty, Counsel

**The Respondent,**

Dana Robibaro  
Self-Represented

**The Intervenor,**

Anabelle Laprise  
Self-Represented

**Hearing:** Written Online Hearing – March 23, 2026 to July 20, 2026

### **REASONS FOR DECISION**

#### **A. INTRODUCTION**

[1] The Respondent, Dana Robibaro is a unit owner of the Applicant, Toronto Standard Condominium Corporation No. 2143 (“TSCC 2143” or “the corporation”). Her unit is occupied by the Intervenor, Annable Laprise. TSCC 2143 alleges that Ms. Laprise has smoked or allowed others to smoke (primarily cannabis) in the unit contrary to the corporation’s smoking rules. It alleges that the result is the creation of unreasonable smoke and odour that is a nuisance contrary to s. 117 (2) of the *Condominium Act, 1998* (the “Act”). The corporation further submits that Ms. Robibaro, as the owner of the unit, has failed to take any steps to ensure her tenant and/or any guests or other occupants of the unit comply with the rules and the Act despite her obligation to do so.

[2] TSCC 2143 has requested that the Tribunal order that Ms. Robibaro and Ms.

Laprise immediately cease creating or permitting the creation of unreasonable smoke and odour that emanate from the unit into the common elements or other units. It also requests that Ms. Robibaro pay its legal costs in the amount \$3520.65, which includes Tribunal filing fees.

- [3] Ms. Laprise did not participate in this proceeding despite several messages posted at the outset of the hearing advising her of the nature of the legal proceeding, the importance of her participation and the consequences of not participating. Ms. Robibaro also did not participate for most of the proceeding, despite being the recipient of the same messages. Despite their lack of participation at the outset of the hearing, both Ms. Laprise and Ms. Robibaro were provided with complete instructions on how and when to file materials and provide arguments. Neither filed submissions or evidence as per the hearing schedule or posted any messages or communicated in the hearing at all until the end of the proceeding. Right before the hearing was to end, Ms. Robibaro posted several messages to the Tribunal's ODR-platform asking for the opportunity to provide evidence and submissions. Even though Ms. Robibaro had missed all previous deadlines and provided no credible reason as to why she had not participated previously, I accepted her submissions and evidence and provided the corporation with a chance to respond.
- [4] Having considered all the evidence before me, for the reasons set out below, I find that Ms. Laprise and/or other occupants or guests have been smoking in Ms. Robibaro's unit in breach of the corporation's rules and have created unreasonable smoke and odour contrary to s. 117 (2) of the Act. I further find Ms. Robibaro allowed this activity to continue in breach of the corporation's smoking rules and the Act. I order that Ms. Laprise and any other visitors to, or occupiers of, the unit immediately cease smoking or vaping all cannabis, or any other substance and that Ms. Robibaro take all necessary steps to ensure her tenant and any other occupiers or guests of the unit do not smoke or vape any substance in the unit. I order Ms. Robibaro to pay costs to TSCC 2143 in the amount of \$2700.

## **B. ISSUES & ANALYSIS**

**Issue No. 1: Is the Intervenor Anabelle Laprise in breach of s. 117(2) of the Act and the corporation's rules? If so, what is the appropriate remedy?**

- [5] Section 117 (2) of the Act sets out that:

No person shall carry on an activity or permit an activity to be carried on in a unit, the common elements or the assets, if any, of the corporation if the activity results in the creation of or continuation of,

(a) any unreasonable noise that is a nuisance, annoyance or disruption to an individual in a unit, the common elements or the assets, if any, of the corporation; or

(b) any other prescribed nuisance, annoyance or disruption to an individual in a unit, the common elements or the assets, if any, of the corporation. 2015, c. 28, Sched. 1, s. 102.

[6] The other “prescribed” nuisances, annoyances, and disruptions are set out in s. 26 of Ontario Regulation 48/01 (“O. Reg 48/01”) and include smoke and odour.

[7] TSCC 2143 also has rules which prohibit smoking, including “vaping”, which have been in place since 2016. Rule 18(a) reads:

Due to the irritation and known health risks of exposure to second-hand tobacco smoke, increased risk of fire and increased maintenance and cleaning costs, all forms of smoking (as defined in Section 18(b) below) are prohibited on the condominium property, including:

In all units;

In or on all exclusive use common elements appurtenant to the units (i.e. balconies, patios and terraces);

In or on all common elements provided that smoking is permitted in or on any outdoor smoking areas, as designated by the Board (from time to time) in its sole and absolute discretion.

[8] Rule 18(b) defines the term smoking as follows:

...“smoking” shall include, but not be limited to, the inhaling, exhaling, burning or carrying of lighted tobacco, marijuana or any other substance and the inhaling or exhaling of vapour produced by an electronic cigarette or similar device.

[9] TSCC 2143 also has a more general Rule 2(a) which prohibits any owner, their families, guests, visitors, agent etc. from creating or permitting the creation or continuation “of any noise or nuisance which, in the opinion of the Board or the Manager, may or does disturb the comfort or quiet enjoyment of the Units or Common Elements by other Owners or their respective families, guests, visitors, servants and persons having business with them.”

[10] According to TSCC 2143 Ms. Laprise and/or guests have been smoking cannabis and vaping in the unit contrary to these rules and have been causing unreasonable smoke and odour that is a nuisance, contrary to the Act.

- [11] As evidence of this, TSCC 2143 has provided 18 incident reports filed by staff documenting smoke and odour emanating from the unit occupied by Ms. Laprise. These reports date back to 2023, with the most recent incident report documenting the strong smell of cannabis smoke and odour emitting from the unit in April 2025.
- [12] Most of the reports document similar details. A complaint about the smoke and odour is made to corporation staff, a staff member attends the unit and smells strong cannabis odour in the hallway. In most cases, the reports indicate that the staff member knocks on the door to advise the resident of the rules and ask them to stop smoking. Sometimes the door is answered sometimes not. On several occasions, the reports filed state that when staff knocked on the door, the resident answered but denied smoking, even though staff could clearly smell strong cannabis odours emanating from inside the unit. In a report dated February 27, 2023, for instance, the writer of the report notes that when they knocked on the door, the resident said she was not smoking despite the fact that the staff member could “literally smell it straight out of the unit’s door” and despite the resident indicating to the staff member “it would not happen again”. Another report logged on April 20, 2025, documents staff knocking on the unit door to investigate a smoking complaint and when the resident answered, she denied smoking even though “the vape was visibly in her hand” which the staff person pointed out to her.
- [13] In other instances, an occupier and/or guest of the unit has admitted to smoking or allowing someone else to smoke in the unit. For instance, on January 25, 2023, after corporation staff knocked on the door in response to a complaint, the woman who answered the door (it is not clear if this person was Ms. Laprise or another person in the unit) indicated she was not smoking “right now” but had been smoking earlier by the window. This is following a January 19, 2023, incident, when the person who answered the door when a staff person went to investigate a smoking complaint indicated that “his girl was smoking early in the morning.”
- [14] In addition to the incident reports logged by corporation staff, TSCC 2143 relies on the statement of Atefeh Zare Kelishadi, who is the owner and occupant of a unit neighbouring the unit of Ms. Robibaro. Ms. Kelishadi states that cannabis smoke and odour have been migrating into her unit from Ms. Robibaro’s unit since December 2022. She states that she has kept a log of complaints that she has made to the corporation and she provided examples of the email complaints she has sent. In some of the complaints she describes the smoke and odour and its impact on her. For instance, on October 13, 2024, she sent a complaint indicating that she woke at 4am to the “strong disgusting” smell of the “weed” smoke and odour emanating she believed from Ms. Robibaro’s unit. This is just one of many complaints which all describe similar things, i.e. a strong or “stinky” cannabis odour

coming into her unit from Ms. Robibaro's unit at various times of the day and into the night.

- [15] Ms. Robibaro submissions were minimal and appear to have been generated by artificial intelligence ("AI"). They contain a reference to a fake case (addressed further below) and in one instance, it appears some of the submission posted is simply the "advice" she received from the AI platform about what she could or should argue.
- [16] It is not the Tribunal's responsibility to interpret submissions provided by AI and apply them to the issues at hand. Nevertheless, the position Ms. Robibaro generally appears to take is clear: she argues that neither Ms. Laprise nor anyone in her unit is smoking contrary to the corporation's rules or the Act. However, she did not elaborate on that assertion or provide persuasive evidence to support it, often simply stating that she wanted and was entitled to "proof" of the smoking.
- [17] Ms. Robibaro did seek to challenge the credibility of the corporation's evidence by arguing that in May 2026, Ms. Laprise underwent surgery, which Ms. Robibaro submits would have prevented Ms. Laprise from smoking during the recovery period. She submits that this makes the corporation's allegation that it received a smoking complaint about her unit during this period unreliable. She appears to suggest that this calls into question the credibility of the corporation's evidence overall. In support of her position, Ms. Robibaro filed what she describes as a receipt for Ms. Laprise's surgical procedure.
- [18] I am unable to place any weight on this document because it is not in English and despite being provided with the opportunity to submit a translated version, Ms. Robibaro did not do so.
- [19] In any event, even if I accept that Ms. Laprise underwent surgery on or about May 2026 and that smoking was contraindicated following that procedure, this does not establish that she did not smoke or that no one else smoked in the unit. I find the corporation's evidence internally consistent, uncontradicted, reliable and therefore credible
- [20] Having considered the evidence as a whole, I am satisfied, on a balance of probabilities, that Ms. Laprise and/or other occupants or guests of the unit regularly smoke and/or vape in the unit contrary to the corporation's rules and that they have created unreasonable smoke and odour contrary to s. 117(2) of the Act.
- [21] The evidence demonstrates that smoke and odour were verified as originating from Ms. Robibaro's unit on numerous occasions. In several instances, an

occupant and/or guest of the unit admitted to smoking despite the prohibition against doing so. The resulting smoke and odour interfered with at least one neighbouring resident's reasonable enjoyment of their unit, contrary to TSCC 2143's Rule 2 (a).

- [22] Therefore, I order that Ms. Laprise and/or any guest or other occupant(s) of the unit to immediately cease all smoking of cannabis or any other substance in the unit. This order includes what is commonly referred to as "vaping", i.e. the smoking of any substance from an e-cigarette or similar device.

**Issue No. 2: Has Ms. Robibaro permitted an activity to be carried on in a unit that causes unreasonable smoke and odour contrary to the Act and the corporation's governing documents?**

- [23] TSCC 2143 submits that Ms. Robibaro was made aware on numerous occasions that her tenant and/or other occupants or guests of the unit were breaching the corporation's smoking rules and s. 117(2) of the Act yet allowed the conduct to continue. The corporation argues that Ms. Robibaro took no meaningful steps to bring her tenant or any other occupants or guests of the unit into compliance.
- [24] Other than the general assertion that her tenant was not smoking in the unit - an assertion I have rejected - Ms. Robibaro provided no evidence or submissions addressing the allegation that she failed to meet her obligations as a unit owner to ensure that any occupants and/or guests of her unit complied with the corporation's governing documents and the Act.
- [25] The evidence before me establishes that between January 26, 2023, and June 2024, Ms. Robibaro received three emails from management and two letters from the corporation's legal counsel advising her that someone had been smoking in her unit contrary to the rules. The emails advised of the dates and times of some of the complaints the corporation had received and the impact that the smoke and odour was having on others. All the communications reminded Ms. Robibaro of the corporation's smoking rules, advised her of her obligation as a unit owner to ensure that her tenant complied with those rules, and warned that she could be held responsible for the legal costs incurred by the corporation in enforcing compliance.
- [26] Section 117 (2) of the Act, is explicit, it states that no one will "carry on **or permit** an activity to be carried on in a unit, the common elements or the assets, if any, of the corporation if the activity results in the creation of or continuation..." of a prescribed nuisance, annoyance or disruption (emphasis added). The corporation's Rule 2(a) also prohibits a unit owner from allowing the continuation of

any activity that causes a nuisance.

- [27] Despite receiving repeated warnings regarding the non-compliance and the complaints about her unit and the breach of the rules, there is no evidence before me that Ms. Robibaro took any meaningful steps to investigate the complaints, address the issue with her tenant, or otherwise ensure compliance with the corporation's governing documents or the Act.
- [28] On the evidence before me, I find that Ms. Robibaro was aware that the corporation believed an activity was being carried out in the unit that was contrary to the rules and causing a nuisance, annoyance or disruption contrary to the Act. She was provided with dates and times of the complaints and reminded of her responsibilities under the Act and governing documents. I have no persuasive evidence before me that Ms. Robibaro took any steps to prevent the continuation of an activity causing a smoke or odour nuisance, and thus in effect permitted it to continue. I find that Ms. Robibaro has failed to comply with s. 117 (2) of the Act, and the corporation's Rule 2(b). I order her to immediately take all necessary steps to ensure that any occupier or guest to her unit complies with the corporation's smoking rules and s. 117 (2) of the Act.
- [29] Finally, I note that as part of her very limited submissions, Ms. Robibaro indicated that she has "paid fines" to the corporation because of Ms. Laprise's conduct "without sufficient proof" her unit was responsible for the cannabis smoke.
- [30] She asked, at the end of the proceeding, that the Tribunal find that TSCC 2143 acted unreasonably and order these fines to be reimbursed. She did not elaborate on what she was charged, why or when. Nor did she provide any evidence of such chargebacks. To support her position, Ms. Robibaro referred me to the following case "Waterloo Standard Condominium Corporation No. 697 v. Bugeja (Ontario Superior Court)" as "one of the leading Ontario cases on chargebacks." This is not a real case. It appears to have been generated by AI.
- [31] Ms. Robibaro further argued that the corporation provided no "witness testimony, signed security reports, or admissions from my tenant ...." as evidence of non-compliance with the corporations' rules and/or the Act and thus acted unreasonably. This is simply not the case. The corporation submitted witness testimony regarding the smoke from her unit and security reports which contain apparent admissions from a person(s) in her unit that someone was smoking. All this evidence was available to be reviewed and responded to by Ms. Robibaro. There is no persuasive evidence before me that TSCC 2143 acted unreasonably in their pursuit of compliance in this case and there is no basis upon which I can consider or order Ms. Robibaro to be reimbursed for an unidentified amount of

money.

### **Issue No. 3: Is TSCC 2143 entitled to legal costs?**

- [32] TSCC 2143 has requested that Ms. Robibaro pay its legal costs in the amount of amount \$3520.65, which includes Tribunal filing fees. It submits that it made numerous attempts to resolve this issue before proceeding with this application, including notifying Ms. Robibaro of the contravention of the corporation's smoking rules and the Act and giving her a chance to take steps to have her tenant to come into compliance.
- [33] Section 1.44 (1) 4 of the Act states that the Tribunal may make "an order directing another party to the proceeding to pay the costs of another party to the proceeding."
- [34] Section 1.44 (2) of the Act states that an order for costs "shall be determined ...in accordance with the rules of the Tribunal".
- [35] The cost-related rules of the Tribunal's Rules of Practice relevant to this case are:
- 48.1 If a Case is not resolved by Settlement Agreement or Consent Order and a CAT Member makes a final Decision, the unsuccessful Party will be required to pay the successful Party's CAT fees unless the CAT member decides otherwise.
- 48.2 The CAT generally will not order one Party to reimburse another Party for legal fees or disbursements ("costs") incurred in the course of the proceeding. However, where appropriate, the CAT may order a Party to pay to another Party all or part of their costs, including costs that were directly related to a Party's behaviour that was unreasonable, undertaken for an improper purpose, or that caused a delay or additional expense.
- [36] TSCC 2143 has been successful and therefore, in accordance with Rule 48.1, I will order that Ms. Robibaro reimburse the \$200 Tribunal fee paid by TSCC 2143 to file this application.
- [37] Costs awards are discretionary. In this case, I find an additional cost award beyond the reimbursement of Tribunal fees appropriate. As has been previously stated by this Tribunal, the courts and the Tribunal have articulated the principle that it can be unfair for other owners to be called upon to subsidize the costs of enforcing compliance against another owner. The evidence is that Ms. Robibaro was aware of the complaints made against her unit, that she could be required to pay costs related to enforcing compliance, and she was provided ample time to

address the issue with her tenant before the corporation escalated this matter to the Tribunal. I further find that Ms. Robibaro delayed this hearing and added time and expense to it by, choosing not to participate, failing to meet the deadlines set and then requesting to submit evidence and submissions right before the close of the hearing. Considering all these factors, I find it appropriate that Ms. Robibaro pay TSCC 2143 \$2500 in legal costs, under s. 1.44 (1) 4 of the Act.

**C. ORDER**

[38] The Tribunal Orders that:

1. Under s. 1. 44 (1) 2 of the Act, Ms. Laprise and/or any other guest or occupier of the unit owned by Ms. Robibaro will immediately cease smoking or vaping any substance in the unit or on the common elements of the corporation.
2. Under s. 1. 44 (1) (2) of the Act, Ms. Robibaro shall take all reasonable steps to ensure that any occupier and/or guest to her unit comply with the TSCC 2143's smoking rules and s. 117 (2) of the Act.
3. Within 30 days of the date of this decision Ms. Robibaro will pay TSCC 2143 a total of \$2700 in costs, pursuant to s. 1.44 (1) 4 of the Act.

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Nicole Aylwin  
Vice-Chair, Condominium Authority Tribunal

Released on: July 28, 2026