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Mastrokalos v. Watson, 2026 ONCAT 119

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CONDOMINIUM AUTHORITY TRIBUNAL

DATE: July 2, 2026
CASE: 2025-00842N
Citation: Mastrokalos v. Watson, 2026 ONCAT 119

2026 ONCAT 119 (CanLII)

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

Member: Mary Ann Spencer, Member

The Applicant,
Ellen Mastrokalos
Self-Represented

The Respondent,
Marianne Watson
Self-Represented

The Intervenor,
Peel Condominium Corporation No. 95
Represented by Lorraine Condotta, Agent

Hearing: Written Online Hearing – March 20, 2026 to June 12, 2026

REASONS FOR DECISION

A. INTRODUCTION

[1] The Applicant, Ellen Mastrokalos, is the owner of a unit of the Intervenor, Peel Condominium Corporation No. 95 ("PCC 95" or the "corporation"). The Respondent, Marianne Watson, is the owner of the unit located directly above Ms. Mastrokalos' unit.

[2] Ms. Mastrokalos alleges that Ms. Watson and the other occupants of her unit (the "Watson unit") are intentionally creating floor noises in violation of s. 117 (2) (a) of the *Condominium Act, 1998* (the "Act") and rule 8 of PCC 95's rules. She also alleges that PCC 95, by failing to address her complaints, has permitted the noise to continue. She is requesting that the Tribunal order the corporation to enforce its noise rules. She also requests $200,000 as compensation for damages on the basis that the alleged noise has interfered with the quiet enjoyment of her unit over the past 2.5 years. She further requests that the Tribunal order the corporation to rescind a charge of $711.90 which was added to her common expenses. Finally,

she requests her costs in this matter.

[3] Ms. Watson's position is that she and the other occupants of her unit have made no unreasonable noise. She requests that this case be dismissed and that the Tribunal order Ms. Mastrokalos to cease all contact with her. PCC 95 also requests that this matter be dismissed. It submits that it has investigated Ms. Mastrokalos' complaints and has found them to be unsubstantiated.

[4] For the reasons set out below, I find that Ms. Mastrokalos has not proven that she is experiencing unreasonable noise and I dismiss her application without costs or compensation for damages. I am also ordering Ms. Mastrokalos to cease all communication with or directed at Ms. Watson, the other occupants of her unit or the unit itself.

B. BACKGROUND

[5] Ms. Mastrokalos has resided in her unit of PCC 95 for over 20 years. Ms. Watson has resided in the unit directly above Ms. Mastrokalos' unit since 2012. There were no apparent issues between the parties until late in 2023 when Ms. Mastrokalos began to complain about what she describes as "manually floor-constructed" noises from the Watson unit which she asserts are being made intentionally, likely by a former condominium manager.

[6] Until June 1, 2025, PCC 95's condominium management services were provided by the Meritus Group. Jason Riddle was the condominium manager until November 23, 2023, when Melanie Bloxam succeeded him. On June 1, 2025, ICC Property Management took over and Mary Rose Darmanin became the condominium manager.

C. ISSUES & ANALYSIS

[7] The issues to be decided in this matter are:

1. Is the Respondent in breach of s. 117 (2) (a) of the Act and the corporation's governing documents, specifically the provisions that prohibit unreasonable noise or nuisance?

2. Has PCC 95 allowed the Respondent to carry on an activity that causes unreasonable noise?

3. Is the Applicant entitled to compensation under s. 1.44 (1) 3 for damages resulting from acts of non-compliance? If so, in what amount?

2026 ONCAT 119 (CanLII)

4. Should the Tribunal award costs in this matter?

Issue 1: Is the Respondent in breach of s. 117 (2) (a) of the Act and the corporation's governing documents, specifically the provisions that prohibit unreasonable noise or nuisance?

[8] Subsection 117 (2) (a) of the Act states:

> 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;

Rule 8 of PCC 95's rules states:

> Owners or their families, guests, visitors and servants shall not create or permit the creation or continuation of any noise or nuisance which, in the opinion of the board or manager, may or does disturb the comfort or quiet enjoyment of the property by other owners, their families, guests, visitors, servants and persons having business with them.

The Act does not define 'nuisance.' In its decision in *Carleton Condominium Corporation No. 132 v. Evans*, 2022 ONCAT 97, summarizing *Antrim Truck Centre Ltd. v. Ontario (Transportation)*, 2013 SCC 13 (CanLII), the Tribunal wrote at paragraph 20:

> … it is instructive to consider the well-established jurisprudence on the law of nuisance. To support a claim of nuisance, the interference must be substantial and unreasonable; the requirement for substantial interference can incorporate a component of frequency and duration of the interference. A 'trivial' interference will not suffice to support a claim in nuisance.

[9] The onus is on Ms. Mastrokalos to prove that she is experiencing unreasonable noise that is coming from the Respondent's unit.

[10] Ms. Mastrokalos maintained a log of calls she made to complain about the noise she alleges she has experienced. By my count, between August 8, 2023, and February 4, 2026, she made 99 calls to recipients which included the ICC Property Management after-hours line, the condominium superintendent, the corporation's management office, municipal police, municipal by-law enforcement, and 911. She also submitted a summary of what she titled her formal complaints which were

2026 ONCAT 119 (CanLII)

sent to Ms. Darmanin and/or the president of the corporation from June 6, 2025, to November 4, 2025.

[11] Ms. Mastrokalos' formal complaint summary indicates that she e-mailed complaints about noise more than 35 times between June 6, 2025, and November 4, 2025. These included anti-harassment complaint reports, which she completed using the sample form on the Condominium Authority of Ontario's website. In multiple messages, she requested that the corporation organize a meeting with the occupants of the Watson unit in order to resolve the issue. She also asked the corporation to advise her of the steps it had taken to enforce their compliance.

[12] What she describes as her first formal complaint was an e-mail sent to Melanie Bloxam on December 27, 2023, with respect to noise she had experienced on Christmas Day. She wrote [our redaction]:

> THE SOUNDS THAT I AM DESCRIBING ARE COMING DIRECTLY FROM [unit number redacted] AND THEY SOUND LIKE THEY ARE COMING FROM A SICK INDIVIDUAL WHO IS DERANGED AND INTENTIONALLY TRYING TO CAUSE NOISE DISTURBANCES TO THE UNIT BELOW THEM (me), AND DOING IT IN SUCH A SADISTICLY [sic] VIOLENT MANNER IT IS DISGUSTING, REVOLTING AND INHUMANE BEHAVIOUR AND I WILL NOT STAND FOR IT ANY LONGER AND I WILL NOT ACCEPT ANY GENERAL RESPONSE FROM CONDO MANAGEMENT (POLICE SAID THIS IS CONDO MANAGEMENT ISSUE) AND I AM EXPECTING A FULL ON INVESTIGATION AND TO ENSURE THAT [unit number redacted] CEASE AND DESIST OF ANY AND ALL NOISE COMING FROM THEIR UNIT...AND PLEASE DO NOT FORGET TO DISCLOSE THE NAME OF THE REGISTERED OWNER AS I WOULD LIKE TO PRESS CHARGES.

[13] Ms. Watson testified that Ms. Mastrokalos knocked on her door twice on Christmas Day 2023 and said that she heard floor scraping sounds and would call police if they did not stop. When Ms. Watson asked where she was hearing the noise, Ms. Mastrokalos advised it was heard in every room. Ms. Mastrokalos asked who lived in the unit and Ms. Watson advised that she lived there with her husband and her son. I note that Ms. Watson testified that Ms. Mastrokalos pushed her door open in what Ms. Watson believes was an attempt to enter her unit.

[14] Ms. Mastrokalos submitted that the noise she alleges she has experienced intensified after Mr. Riddle left his position as PCC 95's condominium manager in November 2023, and that this is not a coincidence. That she and Mr. Riddle had a combative relationship is supported by a video of their last interaction on December 1, 2023. Further, the documentary evidence is that the corporation had

2026 ONCAT 119 (CanLII)

forbidden Ms. Mastrokalos to visit the condominium manager's office. In her messages to the Tribunal during this proceeding and in her submissions, she expressed her belief that Mr. Riddle is Ms. Watson's son, that he resides in the unit above hers and has been deliberately creating noises to harass her.

[15] Ms. Watson testified that her son is not the former condominium manager. She also testified that while her son was living with her in December 2023, he no longer resides in the unit which only she and her husband, both of whom are retired senior citizens, occupy. She further noted that she lives alone in the unit for eight months of the year.

[16] On February 8, 2024, Ms. Mastrokalos wrote to former condominium manager Ms. Bloxam and to Dean McCabe, the president of the Meritus Group, and advised that she had heard "scraping/screeching noises of idk wtf being scraped across [unit number redacted] floor." She asked that the noise be investigated and that a compliance letter be sent to the owners of the unit. Ms. Bloxam's reply was to ask Ms. Mastrokalos to contact the superintendent when she heard noise so that it could be verified. Ms. Mastrokalos' response to Ms. Bloxam was "do your job." Mr. McCabe then wrote her and advised that management would survey other residents to see if they had experienced the noise. He noted that if they had not, further complaints would not be entertained. In a lengthy response, Ms. Mastrokalos again demanded that the occupants of the Watson unit be ordered to cease and desist. Ms. Bloxam again asked Ms. Mastrokalos to report noise occurrences to the superintendent.

[17] Ms. Mastrokalos disclosed a letter sent from her counsel to PCC 95 and the Meritus Group on September 23, 2024. Among other topics, the letter addresses Tribunal case 2024-00149N[1] which was extant at the time the letter was written. That case, filed by Ms. Mastrokalos with respect to alleged noise violations, named Ms. Watson, her husband, and the corporation as respondents. I note that it was dismissed by the Tribunal on May 9, 2025, on the basis that it had been filed for an improper purpose. The legal letter states that the corporation was not co-operating during the Tribunal proceeding and asks for a full report on the steps the corporation had taken to address Ms. Mastrokalos' noise complaints. There is no evidence of what response, if any, was sent by the corporation.

[1] *Mastrokalos v. Watson, Peel Condominium Corporation No. 95*, 2025 ONCAT 77

2026 ONCAT 119 (CanLII)

[18] On July 23, 2025, Ms. Mastrokalos e-mailed Ms. Darmanin and stated that she had received no response to what she indicated were many complaints about noise that she had sent since June 1, 2025, when Ms. Darmanin became the condominium manager. Ms. Darmanin's same-day reply was that the complaints had been forwarded to the board of directors which had e-mailed Ms. Mastrokalos its response and that there was nothing more the corporation could do. She noted that Ms. Mastrokalos' Tribunal case had been dismissed and advised her to contact municipal authorities if she had further noise complaints. Ms. Mastrokalos' response was to demand two meetings: one with the occupants of the Watson unit and the other with the board.

[19] On December 12, 2025, Ms. Mastrokalos sent a lengthy e-mail to Ms. Darmanin in which she wrote "there is an asshole in [unit number redacted] scraping their ass across the floor and disturbingly harassing me!!" She asked that the floors of Watson unit be reconstructed. In a later e-mail the same day, apparently in response to information provided by Ms. Darmanin, she wrote that the fact that renovations were taking place in units above hers did not explain the scraping noises. She also wrote that the "floor-constructed noises" started "exactly when" Mr. Riddle, who she indicated was Ms. Watson's son, left the corporation.

[20] On December 16, 2025, Ms. Darmanin wrote Ms. Mastrokalos and advised that she had gone to the doors of both Ms. Mastrokalos' and the Watson units but heard no noise. She asked Ms. Mastrokalos to record the noise or allow her to enter her unit. Ms. Mastrokalos' response was that the noises did not last long enough. Ms. Darmanin then replied that she had discovered that there was a humming sound coming from a blower in the pool area below Ms. Mastrokalos' unit which might be the source of the noise. She also noted that the Watsons were not home many times when Ms. Mastrokalos complained. Ms. Mastrokalos' response was that "the only smoke blowing" was coming from management and that she could distinguish scraping noises from other sounds. She again asked that a meeting be arranged with the owners of the Watson unit.

[21] On December 17, 2025, Ms. Darmanin asked Ms. Mastrokalos if she could advise exactly when she heard the noises and how often they occurred. In response, Ms. Mastrokalos sent a lengthy profanity laden e-mail setting out her belief that the corporation was refusing to help her and again stating she wanted a meeting with the occupants of the Watson unit. Ms. Darmanin responded that she was unable to help unless Ms. Mastrokalos co-operated with her.

2026 ONCAT 119 (CanLII)

[22] The request for a meeting with the occupants of the Watson unit has been a consistent request made by Ms. Mastrokalos. Ms. Watson testified that she was asked by the corporation if she would be prepared to meet with Ms. Mastrokalos but rejected this because she was afraid of Ms. Mastrokalos, and because she believed Ms. Mastrokalos, who had requested that any such meeting be recorded, was intending to file a lawsuit against her. The Stage 2 Summary and Order prepared by the mediator in this matter indicates that such a request was made during the Stage 2 – Mediation but rejected as not being beneficial. During this Stage 3 proceeding, Ms. Mastrokalos expressed considerable disappointment with the mediation process because the meeting did not take place. She asked that I convene it, a request which I denied.

[23] Ms. Mastrokalos submitted over two hours of recordings made on 16 dates between March 18, 2025, and April 27, 2026, as evidence of the noise she reports hearing. Although I instructed her to advise me of the specific times on the recordings that she wished to bring to my attention, she did not do so, stating that the entire recordings needed to be reviewed. I have done so.

[24] Many of the recordings begin with Ms. Mastrokalos stating that she just got “zapped” again. The majority of the recording time consists of her ongoing commentary, much of which is profanity laden. There is little evidence of the “scraping/screeching” floor noises that she indicates she is experiencing. On March 28, 2025, a slight thump can be heard. On May 10, 2025, there is a scraping sound for a few seconds which she does not highlight; given her comments on other noises, my conclusion is that she made this sound herself. On March 20, 2026, she states that there was a scraping sound and characterizes it as “criminal harassment,” but I cannot discern any such sound. On March 26, 2026, a scraping sound can be heard. On March 28, 2026, there is a slight sound after which Ms. Mastrokalos begins to shout at the unit above to stop harassing her. On March 29, 2026, a brief sound, the nature of which is indeterminate, is heard after which she begins to shout that “there better be a payoff.” On April 23, 2026, a thump can be heard. On April 27, 2026, a brief sound of something being dragged can be heard. Ms. Mastrokalos commentary describes this as “scraping and screeching their ass across the floors.”

[25] At the outset of this proceeding, Ms. Watson advised me that she would be unavailable on Thursdays because of a commitment outside her home. In this regard, she testified that the noises heard on Ms. Mastrokalos’ recordings dated Thursday, March 26, 2026, or Thursday, April 23, 2026, could not be from her unit.

2026 ONCAT 119 (CanLII)

[26] Ms. Mastrokalos also submitted four recordings dated February 3, 2026, one of which she labelled as “what [unit number redacted] floor-constructed noises sound like.” There are significant banging and sawing sounds audible on these recordings.

[27] On January 20, 2026, a pipe burst in the Watson unit. The result was water penetration and damage in Ms. Mastrokalos’ unit as well as the two units below hers. Ms. Watson confirmed that the noises on the February 3, 2026, recordings originated in her unit when work was being done to remove her flood-damaged floor. On May 11, 2026, Ms. Mastrokalos requested an extension of a deadline in this matter because of noise being created by the installation of the new floor, notwithstanding that she had been given advance notice of the potential for noise. In this regard, she wrote that she expected a 15-inch underlay to be installed. I asked her to clarify if she meant 1.5 inches. She confirmed she had not made a typographical error. I note that Ms. Watson confirmed that a sound-attenuating underlay has been installed under the new floor.

[28] Ms. Watson testified that no one in her unit is making noise. She stated that she has soft pads on the bottom of her furniture, wears soft-soled shoes, and, to avoid potential conflict with Ms. Mastrokalos, listens to her television wearing headphones. She stated she has gone as far as to stop flushing the toilets at night to avoid agitating Ms. Mastrokalos. She submitted two police reports; the first, dated October 7, 2024, indicates that the officer observed the pads on her furniture. The second report dated December 27, 2024, states that the officer observed nothing that would cause the noise that Ms. Mastrokalos had reported.

[29] Ms. Watson also testified that the corporation’s superintendent and property managers visited her unit multiple times to investigate noise and found nothing. When asked when the corporation had contacted Ms. Watson about Ms. Mastrokalos’ complaints, Ms. Darmanin testified [our redaction]:

> Due to the many, sometimes daily, complaints from Mrs. Mastrokalos, even before I started here in June 2025, it is next to impossible to give dates of how many times [unit number redacted] was informed of the complaint, including visits by previous Management, Superintendent and even the Peel Regional Police, to ask and investigate whether there is some form of disturbance in [the unit]. Each time, nothing was visible and no evidence found of floor scraping or anything that would result in such noise. It was also noted that [unit number redacted] had thick rugs underneath the dining room table and living room.

2026 ONCAT 119 (CanLII)

[30] To support her position that her unit is not the source of noise, on October 25, 2025, Ms. Watson placed a recorder in her bathroom. She testified that the unit above hers was being renovated and her intention was to record those sounds to demonstrate that her unit was not the source of noise. She submitted a 20-minute audio recording, taken over a 12-hour period, which she noted she had edited to remove “dead air space.” What is clearly audible on the recording is 20 minutes of Ms. Mastrokalos yelling and using profane language. For example, she calls the Watson unit residents “fucking occupants” who must be “deaf and dumb” and yells “shove your head up your mother’s ass.” She goes on to state that it is time for them to move out and yells “please jump over your balcony headfirst” and “show me your face and I’ll pound you to the floor in two seconds.”

[31] Ms. Mastrokalos submitted that the October 25, 2025, recording was illegally made. I note it is not illegal for Ms. Watson to record sounds in her own unit. Ms. Mastrokalos also speculated that the recording was false, generated by AI. I accept that it is genuine; its content is consistent with the commentary on the recordings which Ms. Mastrokalos herself submitted.

[32] The perception of sound is subjective. That an individual may find sounds to be annoying does not necessarily mean that they are unreasonable or that a corporation must intervene to address them. While Ms. Mastrokalos’ commentary on her recordings and her submissions in this matter clearly indicate that she is disturbed by the sounds she hears, the fact that she is annoyed is not evidence of unreasonable noise.

[33] As set out above in paragraph 8, the frequency and duration of sound are factors to be considered in the determination of what constitutes a substantial interference. While Ms. Mastrokalos did provide a list of the dates on which she made complaints, she did not provide a log describing the sounds she heard or setting out the time(s) she heard them. Further, there is no objective evidence of the noise she alleges she hears; she called no witnesses to testify that they have heard noise in her unit and no professional audio recordings have been submitted. I note that an acoustical consultant would take recordings in a controlled environment over a 24-hour period and provide decibel readings. The recordings Ms. Mastrokalos provided are insufficient to support the existence of unreasonable noise; the scraping/screeching sounds she reports she hears on an almost daily basis are discernible for a brief moment in only two of the 16 recordings she submitted.

[34] The correspondence disclosed in this matter, Ms. Mastrokalos’ submissions, and her recordings indicate that she has been focused on an unfounded belief that one

2026 ONCAT 119 (CanLII)

of PCC 95's former condominium managers, with whom she had a combative relationship, is residing in the Watson unit and is deliberately creating noise. The result of this focus appears to be the attribution of all sounds she hears to the Watson unit. For example, in the recording she made on March 26, 2026, a day when a scraping sound was recorded but Ms. Watson was not at home, Ms. Mastrokalos asserts in her commentary that Jason Riddle is living in the unit above her and she calls the noise "criminal."

[35] I find that Ms. Mastrokalos has failed to prove that she is experiencing unreasonable noise; there is no objective evidence of the frequency, duration, or intensity of the sounds she reports hearing to indicate that they are anything other than the sounds of day-to-day living in a multi-residential environment. There is also no evidence that the Watson unit is the source of any noise. Therefore, I find that the Respondent is not in breach of s. 117 (2) (a) of the Act or PCC 95's rule 8.

[36] Ms. Watson requested that the Tribunal order Ms. Mastrokalos to cease all contact with her. She testified that Ms. Mastrokalos yells in her unit and from the balcony, sings loudly using the Watson unit number in improvised lyrics and has banged on the walls. The recordings submitted in this matter by both Ms. Mastrokalos and Ms. Watson indicate that Ms. Mastrokalos has shouted and sung loudly using the Watson unit number. This is inappropriate and disruptive behaviour. In the circumstances of this case, where I have found that the Watsons are not creating unreasonable noise, I am ordering Ms. Mastrokalos to cease all communication with or directed at Ms. Watson, the other occupants of her unit and/or the unit itself.

Issue 2: Has PCC 95 allowed the Respondent to carry on an activity that causes unreasonable noise?

[37] Subsection 117 (2) (a) of the Act states that no person, which I note includes the corporation, shall permit an activity to be carried on in a unit that results in the creation or continuation of unreasonable noise. Ms. Mastrokalos' position is that PCC 95, by failing to take reasonable steps to address her complaints, permitted the occupants of the Watson unit to create unreasonable noise.

[38] I have found that the evidence does not support that the Respondent is carrying on an activity that creates unreasonable noise. Therefore, I also find that PCC 95 has not breached s. 117 (2) (a) of the Act; as there is no noise-creating activity, the corporation cannot be found to have permitted it.

2026 ONCAT 119 (CanLII)

Issue 3: Is the Applicant entitled to compensation under s. 1.44 (1) 3 for damages resulting from acts of non-compliance? If so, in what amount?

[39] Subsection 1.44 (1) 3 of the Act states the Tribunal may make:

> An order directing a party to the proceeding to pay compensation for damages incurred by another party to the proceeding as a result of an act of non-compliance up to the greater of $25,000 or the amount, if any, that is prescribed.

[40] Ms. Mastrokalos requests compensation for damages totalling $200,000, comprised of $30,000 in common expense fees she has paid over the past 2.5 years and $170,000 as general damages, on the basis that noise has prevented her quiet enjoyment of her unit.

[41] I have found that there have been no acts of noncompliance; the Respondent has not breached rule 8 of PCC 95's rules and neither the Respondent nor the corporation have breached s. 117 (2) (a) of the Act. Therefore, Ms. Mastrokalos is not entitled to any compensation for damages.

Issue 4: Should the Tribunal award costs in this matter?

[42] Ms. Mastrokalos was the only party requesting costs in this matter. Therefore, the cost-related rules of the Tribunal's Rules of Practice applicable 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.
>
> 49.1 The CAT generally will not order one Party to pay another Party compensation for time spent related to the CAT proceeding.

[43] Ms. Mastrokalos is the only party requesting costs in this matter. She has paid $200 in Tribunal fees but did not specify any other costs she has incurred. As she was not successful in this case, she is not entitled to reimbursement of her Tribunal fees. Therefore, I order no costs.

Other Requested Remedy

[44] I note that as part of her requested remedy in this case, Ms. Mastrokalos asked that PCC 95 be ordered to reverse a charge of $711.90 which was added to her common expenses on February 6, 2026. The charge was in respect of an invoice for legal services incurred with respect to this Tribunal case.

2026 ONCAT 119 (CanLII)

[45] The Tribunal's jurisdiction is established in Ontario Regulation 179/17. Subsection 1 (1) (d) (iv) provides jurisdiction to hear disputes relating to "[p]rovisions that govern the indemnification or compensation of the corporation, an owner or a mortgagee regarding a dispute described in this clause." In this case, the corporation does not rely on such a provision and therefore I find that the Tribunal does not have jurisdiction to address this chargeback; when asked what authority the corporation relied upon to charge their legal costs to Ms. Mastrokalos' unit, Ms. Darmanin responded as follows:

> According to the Condominium Act, when a Corporation finds it necessary to enforce the rules and consequently use their power of authority to ensure the peaceful enjoyment of the Community, a legal letter is sent to inform that owner of their unacceptable behaviour, and then legal charges are charged back to that owner.

[46] I do note that the legal invoice at issue does not refer to any compliance-related matter; rather it refers to services related to this "new CAT case." Further, I note that if this were a dispute about the indemnification provision contained in PCC 95's declaration, that provision indemnifies the corporation for costs and damages to the common elements or another unit caused by an act or omission of an owner. Filing a case with the Tribunal is not such an act or omission. While it appears that the corporation had no legal authority to charge the $711.90 to Ms. Mastrokalos, as noted, the Tribunal does not have jurisdiction to order its reversal.

D. ORDER

[47] The Tribunal orders that:

1. Ms. Mastrokalos' application is dismissed without costs.

2. Ms. Mastrokalos shall immediately cease all communication with or directed at Ms. Watson and/or the other occupants of the Watson unit and/or the unit itself.

Mary Ann Spencer
Member, Condominium Authority Tribunal

Released on: July 2, 2026

2026 ONCAT 119 (CanLII)