

Court File No. 47286/05

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) THURSDAY THE
) 5th DAY OF
MADAM JUSTICE L. WALTERS) JANUARY, 2006

BETWEEN:

NIAGARA NORTH CONDOMINIUM CORP. No. 125

Applicant

-and-

HEATHER WADDINGTON

Respondent

Application under section 134 of the *Condominium Act*, R.S.O. 1990, c. C.26

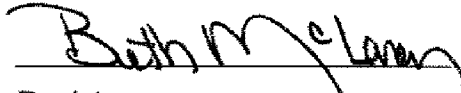
JUDGMENT

THIS APPLICATION, for an Order requiring the Respondent to forthwith and without delay, comply with Article II, Section 7 of the Applicant's Declaration and Rule No. 12 of the Applicant's Rules and Regulations and an Order requiring the Respondent to forthwith and without delay permanently remove from her unit in the Corporation, being Unit 10, Level 4, and the common elements of the Corporation, two cats kept by the Respondent in her unit, was heard this day at the Court House, at St. Catharines, Ontario.

ON READING the Application Record, including the Notice of Application issued September 20, 2005 and the Affidavit of Peter Greco sworn September

12, 2005, the responding Affidavit of Heather Waddington sworn October 25, 2005, the reply Affidavit of Peter Greco sworn November 23, 2005, the reply Affidavit of Heather Waddington sworn December 19, 2005, the Factum of the Applicant, the Factum of the Respondent, the Reply Factum of the Applicant, and on hearing the submissions of counsel for the Applicant and counsel for the Respondent,

1. **THIS COURT ORDERS** that the Application be and is hereby dismissed;
2. **THIS COURT ORDERS** that the Respondent be entitled to costs fixed in the amount of \$2,500.00 inclusive of G.S.T. & disbursements;


Registrar

Entered at ST. CATHARINES
inscrit a ST. CATHARINES
in BOOK No
ou REGISTRE N° 06
as Document No.
comme Document N° 126
on / le Feb 13 2006
By / Par BMS

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NIAGARA NORTH CONDOMINIUM CORP. NO. 125
Applicant and

HEATHER WADDINGTON
Respondent

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PROCEEDING COMMENCED AT ST. CATHARINES

JUDGMENT

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