

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: March 9, 2021

CASE: 2021-00030R

Citation: Peel Standard Condominium Corporation No. 857 v. Peel Standard Condominium Corporation No. 920, 2021 ONCAT 19

Order under section 1.41 of the *Condominium Act, 1998*.

Member: Marc Bhalla, Member

The Applicant,

Peel Standard Condominium Corporation No. 857

Represented by Justin Goldrich, Counsel

The Respondent,

Peel Standard Condominium Corporation No. 920

Represented by John Peterson, Agent

DISMISSAL ORDER

- [1] This case involves two condominium corporations. The Applicant presents itself as a unit owner of the Respondent. It is not. The parties jointly own property in the Applicant.
- [2] The Applicant filed this case with the Condominium Authority Tribunal (CAT). The case proceeded to me for Stage 2 - Mediation on February 10, 2021. Under Rule 32.3 of the CAT's Rules of Practice, the CAT can close a case in Stage 2 - Mediation if it determines it has no power to hear or decide the case. As this case did not appear to be within the CAT's jurisdiction, I issued a Notice of Intent to Dismiss on February 19, 2021. The parties were given a chance to make submissions on if the CAT has jurisdiction to hear the case and costs. The Applicant made submissions. The Respondent did not.
- [3] The Applicant claimed that section 1.36 (1) of the *Condominium Act, 1998* (the Act) grants the CAT jurisdiction over records requested by condominiums from unit owners. Section 1.36 (1) of the Act provides that:

...a corporation may apply to the Tribunal for the resolution of a prescribed dispute with one or more of its owners...

- [4] While Section 1.36 (1) of the Act speaks to a condominium applying to the CAT, a condominium can only do so with respect to a prescribed dispute. Ontario Regulation 179/17 under the Act prescribes the types of disputes within the CAT's jurisdiction. With records, the CAT's jurisdiction is limited to Section 55 of the Act.
- [5] Section 55 of the Act speaks to records kept by condominiums. The Applicant does not seek records under Section 55 of the Act. The Applicant does not seek records kept by the Respondent as a condominium corporation. Therefore, the dispute does not fall within the CAT's jurisdiction. I do not believe this case would have been accepted if this was clear from the start.
- [6] Based on the submissions, I find that the Applicant was aware that it was not a unit owner of the Respondent when the Application was submitted. It chose to claim it was an owner because the CAT would not allow the Applicant to file the case as a condominium corporation seeking records kept by a unit owner. Under Section 1.41 (2) of the Act, I also find that the Applicant knew or ought to have known that it was filing false or misleading information by indicating it was a unit owner of the Respondent. Based on this information, I order that this case be dismissed.
- [7] No costs have been claimed by the Respondent. No costs are awarded.

ORDER

- [8] The Tribunal orders that this case is closed in Stage 2 - Mediation under Rule 32.3 of the CAT's Rules of Practice.

Marc Bhalla
Member, Condominium Authority Tribunal

Released on: March 9, 2021