

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: May 20, 2021

CASE: 2021-00106N

Citation: Datri v. York Region Standard Condominium Corporation No. 1188, 2021 ONCAT 47

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

Member: Ian Darling, Chair

The Applicant,

Anna Datri

Self-Represented

The Respondent,

York Region Standard Condominium Corporation No. 1188

Represented by Mary Kahn, Agent

The Intervenor,

York Region Standard Condominium Corporation No. 1191

Represented by Satinder Brar, Counsel

MOTION ORDER

- [1] This Order explains why the CAT decided to dismiss a CAT Case because the CAT has no power to decide the case. In dismissing this case, I acknowledge that there is a real dispute that impacts owners in both condominiums. I recognize the need to resolve the issues. This decision does not comment on the merits of the dispute but confirms that the CAT is not the appropriate forum to decide a dispute between two corporations.
- [2] The Applicant, Anna Datri (“Anna”), is an owner and board member for the Respondent, York Region Standard Condominium Corporation No.1188 (YRSCC 1188). The Intervenor, York Region Standard Condominium Corporation No. 1191 (YRSCC 1191) shares 22 visitor parking spaces with YRSCC 1188. A shared facilities agreement between the two corporations governs these visitor parking spaces. YRSCC 1191 requested the CAT dismiss this case under Rule 17 of the Tribunal Rules, because the CAT has no statutory authority to decide the case.
- [3] The Applicant claims that YRSCC 1191 did not follow required procedures to change visitor parking enforcement. The Application referred to a dispute

regarding how YRSCC 1191 approved and implemented parking rules, in contravention of the shared facilities agreement. The Applicant and Respondent assert that the changes were made without a shared facilities board meeting. The Applicant gave examples of how the change in practices had affected YRSCC 1181 owners. The Applicant seeks to have the Tribunal order the Intervenor rectify the alleged procedural problem.

- [4] The Intervenor asserts that the CAT has no legal authority to decide this issue because the Applicant is not an owner in YRSCC 1191. YRSCC 1191 cites section 1.36 (2) of the *Condominium Act, 1998*. This section establishes who can bring a case to the tribunal. It states that “an owner or a mortgagee of a unit may apply to the Tribunal for the resolution of a prescribed dispute with the corporation, another owner or an occupier or a mortgagee of a unit.”
- [5] By contrast, the Applicant asserts that the Respondent is properly identified as YRSCC 1181, since they are an owner in that corporation. They assert that the shared facilities agreement establishes that YRSCC 1191 should join the case as an Intervenor. The Applicant points to the Tribunal’s authority to add parties to a case, asserting that this is the basis for YRSCC 1191’s involvement. The Applicant pointed to the speed and flexibility of the Tribunal as justification to pursue the CAT application rather than private mediation, arbitration, or the courts. The Respondent supports the Applicant’s position.
- [6] Based on the facts before me, I conclude that this dispute is between two condominium corporations over how they manage the shared facilities. I further conclude that the Applicant is bringing the case in her capacity as a board member of the Respondent – and is advocating for the position of the corporation. The Applicant is an owner in YRSCC 1181 but has no dispute with the corporation where she is an owner. The Applicant’s own description of the problem demonstrates that this is a dispute between two condominium corporations.
- [7] The Applicant named their corporation as the Respondent and requests an order exclusively against the Intervenor. The CAT jurisdiction does not allow it to deal with disputes between corporations. The CAT jurisdiction does not allow individuals to file cases against corporations where they are not owners.
- [8] CAT Rule 17 (b) allows the Tribunal to dismiss an application when the Case is about issues that the CAT has no legal power to hear or decide. YRSCC 1191 has demonstrated that the CAT does not have the power to hear or decide this case because the Applicant is not an owner in YRSCC 1191.

ORDER

[9] I order the Case be dismissed under CAT Rule 17.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: May 20, 2021