

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: July 16, 2021

CASE: 2021-00164N

Citation: Sanchez v. Toronto Standard Condominium Corporation No. 1531, 2021 ONCAT 68

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

Member: Ian Darling, Chair

The Applicant,
Alberto Sanchez
Self-Represented

The Respondent,
Toronto Standard Condominium Corporation No. 1531

DISMISSAL ORDER

- [1] The Applicant filed an application with the Condominium Authority Tribunal (CAT). Upon reviewing the application, the CAT proposed to dismiss it under Rule 17.1 (b) of the CAT's Rules of Practice because the CAT does not have jurisdiction over the issues in dispute.
- [2] In this case, the Applicant owns a motorcycle. In order to ensure the vehicle is not stolen, he locks it to hooks in the wall of his parking spot. The Respondent is seeking to require the Applicant to stop using the hooks, and to pay for repairs to the common elements. The Applicant wants the CAT to order the Respondent to allow him to continue to use the hooks and stop actions to recover costs of repairs. The Applicant contends that the hooks were installed before he purchased the parking spot in 2017. He contends that the Respondent does not have proof that he damaged or altered the common elements and that charges under sections 97 and 98 of the Act are improper.
- [3] Having reviewed the problem description and documentation provided by the Applicant, the CAT is dismissing this application for the following reasons:
1. The Applicant filed this application in part as a compliance dispute.
 2. The provisions of the Respondent's declaration cited by the Applicant (the parking unit sections under pg. 77 of the Declaration) do not appear to prohibit, restrict or otherwise govern parking and / or the storage of items.
 3. Accordingly, a parking and storage dispute regarding these provisions is outside of the CAT's jurisdiction, as set out under Ontario Regulation 179/17.

4. Portions of the dispute relate to a dispute under section 98 of the *Condominium Act, 1998*. The CAT is prohibited from accepting applications involving these matters under section 1 (3) of Ontario Regulation 179/17.

[4] I find that the issues that make up this dispute are not within the jurisdiction of the CAT. Accordingly, I order that this case be dismissed.

ORDER

[5] The Tribunal orders this application dismissed.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: July 16, 2021