

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: February 17, 2022

CASE: 2022-00004N

Citation: Diwa v. Toronto Standard Condominium Corporation No. 2166 et al., 2022 ONCAT 14

Rule 4 of the Condominium Authority Tribunal's Rules of Practice

Member: Ian Darling, Chair

The Applicant,

Riza Diwa
Self-Represented

The Respondents,

Toronto Standard Condominium Corporation No. 2166
Represented by Laney Choi, Agent

Anh Lam
Self Represented

The Intervenor,

Tenant Occupant of the unit owned by Anh Lam

MOTION ORDER

- [1] An application was filed under the Condominium Authority Tribunal's (CAT) jurisdiction related to nuisances. The issues in dispute relate to the conduct of a tenant. This order deals with procedural matters to ensure that the parties in the case are correctly identified. It does not make any finding as to the merits of the dispute before the CAT.
- [2] When the CAT accepted this case, the CAT was under the impression that the issues in dispute relate to the conduct of a current occupant of a unit owned by Anh Lam in Toronto Standard Condominium Corporation No. 2166.
- [3] Anh Lam, a Respondent in this case informed the CAT's staff on February 2, 2022, that the issues in dispute do not relate to any current tenant / occupant of their unit and instead relate to a former tenant / occupant.

- [4] The CAT issued a notice of intent to remove the Tenant from the case. The Applicant confirmed that the case was about the conduct of a former tenant. The Applicant further asserted that although section 1.36 (2) of the *Condominium Act, 1998* (the “Act”) 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,” it does not specify that the tenant must be a current occupier.
- [5] The CAT Rules of Practice define an occupant as “an individual or legal entity that occupies a unit that they do not own. This includes residential and commercial tenants.” Under section 1.36 (2) of the Act, applications can be filed against a condominium corporation, an owner of a unit, and/or an occupant of another unit.
- [6] I conclude that the Act and the CAT’s Rules refer only to current owners and occupants. There is no dispute that the Intervenor was no longer a tenant when the application was filed. Accordingly, as this as-yet unidentified Intervenor was not an occupant of the unit when the case was filed, they should not be listed as an Intervenor in this case.

ORDER

- [7] The Tribunal orders that the unidentified tenant occupant of the unit owned by Anh Lam be removed as an Intervenor from this case.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: February 17, 2022