

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: March 22, 2022

CASE: 2022-00141N

Citation: Pye v. York Region Standard Condominium Corporation No. 1264, 2022 ONCAT 23

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

Member: Ian Darling, Chair

The Applicant,

Donald Pye

Self-Represented

The Respondent,

York Region Standard Condominium Corporation No. 1264

DISMISSAL ORDER

- [1] Donald Pye filed an application with the Condominium Authority Tribunal (CAT) on March 4, 2022. The application was filed as a dispute about the Respondent's governing documents and / or an unreasonable nuisance, annoyance or disruption. The CAT reviewed the application but did not accept the case.
- [2] The CAT proposed to dismiss this application under Rule 19.1 of the CAT's Rules of Practice because the issues do not appear to fall within the CAT's jurisdiction. The CAT identified the following problems with the application:
1. The CAT's jurisdiction is established under Ontario Regulation 179/17 (the Regulation).
 2. The application relates to a dispute about the condominium corporation's governing documents and / or an unreasonable nuisance, annoyance, or disruption.
 3. The Applicant alleges that the Respondent created a nuisance, annoyance or disruption by:
 - i. Intimidating and threatening the Applicant and the Applicant's family with extortion and blackmail;

- ii. Stalking the Applicant;
 - iii. Invading the Applicant's privacy; and
 - iv. Wrongly entering the Applicant's unit.
4. The application contains serious allegations. However, it does not appear to relate to the Respondent's governing documents and / or an unreasonable nuisance, annoyance or disruption in the condominium corporation.
5. The issues in this application appear to be outside of the CAT's jurisdiction.
6. The application further alleges that the Respondent's representatives made false statements to the Ontario Superior Court of Justice in a previous legal proceeding (York Region Standard Condominium Corporation No. 1264 and Pye et al.), which resulted in a compliance order being made against the Applicant.
7. The Superior Court of Justice's proceeding was made under Rules 14.05(2), 14.05(3)(d),(g),(h) and 38 of the Rules of Civil Procedure, and Sections 17(3), 26, 116, 117, 119, and 134 of the *Condominium Act, 1998*.
8. The Applicant states that the above-mentioned case was a strategic lawsuit against public participation (SLAPP), directed against the Applicant.
9. The CAT cannot be used to dispute statements made in a Superior Court of Justice proceeding and relitigate issues decided there or otherwise overturn a decision of the Superior Court of Justice.
10. The application also alleges that the Respondent's legal counsel has acted unethically. Complaints about the conduct of legal counsel are outside of the CAT's jurisdiction.

[3] The CAT issued a Notice of Intent to Dismiss (the Notice) the case. The Notice outlined the problems with the application. The Applicant was invited to respond. The Applicant sent several emails that referred to incidents of harassment but did not address any of the problems identified in the Notice.

[4] It is clear that there are fractious relationships within the condominium, with a variety of harassment allegations. After reviewing the submissions of the Applicant, I find that the issues in this dispute are not within the jurisdiction of the CAT. Accordingly, I order that this case be dismissed.

ORDER

1. The Tribunal orders the application dismissed.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: March 22, 2022