

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: May 3, 2022

CASE: 2022-00294N

Citation: Pye v. Davson, 2022 ONCAT 44

Member: Ian Darling, Chair

The Applicant,

Donald Pye

Self-Represented

The Respondent,

Philip Davson

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

DISMISSAL ORDER

- [1] This Condominium Authority Tribunal (CAT) application was received on April 17, 2022. The application was filed as a dispute about indemnification provisions of the Respondent's governing documents. The CAT reviewed the application but did not accept the case.
- [2] The application is like Pye v. York Region Standard Condominium Corporation No. 1264, 2022 ONCAT 23 (Case # 2022-00141N). That case was dismissed because the dispute was outside of the CAT's jurisdiction. This application names an individual director, rather than the corporation.
- [3] The CAT proposed to dismiss this application under Rule 19.1 of the CAT's Rules of Practice. The CAT asked the Applicant to explain:
 1. How are the issues in dispute raised in 2022-00249N different from the issues raised in 2022-00141N?
 2. How are the issues in dispute raised in 2022-00249N within the CAT's jurisdiction?
- [4] The Applicant sent emails that referred to incidents of harassment, but the Applicant's reply did not respond to the questions.
- [5] The CAT's jurisdiction is established by [Ontario Regulation 179/17](#). The CAT can currently accept applications about a range of issues including Condominium Records, Pets and Animals, Vehicles, Parking and Storage, Noise, Odours, Vibration, Light, Smoke and Vapour, other Nuisances as defined in the Corporation's governing documents and Compliance with Settlement Agreements.

The powers of the CAT are limited to issues related to that jurisdiction.

- [6] The CAT can deal with disputes about indemnity provisions of the governing documents, but only when related to issues within the CAT's jurisdiction. The case description and documents attached to the application establish that there is a dispute about indemnity provisions related to a legal dispute. However, the issues are outside of the CAT's jurisdiction. Since the issues in this application are outside of the CAT's jurisdiction, the CAT has no legal power to hear the dispute.
- [7] It is clear that there is a dispute within the condominium. The Applicant does not feel that the indemnity provisions have been applied correctly. 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

- [8] The Tribunal orders the application dismissed.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: May 3, 2022