

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: June 22, 2022

CASE: 2022-00302R

Citation: Chen v. Toronto Standard Condominium Corporation No. 1644, 2022 ONCAT 68

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

Member: Ian Darling, Chair

The Applicant,

Yao Xin Chen

Self-Represented

The Respondent,

Toronto Standard Condominium Corporation No. 1644

DISMISSAL ORDER

- [1] An application was submitted to the Condominium Authority Tribunal (CAT) on May 9, 2022. The CAT has reviewed the application but has not accepted it.
- [2] After reviewing the application, the CAT proposed to dismiss it under [Rule 19.1 of the CAT's Rules of Practice](#) for the following reasons:
1. The CAT's jurisdiction is established under [Ontario Regulation 179/17](#) (the Regulation). The CAT can only hear and decide issues that are within that jurisdiction.
 2. The application was filed as a dispute about condominium records. No records issues were raised.
 3. The issues in dispute appear to be outside of the CAT's jurisdiction.
- [3] The application disputes a chargeback issued by the Respondent against the Applicant. This chargeback was issued after an incident in November 2019, where:
1. A representative of the Applicant ("Pei Hong Feng") allegedly made public statements about the Respondent's condominium management;
 2. The Respondent's legal counsel responded; and
 3. The Respondent issued a chargeback against the Applicant to recover the legal costs associated with the response.

- [4] The Applicant disputes the chargeback for the Respondent's legal services. The CAT may accept indemnification or compensation disputes, but these disputes must be related to provisions of a condominium's governing documents about:
1. Pets and Animals
 2. Vehicles
 3. Parking and Storage
 4. Noise
 5. Odour
 6. Light
 7. Vibration
 8. Smoke and Vapour; or
 9. Other types of nuisances, annoyances or disruptions set out in a condominium corporation's governing documents.
- [5] The Applicant's indemnification dispute is not related to any of the issues listed above.
- [6] The CAT sent a Notice of Intent to Dismiss the application. The responses from both parties confirm that this dispute is not about records. It is about financial management of the corporation, and chargebacks related to legal expenses. The legal expenses relate to issues that the CAT does not have the power to decide.
- [7] 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

- [8] The Tribunal orders the application dismissed.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: June 22, 2022