

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: September 21, 2022

CASE: 2022-00564N

Citation: Samim v. Peel Condominium Corporation No. 178, 2022 ONCAT 100

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

Member: Ian Darling, Chair

The Applicant,
Shabana Samim
Self-Represented

The Respondent,
Peel Condominium Corporation No. 178

DISMISSAL ORDER

- [1] A Condominium Authority Tribunal (CAT) Application was filed on August 24, 2022. The Applicant alleges that they incurred additional moving expenses due to a power outage or electrical issue in the condominium corporation and that the Respondent failed to resolve the situation in a reasonable time.
- [2] The Applicant alleges that they were unable to use the elevators to move their belongings and were unable to reschedule the movers they had hired. The Applicant requests \$892.70 in moving expenses from the Respondent.
- [3] On September 6, 2022, the CAT issued a Notice of Intent to Dismiss (the Notice) the case under Rule 19.1 of the CAT's Rules of Practice for the following reasons:
 - 1. The CAT's jurisdiction is established by the Ontario Government. Ontario Regulation 179/17 contains the specific wording of the jurisdiction. The CAT does not have the legal authority to decide issues that are outside its jurisdiction.
 - 2. This application was filed as a dispute about an unreasonable nuisance, annoyance, or disruption related to the condominium corporation's governing documents (declaration, by-laws or rules).
 - 3. The CAT informed the Applicant that the dispute appeared to be outside of the CAT's jurisdiction because the issues in dispute did not relate to any provisions of the condominium's governing documents. Further, it did not

appear to be an unreasonable nuisance, annoyance or disruption related to noise, odour, vibration, light, smoke or vapour. CAT staff asked the Applicant to clarify how the issues related to the CAT's jurisdiction.

4. The Applicant argued that their move was disrupted due to the Respondent's alleged failure to maintain its electrical system. They did not identify any provisions of the condominium's governing documents that relate to their issue.

[4] The Applicant was invited to respond to the Notice. The Applicant did not make any submissions about the question of jurisdiction. The Applicant did, however, provide evidence to confirm that there was a power outage, and its duration. I have no doubt that there was a power outage, and that the power outage prevented the Applicant from being able to move in when they expected to. The Applicant however did not answer the fundamental question – does the dispute fall within the CAT's jurisdiction? The answer is: No.

[5] The issues in dispute do not relate to the Respondent's governing documents and / or an unreasonable nuisance, annoyance, or disruption in the condominium corporation. Further, since the dispute also does not relate to any provisions of the condominium's governing documents nor an unreasonable nuisance, annoyance or disruption related to noise, odour, vibration, light, smoke or vapour, the issues in this application are outside of the CAT's jurisdiction. Accordingly, I order that this case be dismissed.

ORDER

1. The Application is dismissed.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: September 21, 2022