

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: October 25, 2022

CASE: 2022-00372N

Citation: Bali v. Toronto Standard Condominium Corporation No. 1905, 2022 ONCAT 115

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

Member: Ian Darling, Chair

The Applicant,

Mohit Bali

Self-Represented

The Respondent,

Toronto Standard Condominium Corporation No. 1905

DISMISSAL ORDER

- [1] Mohit Bali submitted an application to the Condominium Authority Tribunal (CAT) on June 1, 2022. The CAT has reviewed the application, and orders it dismissed under [Rule 19.1 of the CAT's Rules of Practice](#).
- [2] The CAT issued a Notice of Intent to Dismiss the Application on June 10, 2022. The CAT ordered that the Respondent provide the condominium corporation's governing documents. The documents were provided and reviewed by me. The Applicant was given an opportunity to identify to the Tribunal how this dispute related to the provisions in the governing documents. In their submissions, the Applicant provided information about the nature of the dispute and submitted several emails to support their position.
- [3] Over the summer the Applicant requested and was granted several extensions to provide additional information to the Tribunal. Submission deadlines were extended from June 24 to July 15, July 29, September 15 and finally October 21. The Applicant did not provide any additional information, so this decision was based on all communications with the CAT from the point when the application was submitted until October 21.
- [4] The CAT's jurisdiction is determined by the *Condominium Act, 1998* and its regulations; specifically [Ontario Regulation 179/17](#) (the "Regulation") sets out the specific jurisdiction. The CAT does not have the legal authority to decide issues

that are outside its jurisdiction. The application was filed as a dispute about the condominium corporation's governing documents and / or an unreasonable nuisance, annoyance, or disruption.

[5] In the application's problem description, the Applicant alleges that the Respondent and its staff, including property management, security and concierge staff, have:

1. Refused to identify themselves to people delivering packages to the Applicant. The Applicant stated that this has prevented him from receiving deliveries of medication.
2. Refused to accept the Applicant's deliveries, which again is stated to have prevented the Applicant from receiving medication.
3. Have, by not accepting deliveries of medication, discriminated against the Applicant, and that the Respondent has refused to accommodate the Applicant's medical needs.

[6] The Applicant was informed by the CAT the issues raised appeared to be outside of the CAT's jurisdiction. As part of the application intake process, Tribunal staff asked the Applicant to clarify how the issues relate to the CAT's jurisdiction. The Applicant clarified that their application relates to:

1. a dispute about provisions in a condominium corporation's governing documents involving storage; and
2. a type of nuisance, annoyance or disruption set out under the condominium corporation's governing documents.

[7] The Applicant argued that the Respondent is required to accept and store the delivered packages of all residents but has failed to do so for the Applicant's deliveries.

[8] After receiving the clarification, the application still appeared to be outside of the CAT's jurisdiction, so the CAT issued the Notice of Intent to Dismiss the case.

[9] I have reviewed the Applicant's submissions, and while there is a real dispute, that forms the basis of the application, it does not relate to storage, or the condominium corporation's governing documents.

[10] The specific wording in the Regulation related to storage are:

“(iii) Provisions that prohibit, restrict or otherwise govern the parking or storage of items in a unit, an asset, if any, of the corporation, or any part of a unit, an asset or the

common elements, that is intended for parking or storage purposes.”

[11] The CAT may accept disputes related to the provisions of a condominium corporation’s governing documents related to storage and / or any other types of nuisances, annoyance or disruptions as set out under the governing documents, but only if the Applicant identifies the provisions of the governing documents to which their dispute relates.

[12] This application does not relate to any provisions of the Respondent’s governing documents. The dispute is about whether the condominium will accept deliveries of medication, and whether their refusal is a violation of the Applicant’s human rights. The issues in this dispute are not within the jurisdiction of the CAT. Accordingly, I order that this case be dismissed.

[13] In dismissing this case, I have not evaluated the merits of the Applicant’s dispute, or whether the corporation’s choice not to accept deliveries are legitimate. I am only determining if the basis for the application fits within the jurisdiction of the Tribunal. The CAT cannot accept this case, but I encourage the parties to work together to find a mutually satisfactory solution.

ORDER

[14] The Tribunal orders the application dismissed.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: October 25, 2022