

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: January 9, 2023

CASE: 2022-00734N

Citation: Joshy v. Toronto Common Elements Condominium Corporation No. 2385, 2023 ONCAT 4

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

Member: Ian Darling, Chair

The Applicant,

Rohith Joshy

Self-Represented

The Respondent,

Toronto Common Elements Condominium Corporation No. 2385

Submission Dates: December 16, 2022 to January 5, 2023

DISMISSAL ORDER

- [1] An application was submitted to the Condominium Authority Tribunal (CAT) on December 1, 2022. This application was filed as a dispute about a reasonableness and consistency issue with parking. In the application's problem description, the Applicant disagrees with provisions in an agreement to modify the curb of a parking spot, which was made under section 98 of the *Condominium Act, 1998* (the "Act"). The Applicant alleges that the Respondent has refused their request to modify the curb of their parking spot despite receiving a building permit from the City of Toronto.
- [2] The Applicant was informed by the CAT that their dispute does not clearly relate to a provision in the corporation's declaration, by-laws and rules (the "governing documents") that prohibit, restrict or otherwise governs parking, and may relate to an issue that the CAT is prohibited from addressing under Ontario Regulation 179/17 (O. Reg. 179/17).
- [3] The CAT issued a Notice of Intent to Dismiss the Application since the CAT is prohibited from accepting applications involving certain matters, including disputes related to agreements related to section 98 of the Act.

- [4] The CAT's jurisdiction is established by the Ontario Government. O. Reg. 179/17 contains the specific wording of the CAT's jurisdiction. The CAT does not have the legal authority to decide issues that are outside its jurisdiction.
- [5] O. Reg. 179/17 states that a dispute with respect to parking must relate to a provision in the condominium corporation's governing documents that prohibit, restrict or otherwise governs parking.
- [6] In response to the Notice, the Applicant confirmed that the issues in dispute are not within the jurisdiction of the CAT. Accordingly, I order that this application be dismissed.

ORDER

- [7] The Tribunal orders the application to be dismissed.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: January 9, 2023