

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: April 13, 2023

CASE: 2023-00137N

Citation: Shanoff v. Toronto Standard Condominium Corporation No. 2917, 2023 ONCAT 58

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

Member: Ian Darling, Chair

The Applicant,

Sari Shanoff

Self-Represented

The Respondent,

Toronto Standard Condominium Corporation No. 2917

DISMISSAL ORDER

- [1] The Applicant filed an application with the Condominium Authority Tribunal (CAT). The CAT reviewed the Application, but did not accept the case. Under Rule 19.1 of the CAT's Rules of Practice, the CAT can close a case if it has no legal power to hear or decide upon the dispute.
- [2] The CAT issued a Notice of Intent to Dismiss ("the Notice") this application under Rule 19.1 on April 3, 2023. The CAT requested submissions from the Applicant. It did not receive any response.
- [3] The case is dismissed 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 the condominium corporation's governing documents and / or an unreasonable nuisance, annoyance, or disruption.
 3. In this application, the Applicant alleges that there has been infestation in the walls and ceilings of their unit that has caused damage to the property.
 4. The Applicant alleges that the corporation has failed to comply with Rule 20 from the corporation's governing documents that deals with infestation.

5. The Applicant further claims that the Respondent has not complied with section 117 (1) of the Condominium Act, 1998 (the "Act") as the infestation has caused damage to the property and/or injury to the Applicant.
6. Prior to issuing the Notice, the Applicant was informed by the CAT that the dispute appeared to be outside of the CAT's jurisdiction because the issues in dispute related directly to section 117 (1) of the Act and did not appear to be about an unreasonable nuisance, annoyance or disruption. The Applicant was provided an opportunity to clarify how the issues related to the CAT's jurisdiction.
7. The Applicant maintained that the dispute is about the corporation's non-compliance with Rule 20 that governs infestation in their condominium corporation. The Applicant did not make any changes to their problem description or issues in dispute.
8. As per section 1 (3) of Ontario Regulation 179/17, the CAT cannot hear disputes that are also with respect to section 117 (1) of the Act.
9. Accordingly, the Applicant's issues in dispute appear to be outside of the CAT's jurisdiction.

[4] I find that the issues in dispute are not within the jurisdiction of the CAT. Accordingly, I order that this case be dismissed.

ORDER

[5] The Tribunal orders the case closed.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: April 13, 2023