

## **CONDOMINIUM AUTHORITY TRIBUNAL**

**DATE:** April 25, 2023

**CASE:** 2022-00736N

**Citation:** Kassir v. Metropolitan Toronto Condominium Corporation No. 607, 2023 ONCAT 60

Order under Rule 4 of the Condominium Authority Tribunal's Rules of Practice.

**Member:** Marc Bhalla, Member

**The Applicant,**  
Bashar Kassir  
Self-Represented

**The Respondent,**  
Metropolitan Toronto Condominium Corporation No. 607  
Represented by Lidia Serebriakova, Agent

**Submission Dates:** March 31, 2023 to April 14, 2023

### **MOTION ORDER**

- [1] I was assigned the mediation of this case. The parties took part and mediation ended without resolving the case.
- [2] In evolving my role from mediator to preparing the parties for a hearing, I had concern that relief sought would not be within the CAT's jurisdiction to provide. This included a request for an order to change condominium by-laws.
- [3] I needed to ensure that the case was within CAT jurisdiction; otherwise, I would dismiss it. On March 31, 2023, I issued a Notice of Intent to Dismiss (the "Notice"). The parties were given the chance to make submissions, which the Applicant did.
- [4] This motion order is limited to considering if the case should be dismissed based on the Notice. I did not consider confidential settlement negotiations in mediation, the strength of positions offered since mediation or if issues for a hearing are within CAT jurisdiction at the level of scrutiny that could take place in Stage 3.
- [5] As the gate keeper of this case moving ahead, my responsibility is to ensure the case merits a hearing. This is a different focus than one which assesses prospects of success or receives full arguments and replies about jurisdiction. It involves ensuring resources would not be wasted on a case beyond the CAT's jurisdiction.
- [6] The Applicant's reply to the Notice has clarified matters. The issues and relief

sought at a hearing might include:

1. If there is a lack of compliance by the Respondent in enforcing noise and nuisance provisions in its governing documents.
2. If an order for enforcement of the Respondent's governing documents is warranted.
3. If the Applicant should recover costs.

[7] I am satisfied the Applicant has addressed the Notice; this case may move ahead to Stage 3 for a hearing.

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Marc Bhalla  
Member, Condominium Authority Tribunal

Released on: April 25, 2023