

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: November 8, 2023

CASE: 2023-00162N

Citation: Li v. Metropolitan Toronto Condominium Corporation No. 753, 2023 ONCAT 166

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

Member: Ian Darling, Chair

The Applicant,

Li Li

Self-represented

The Respondent,

Metropolitan Toronto Condominium Corporation No. 753

Submission Dates: October 18, 2023 to November 1, 2023

DISMISSAL ORDER

- [1] The application was submitted to the Condominium Authority Tribunal (CAT) on March 21, 2023, as a dispute about a nuisance, annoyance or disruption that is prohibited, restricted or otherwise governed under the *Condominium Act, 1998* (the “Act”) or the condominium corporation’s declaration, by-laws or rules (the “governing documents”). The CAT requested additional information about the application. The Applicant provided additional information to the CAT on September 5 and 24, 2023.
- [2] Under the CAT’s Rules of Practice, the CAT can close a case if the CAT determines that it has no legal power to hear or decide upon the dispute. The CAT issued a Notice of Intent to Dismiss the case on October 18, 2023, and gave the Applicant until November 1, 2023, to explain why the case should not be dismissed. The Applicant did not respond to the Notice.
- [3] I dismiss this application 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 (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.

2. In the Applicants' description of the issues in dispute, the Applicant alleges that the asphalt from the ceiling above their parking space is deteriorating. The asphalt appears to be falling on their vehicle and causing damage.
3. The Applicants allege that the condominium corporation did not respond to this issue in a timely manner and seek compensation for resulting damages.
4. The Applicant failed to provide a provision related to parking and storage. The Applicant sought to proceed with the application on the basis that the board of directors has not exercised their responsibilities to repair and maintain the parking area as set out in the declaration.
5. While the concerns regarding the board's duties and responsibilities to repair and maintain common elements may be real issues affecting the Applicant, they are outside the CAT jurisdiction as outlined under O. Reg. 179/17.
6. The issues in this application are outside of the CAT's jurisdiction.

ORDER

- [4] The issues in dispute are not within the jurisdiction of the CAT. Accordingly, I order that this Application dismissed.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: November 8, 2023