

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: November 30, 2023

CASE: 2023-00437N

Citation: Mezini v. York Region Standard Condominium Corporation No. 1352, 2023 ONCAT 183

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

Member: Ian Darling, Chair

The Applicant,

Eugene Mezini
Self-Represented

The Respondent,

York Region Standard Condominium Corporation No. 1352

Submission Dates: November 16, 2023 to November 24, 2023

DISMISSAL ORDER

[1] This application is dismissed under Rule 19.1 of the Tribunal Rules of Practice for the following reasons:

1. The CAT's jurisdiction is established by the Ontario Government. [Ontario Regulation 179/17](#) (regulation) 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 an unreasonable nuisance, annoyance, or disruption as stipulated under the *Condominium Act, 1998* (the "Act") and regulation.
3. The Applicant alleges that they are being asked to take down an illuminated retail sign installed on the outside of their unit. The Applicant claims that the board has asked for the colour of the light to be changed or the light output of the sign to be decreased. The Applicant states that they had received approval from the board before installing the signage.
4. The CAT informed the Applicant that the dispute appeared to be outside of the CAT's jurisdiction as the application did not appear to relate to a nuisance or provisions in the corporation's governing documents that prohibit, restrict or otherwise govern nuisance, annoyance or disruption. It appeared to relate to changes to the common elements.

5. The Applicant had an opportunity to clarify how the issues related solely to a light and/or nuisance issue. The Applicant changed the application and maintained that the Respondent is attempting to take down their retail sign and ultimately enforce rules that do not exist.
 6. The application and supporting documents do not provide the basis in the Act, or governing documents for the Respondent's enforcement.
 7. The application and supporting documentation demonstrate that there is a dispute about the installation of the sign – however, it is not clear that the sign constitutes a nuisance, annoyance or disruption, or that the corporation's objection to the sign relates to issues that fall within the CAT's jurisdiction.
 8. The application still appears to involve a dispute about changes to the common elements. The dispute does not appear to be related to provision(s) that prohibit, restrict or otherwise govern nuisance, annoyance or disruption.
 9. The CAT does not have jurisdiction over changes made to the common elements by a unit owner. Accordingly, portions of the Applicant's issues in dispute appear to be outside of the CAT's jurisdiction.
- [2] The CAT sent notice of its intent to dismiss the case, and associated reasons. The Applicant did not respond to the notice. I find that the issues that make up this dispute are not within the jurisdiction of the CAT. Accordingly, I order that this case be dismissed.

ORDER

- [3] The Tribunal orders the case dismissed.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: November 30, 2023