

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: December 5, 2023

CASE: 2022-00769N

Citation: Bali v. Toronto Standard Condominium Corporation No. 1905, 2023 ONCAT 190

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

Member: Ian Darling, Chair

The Applicant,

Mohit Bali

Self-Represented

The Respondent,

Toronto Standard Condominium Corporation No. 1905

Written Submission Dates: October 4, 2023 - November 25, 2023.

MOTION ORDER

- [1] The Applicant filed an application with the Condominium Authority Tribunal (CAT) on December 25, 2022. The case could not be accepted because the application was incomplete, and it was not clear that the CAT had the authority to hear the issue. The CAT requested the Applicant provide additional information. The Applicant did not respond until July 2023 (following notification that the CAT would close the draft application due to inactivity).
- [2] Over the next two months, the Applicant revised the application. The CAT reviewed the revised application and identified additional concerns with it. The Tribunal sent a Notice of Intent to Dismiss the application on October 4, 2023. The Notice identified the problems with the application, and asked the Applicant to explain why it should not be dismissed. I have reviewed the Applicant's response. I have concluded that the case may proceed, but I will provide additional direction to ensure the case remains within the CAT jurisdiction.
- [3] The Applicant responded late to the submission timeline set out in the Notice. However, I have considered these submissions because the Applicant requested an extension to the deadline as a disability accommodation. The CAT also requested submissions from the Respondent. The Respondent did not reply, even though they were informed that the CAT might make a decision without submissions from them.
- [4] Under the CAT Rules, the CAT can close a case if it has no legal power to hear or

decide upon the dispute. The CAT's jurisdiction is established by the Condominium Act, 1998 ("the Act"); specifically, by [Ontario Regulation 179/17](#). The CAT does not have the legal authority to decide issues that are outside its jurisdiction.

- [5] In September 2023, the Applicant submitted a revised problem description. The revised problem description states that the Respondent has allowed other unit owners to harass the Applicant when they use the condominium's gym facilities. I understand that the application has been filed under s. 1. (1) (d) (3) (iii.2) of Ontario Regulation 179/17 which states that the Tribunal has jurisdiction of disputes:

with respect to any of the following provisions of the declaration, by-laws or rules of a corporation:

(iii.2) Provisions that prohibit, restrict or otherwise govern any other nuisance, annoyance or disruption to an individual in a unit, the common elements or the assets, if any, of the corporation.

- [6] In order for an application to be considered under this clause, a corporation must have provisions in the governing documents that prohibit, restrict or otherwise govern other nuisance, annoyances or disruptions.

- [7] The Applicant cites the Corporation's rules, which state in part that "no one shall create or continuation of any noise or nuisance which may or does disturb the comfort or quiet enjoyment of the units or common elements by other owners.

- [8] I have reviewed the accompanying documentation the Applicant has provided in support of the application. The documentation includes correspondence with the corporation about the alleged harassment, and the board's response confirming that they would address the issue under the corporation's rules.

I have concluded that the revised problem description fits within the jurisdiction of the Tribunal. The case will be allowed to proceed. However, the issues in dispute are limited to the issues related to the corporation's responsibilities to enforce compliance with its rules to prevent an unreasonable nuisance, annoyance or disruption with respect to the condominium's gym facilities.

- [9] I note that the Applicant uploaded numerous documents with the application. Many of these documents were in support of issues that are not within the Tribunal's jurisdiction. If the case proceeds to Mediation or Adjudication the CAT members assigned may issue orders or directions to ensure documents in the case are relevant to the issues to be decided and may disallow documents that are not. The CAT Members may also issue orders or directions to ensure the case remains within the Tribunal's jurisdiction.

- [10] Further, I note that the Applicant has uploaded several documents that related to disputes with the corporation from 2019 and 2020. The incidents occurred more

than two years before the application was filed. These may be relevant to the relationship between the parties – however, the CAT does not have the authority to accept disputes that are outside of the time limit established by section 1.36(6) of the Act. CAT Members may issue orders or directions to ensure the issues remain within the Tribunal's jurisdiction.

ORDER

[11] The Tribunal orders that the application can proceed, but is limited to the dispute related to the Corporation's responsibilities related to the alleged harassment or interference with the Applicant's use of the gym.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: December 5, 2023