

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: December 21, 2023

CASE: 2023-00623N

Citation: Manor v. Prades, 2023 ONCAT 199

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

Member: Ian Darling, Chair

The Applicant,

Paul Manor

Self-Represented

The Respondent,

Patrick Prades

The Intervenor,

Metropolitan Toronto Condominium Corporation No. 1031

Submission Dates: December 7, 2023 to December 14, 2023

DISMISSAL ORDER

- [1] This order explains the reasons for dismissing this Condominium Authority Tribunal (CAT) application under [Rule 19.1 of the CAT's Rules of Practice](#).
- [2] This application states that the Respondent is growing a tree in a manner that constitutes a nuisance, annoyance or disruption affecting the Applicant's use of their terrace.
- [3] The application identifies Patrick Prades as the Respondent and Metropolitan Toronto Condominium Corporation No. 1031 ("MTCC 1031") as an Intervenor. The Applicant is an Owner of a unit in MTCC 1031. The Respondent is an owner in a different condominium corporation located in close proximity to the Applicant.
- [4] The CAT informed the Applicant that, as per Section 1.36 (2) of the *Condominium Act, 1998* (the "Act"), the CAT cannot accept applications regarding disputes involving condominium corporations where the applicant is not an owner or between unit owners of other condominium corporations – stating:

[...] an owner or a mortgagee of a unit may apply to the Tribunal for the resolution of a prescribed dispute with the corporation, another owner or an occupier or a mortgagee of a unit.

- [5] The Applicant replied that the application should be accepted because these condominium corporations are attached to one another, have shared-facilities and have the same management company; therefore, both corporations should be required to observe the rules and regulations.
- [6] The Tribunal issued a Notice of Intent to Dismiss the Application, and provided the Applicant with an opportunity to respond. The Applicant did not respond.
- [7] Even if I accept the Applicant's assertion that the corporations are attached to one another through a shared-facilities relationship, the Act does not provide a mechanism for an owner to bring a case against an owner in a different condominium corporation. Accordingly, I order that this case be dismissed.

ORDER

- [8] The application is dismissed.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: December 21, 2023