

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: October 22, 2024

CASE: 2024-00578N

Citation: Tsatskin v. Del Property Management Inc. and Dragg, 2024 ONCAT 158

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

Member: Keegan Ferreira, Vice-Chair

The Applicant,

Marina Tsatskin

Represented by Elisheva Eisenberg, Paralegal

The Respondents,

Del Property Management Inc.

Alexandra Dagg

Submission Dates: October 4, 2024, to October 15, 2024

DISMISSAL ORDER

- [1] The Applicant filed an application with the Condominium Authority Tribunal (CAT). The Tribunal's staff advised the Applicant twice on September 17 and 19, 2024, that the Tribunal cannot accept an application filed against a condominium manager or management services provider. They submitted the application a total of three times, and in each instance named Del Property Management Inc. as a respondent.
- [2] The CAT issued a Notice of Intent to Dismiss the case on October 4, 2024 with a deadline for submissions by the Applicant set for October 11. On October 11, the Tribunal received a request for extension from the Applicant's representative. The request was granted, and a new deadline was set for October 15. Though the extension was granted, the Applicant made no submissions.
- [3] The Tribunal proposed to dismiss this application for the following reasons:
 - 1. The applicant has named Del Property Management Inc. as a Respondent in

this case, despite having been advised that the Tribunal cannot accept an application filed against a condominium manager / management services provider per section 1.36 of the *Condominium Act, 1998* (the “Act”).

2. The subject matter of the application relates to subsection 117(1) of the Act. Ontario Regulation 179/17, which sets out the Tribunal’s jurisdiction, specifies that the Tribunal cannot deal with any dispute that is also with respect to subsection 117 (1).
3. The issues raised in this application appear to relate to those already before the Ontario Superior Court of Justice in Court File No. CV-24-00726588-0000C.

[4] This application is dismissed under Rule 19.1 of the CAT’s Rules of Practice, which specifies that the Tribunal can close an application that is about issues that the CAT has no legal power to hear or decide. Section 1.36 of the Act specifies who can file applications with the Tribunal, and against whom they can be filed. The Tribunal cannot accept applications filed against condominium managers or management service providers. As this application cannot be accepted for this reason, it is not necessary for me to determine whether the dispute is also with respect to subsection 117 (1) or whether the issues are already being addressed in proceedings before the Superior Court of Justice.

ORDER

[5] The Tribunal orders the application be dismissed.

Keegan Ferreira
Vice-Chair, Condominium Authority Tribunal

Released on: October 22, 2024