

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: December 9, 2024

CASE: 2024-00443N

Citation: Zhu v. Toronto Standard Condominium Corporation No. 1644, 2024 ONCAT 180

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

Member: Ian Darling, Chair

The Applicant,
Baolin Zhu,
Self-Represented

The Respondent,
Toronto Standard Condominium Corporation No. 1644,
Alex Chan, Agent

Submission Dates: November 12, 2024, to November 26, 2024

DISMISSAL ORDER

[1] Baolin Zhu filed an application with the Condominium Authority Tribunal (CAT). The CAT reviewed, but did not approve the application. The CAT proposed to dismiss this application under Rule 19.1 of the CAT's Rules of Practice for the following reasons:

1. The Applicant has not identified an issue that falls within the Tribunal's jurisdiction as set out in Ontario Regulation 179/17.
2. The issues raised in this application appear to relate to those already before the Ontario Superior Court of Justice in Court File No. CV-24-00714592-0000.

[2] The application was filed under the Tribunal's jurisdiction related to light nuisances. The substance of this dispute relates to the fact that the commercial condominium unit does not have power. The Applicant asserts that the condominium corporation has created a nuisance by turning off their power, and

that the absence of power means that they cannot use their lights. They assert that this is a “light nuisance” that falls within the Tribunal’s jurisdiction. This misrepresents the Tribunal’s jurisdiction. The CAT can deal with activities where light causes a nuisance by unreasonably interfering with another unit.

- [3] The parties responded to the request for submissions. The responses were focused on the larger dispute between the parties rather than answering if the case should be dismissed.
- [4] After reviewing the application and submissions, I conclude that the issues in dispute are outside the scope of the Tribunal’s jurisdiction. The case is dismissed because the CAT has no legal authority to decide the issues in dispute.

ORDER

- [5] The Tribunal orders the case dismissed.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: December 9, 2024