

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: January 27, 2025

CASE: 2024-00778N

Citation: Dutta v. Halton Standard Condominium Corporation No. 461, 2025 ONCAT 13

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

Member: Keegan Ferreira, Vice-Chair

The Applicant,

Debarun Dutta

Self-Represented

The Respondent,

Halton Standard Condominium Corporation No. 461

Submission Dates: January 3, 2025, to January 10, 2025

DISMISSAL ORDER

- [1] The Applicant filed an application with the Condominium Authority Tribunal (CAT) on December 24, 2024. The application relates to repair and maintenance issues, which the Applicant describes as “a long persisting critical issue regarding an intermittent leak from our kitchen concrete ceiling (...) specifically around the electrical lighting fixture.” In addition, the Applicant also alleges that the Respondent is engaging in “systematic harassment” by not addressing the repair and maintenance issues.
- [2] The Tribunal’s staff returned the application to the Applicant on December 27, 2024, and advised the Applicant that the Tribunal does not have jurisdiction over disputes about repairs or maintenance issues. The Tribunal’s jurisdiction is established in Ontario Regulation 179/17. The CAT does not have the legal authority to decide issues that are outside its jurisdiction.
- [3] The Applicant resubmitted the application on the same day after being cautioned about the Tribunal’s jurisdiction, and the application still relates to the same issues.
- [4] The CAT issued a Notice of Intent to Dismiss the application on January 3, 2025, and invited the Applicant to make a submission by January 10, 2025, as to why

they believe the application should be accepted.

- [5] The Applicant made a submission on January 3, 2025, in which they explained that they filed the application for the following reasons:

(...) the case is primarily to enforce compliance of the Condominium-Corporation to its committed duties/responsibilities/accountabilities as per applicable regulation/laws/bylaws/etc., which they have been failing to deliver on for so long, causing nuisance in our kitchen (due to the contaminated water falling water through the Light), plus annoyance, plus disruption as well to our living inside our Unit, and therefore CAT should consider it. The Condominium-Corporation has not been doing its committed duties/obligations/responsibilities as required by regulations/laws, thereby causing nuisance+annoyance+disruption to our lives, moreover, harassing us by not taking appropriate & timely corrective actions inspite of my repeated follow-ups.

- [6] The Applicant's submission does not provide any further information about the nature of the "duties/responsibilities/accountabilities" to which they refer. Based on my review of the application and submission, I conclude that the Applicant is referring to the Respondent's obligations to repair and maintain the units / common elements, and that this application is fundamentally about the Respondent's performance of those obligations. I also note that the Applicant's only allegation regarding harassment is that the Respondent is harassing them by failing to perform its repair and maintenance obligations.
- [7] This application is dismissed under Rule 19.1 of the CAT's Rules of Practice, as this application relates to matters that the CAT has no legal power to hear or decide.

ORDER

- [8] The Tribunal orders that this application is dismissed.

Keegan Ferreira
Vice-Chair, Condominium Authority Tribunal

Released on: January 27, 2025