

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** February 5, 2025

**CASE:** 2025-00005N

**Citation:** Wilson v. Durham Standard Condominium Corporation No. 176, 2025 ONCAT 18

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

**Member:** Ian Darling, Chair

**The Applicant,**

Mary Wilson

Self-Represented

**The Respondent,**

Durham Standard Condominium Corporation No. 176

**Submission Dates:** January 15, 2025, to January 22, 2025

### **DISMISSAL ORDER**

[1] An application was submitted to the Condominium Authority Tribunal (CAT) on January 2, 2025. The CAT has reviewed the application and proposed to dismiss this application under Rule 19.1 of the CAT's Rules of Practice for the following reasons:

1. The CAT's jurisdiction is established by the Ontario Government in Ontario Regulation 179/17 ("O. Reg. 179/17"). The CAT does not have the legal authority to decide issues that are outside its jurisdiction.
2. This application was filed as a dispute about the noise and odour from live and dead mice.
3. The Tribunal has jurisdiction to consider disputes regarding s. 117 (2) of the *Condominium Act, 1998* (the "Act"), which states that (our highlight):

(2) **No person** shall carry on an activity or permit **an activity** to be carried on in a unit, the common elements or the assets, if any, of the corporation if the activity results in the creation of or continuation of,

(a) any unreasonable noise that is a nuisance, annoyance or disruption to an individual in a unit, the common elements or the assets, if any, of the corporation; or

(b) any other prescribed nuisance, annoyance or disruption to an individual in a unit, the common elements or the assets, if any, of the corporation.

- [2] Odour is a prescribed nuisance under the regulations.
- [3] The Applicant alleges that their condo unit has live and dead mice that produce a “foul odour” and make “disruptive noises” and alleges that the Board has not taken measures after the Applicant reported the situation.
- [4] The Applicant alleges that the corporation may be in violation of s. 117 (2) of the Act but has not identified the activity related to the nuisances in the dispute (as outlined in the Act and its regulations).
- [5] The issue is related to an infestation, and the Applicant has raised issues related to governance and management which do not fall within the CAT’s jurisdiction.
- [6] The Applicant was provided an opportunity to clarify how the issue related to a persons’ activity and respond to a Notice of Intent to Dismiss the Application. The Applicant cited sections of the Act relevant to the qualifications and standards of care for directors.
- [7] The application does not clearly identify an activity that creates a noise or odour that results in a nuisance. The dispute appears to relate to infestation, governance and management. The dispute is outside of the CAT’s jurisdiction.

## **ORDER**

- [8] The Tribunal orders the Application dismissed.

---

Ian Darling  
Chair, Condominium Authority Tribunal

Released on: February 5, 2025