

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: May 12, 2025

CASE: 2025-00058N

Citation: Swain v. Peel Condominium Corporation No. 214, 2025 ONCAT 79

Order under Rule 19 of the Condominium Authority Tribunal's Rules of Practice.

Member: Mary Ann Spencer, Member

The Applicant,

Brenda Swain

Self-Represented

The Respondent,

Peel Condominium Corporation No. 214

Represented by Angie Tracey, Counsel

DISMISSAL ORDER

- [1] The Stage 3 – Tribunal Decision proceeding in this matter commenced on April 16, 2025. The Applicant, Brenda Swain, is the owner of a unit of the Respondent, Peel Condominium Corporation No. 214 ("PCC 214" or "the corporation"). Ms. Swain filed her application with the Tribunal alleging that PCC 214, by allowing residents to park in visitors' parking, was failing to enforce its Rule 9 which stated that visitors' parking could only be used by visitors.
- [2] As a preliminary matter, Counsel for PCC 214 advised that pursuant to s. 58 (6) of the *Condominium Act, 1998* (the "Act"), the corporation had sent notice to its owners of proposed rule amendments which would in fact allow residents to park in the visitors' parking spots. And, in accordance with s. 46 (1) of the Act, the corporation had received a requisition from owners for a meeting to address the proposed amendments. I was advised that the meeting was scheduled to take place on May 5, 2025. Because the rule which Ms. Swain alleged was not being properly enforced was subject to amendment, the parties agreed to adjourn the matter until May 7, 2025 so that the outcome of the owners' meeting would be known. On May 7, 2025, both parties advised me that the rules of the corporation now permit residents to park in visitors' parking in certain circumstances.
- [3] Rule 19 of the Tribunal's Rules of Practice states that the Tribunal may dismiss a

case at any time in certain situations, including:

- a) Where a case is about issues that are so minor that it would be unfair to make the Respondent(s) go through the CAT process to respond to the applicant(s)'s concerns;
- b) Where a case has no reasonable prospect of success;
- c) Where a case is about issues that the CAT has no legal power to hear or decide;
- d) Where the Applicant(s) is using the CAT for an improper purpose (e.g., filing vexatious Applications).

[4] The Tribunal's jurisdiction is established in Ontario Regulation 179/17. Section 1. (1) (d) (iii) provides the Tribunal with jurisdiction to hear disputes with respect to provisions of a corporation's declaration, by-laws or rules that "prohibit, restrict or otherwise govern the parking or storage of items in a unit, an asset, if any, of the corporation, or any part of a unit, an asset or the common elements, that is intended for parking or storage purposes." In this case, the specific rule which Ms. Swain alleged was being breached has been superseded. Because the provision forbidding residents to park in visitors' parking no longer exists, the Tribunal does not have jurisdiction in this matter. I advised the parties accordingly. Both Ms. Swain and Counsel for PCC 214 agree that this case should be dismissed without costs.

ORDER

[5] The application is dismissed without costs.

Mary Ann Spencer
Member, Condominium Authority Tribunal

Released on May 12, 2025