

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: May 28, 2025

CASE: 2025-00353N; 2025-00354N; 2025-00355N; and 2025-00356N

Citation: Currie v. Metropolitan Toronto Condominium Corporation No. 973, 2025 ONCAT 85

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

Member: Ian Darling, Chair

The Applicant,

Robert Currie

Self-represented

The Respondent,

Metropolitan Toronto Condominium Corporation No. 973

Submission Dates: May 22, 2025 to May 23, 2025

DISMISSAL ORDER

A. INTRODUCTION & BACKGROUND

- [1] This Order explains the reason for dismissing four applications under Rule 19.1 of the CAT's Rules of Practice. This order determines if the Tribunal has the authority to accept the application and decide the case, not the merits of the various issues identified in the applications.
- [2] The Applicant submitted four applications to the Tribunal in quick succession. There is no clear distinction between the cases, as the case descriptions are identical. This order deals with all four cases in one process.
- [3] Although, the CAT raised a concern that the four separate Applications were filed for an improper purpose, the Applicant satisfied the Tribunal that they were filed with a legitimate interest to resolve the issues, rather than intending to frustrate or annoy the Respondents.
- [4] The case descriptions state that the Applicant received a letter from the condo corporation's Counsel on May 16, 2025. The letter was seeking compliance with the rules, and addressing a number of disputes related to:

1. Harassment (the letter referred to allegations of harassment experienced by the Applicant, and complaints against the Applicant's unit),
 2. Records requests,
 3. Access to unit, and
 4. The resident status of a known visitor/occupant.
- [5] The Tribunal's jurisdiction is set out on Ontario Regulation 179/17 ("O. Reg. 179/17"), a regulation under the *Condominium Act, 1998* (the "Act").
- [6] After reviewing the Applications, the Tribunal identified the following jurisdictional issues.

B. ISSUES

Harassment – Lack of connection to the governing documents

- [7] Neither the legal letter, nor any of the four problem descriptions identify a provision from the condominium corporation's governing documents that restrict, prohibit or otherwise govern the activity which is the basis for the Harassment allegations. This is relevant because the Tribunal only has jurisdiction over specific nuisance disputes (i.e. noise, odour, vibration, light, smoke and vapour), and over other nuisances if they are governed by a provision in the condo corporation's governing documents.

Records Requests – Not a records case

- [8] Although the Tribunal has jurisdiction over Records disputes, the Applicant did not file a records application.
- [9] The tribunal can only address issues related to records requests if the request was made as per s. 13.3 of Ontario Regulation 48/01 ("O. Reg. 48/01"). The Applicant has not demonstrated that there is a valid records request.
- [10] There is no indication both in the legal letter or in the applications' problem descriptions of the records requests having used the mandatory form, nor any form has been uploaded as a supporting document.
- [11] There is also no information on when the requests were made or responded to (so the Tribunal cannot assess if they are considered abandoned or not as per s. 13.10 of O. Reg. 48/01).

- [12] Finally, the problem descriptions are not clear on how the dispute is about any of the Records-related sections indicated in O. Reg. 179/17 as within our jurisdiction.
- [13] All four applications were made as Nuisance disputes. As mentioned above, if an Applicant intends to file a Records issue with the Tribunal, they are required to do so under the Records dispute category.

Access to unit – No jurisdiction

- [14] As per O. Reg. 179/17, the access to units (including key fobs and other related matters) does not fall within the Tribunal's jurisdiction.

Resident status – No jurisdiction

- [15] As per O. Reg. 179/17, resident status does not fall within the Tribunal's jurisdiction.

C. ANALYSIS

- [16] The Applicant responded to the Tribunal's Notice of Intent to Dismiss. The response satisfied the Tribunal that there is a genuine dispute, and that the Applicant feels that the Respondent is being overly aggressive in seeking reimbursement of costs related to a legal letter. The Applicant did not provide any compelling reasons addressing the remaining issues in the Notice of Intent to Dismiss.
- [17] Regarding the records-related issues, the Applicant may have a valid records-related dispute. However, the Application was filed under the Tribunal's Nuisance jurisdiction. This is more than an administrative issue. The case intake process is different for records issues. If the Applicant has a records-related dispute, they must submit the appropriate application to the Tribunal.
- [18] The Applicant identified that the dispute also relates to the Respondent's attempts to charge back the costs of the legal letter. The Tribunal has jurisdiction to deal with disputes related to indemnification; however, it does not have authority to decide disputes about all chargebacks. It can only consider the issue if it also relates to a dispute that falls within the Tribunal's jurisdiction.
- [19] I find that the issues identified in these Applications are not within the jurisdiction of the CAT. Accordingly, I order that these applications be dismissed.

D. ORDER

[20] The Tribunal orders CAT applications 2025-00353N, 2025-00354N, 2025-00355N, and 2025-00356N be dismissed.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: May 28, 2025