

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: May 30, 2025

CASE: 2024-00610N

Citation: Bali v. Toronto Standard Condominium Corporation No. 1905, 2025 ONCAT 96

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

Member: Ian Darling, Chair.

The Applicant,

Mohit Bali

Self-Represented

The Respondent,

Toronto Standard Condominium Corporation No. 1905

Submission Dates: April 28, 2025, to May 19, 2025

JURISDICTIONAL ORDER

A. INTRODUCTION

- [1] An application was submitted to the Condominium Authority Tribunal (CAT) on September 25, 2024. The CAT reviewed the application, and requested the Applicant make changes to allow the Tribunal to accept the case. The Applicant was unable to satisfy the Tribunal so that it could accept the Application.
- [2] On April 27, 2025, the Tribunal proposed to dismiss this application under [Rule 19.1 of the CAT's Rules of Practice](#) for the following reasons:

Harassment

- [3] The Application was filed under the Tribunal's jurisdiction to decide disputes related to "provisions that prohibit, restrict or otherwise govern any other nuisance, annoyance or disruption to an individual in a unit, the common elements or the assets, if any, of the corporation."

- [4] In these circumstances, applicants are required to identify relevant provisions in the governing documents that relate specifically to the activity that is causing the alleged nuisance, annoyance or disruption.
- [5] The Applicant alleges that the corporation is allowing harassment/unreasonable nuisances in the gym area. The Applicant has not identified provisions in the condominium corporation's governing documents related to these activities. The Applicant was informed several times by CAT staff that he needed to provide relevant provisions from the corporation's governing documents to support the issues raised in his application, however, he did not.
- [6] The Applicant listed articles and rules in the Problem Description (i.e., "Articles 9.01(n), 9.02 (g), 13.01, 3.01 (b), 4.05, 4.09, 9.01; Rules including Sections 43(l)(v), 22(a), 24(d)(i), 27(a) (b), 30(b), 43(a), 42(a), 20(a)(v), 20(b)") however it is unclear what issues they relate to or which governing document they are from.

Rules violations

- [7] The Applicant refers to general issues related to smoking, pets, and noise. While some supporting governing documents were uploaded, the claims are generally very broad, and an issue has not been clearly identified despite being asked several times to explain the conduct in violation. The Application must be specific about what activities are in violation of the rules.

Time for application

- [8] The harassment in the gym referred to in this application appears the same as the issues identified in CAT case 2022-00769N. That application was submitted to the Tribunal in December 2022. If the activities occurred over two years ago, they would fall outside the CAT's two-year time frame which an application can be filed as per section 1.36(6) of the *Condominium Act, 1998*.

Records issues

- [9] This application is filed as a nuisance case, however the Applicant mentioned he did not receive records he requested in the Problem Description. It is unclear what records were requested, when they were requested, and if the proper form was used. Despite being informed he needs to file a separate records application to address this, the Applicant did not omit this from the current application.

Repair and Maintenance Issues

- [10] The Application contains several documents that relate to a repair and

maintenance dispute from August of 2024. The CAT has no power to decide these issues.

Documents

- [11] The Application contains 62 documents. Many of the documents are not relevant to disputes that the Tribunal has the power to decide.

B. ANALYSIS

- [12] The Applicant responded to the Notice. I am prepared to allow the Application to proceed. I determined that it was not necessary to hear submissions from the Respondent because in normal circumstances, respondents are not invited to make submissions on decisions of the Tribunal to accept an application.

- [13] In their submissions, the Applicant clarified that the application was filed under of s. 1(d)(iii.2) of Ontario Regulation 179/17. The Applicant asserts that the alleged harassment relates to the Respondent's Rules. Specifically falling under Rule 10, that states:

No one shall create or permit the creation or continuation of any noise or nuisance which, in the opinion of the board or the manager, may or does disturb the comfort or quiet enjoyment of the units or common elements by other owners.

- [14] The Applicant contends that the alleged harassment constitutes a nuisance which disturbs the Applicant's enjoyment of the common element gym. The Applicant further asserts that the corporation has failed to enforce that Rule by failing to investigate to determine if the harassment described by the Applicant falls under that Rule.

- [15] The Applicant also identified emails from the fall of 2024 (contemporaneous to when the application was filed) that support that the activity is on-going. This satisfies the concerns that allow the Tribunal to allow the case to proceed. If it moves to Mediation or Adjudication, a Tribunal Member may inquire into the timelines associated with the specific activities.

- [16] I am prepared to accept this Application on that basis.

- [17] However, other problems remain. In order for the Application to proceed, the Applicant needs to make specific changes. The Applicant has 14 days from this order to update the application. The updated application must address the problems identified in the Notice of Intent to Dismiss, and the communication from

the Tribunal. Specifically, the Applicant must remove references to records requests, repair and maintenance issues and other general rule compliance issues. The Applicant must delete all irrelevant documents from the case. It should only include documents relevant to the alleged harassment (including the corporation's governing documents).

[18] If the Applicant does not make these changes, the Tribunal will dismiss the case with no further notice or calls for submissions.

[19] The records issues fall outside of this application because it is an application under the Tribunal's nuisance jurisdiction. The Applicant is entitled to file a separate application under the Tribunal's records jurisdiction. If the Tribunal receives an application, it will be assessed for completeness before being accepted.

C. ORDER

[20] The Applicant has 14 days from this order to update the application.

[21] The updated application must address the problems identified in the Notice of Intent to Dismiss, and the communication from the Tribunal. Specifically, the Applicant must remove references to records requests, repair and maintenance issues and other general rule compliance issues. The Applicant must delete all irrelevant documents from the case. It should only include documents relevant to the alleged harassment (including the corporation's governing documents).

[22] If the Applicant does not make these changes, the Tribunal will dismiss the case with no further notice or calls for submissions.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: May 30, 2025