

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: August 25, 2025

CASE: 2025-00587N

Citation: Andrej Dangubic v. Toronto Standard Condominium Corporation No. 1462 ,
2025 ONCAT 146

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

Member: Ian Darling, Chair

The Applicant,
Andrej Dangubic
Self-Represented

The Respondent,
Toronto Standard Condominium Corporation No. 1462

Submission Dates: August 18, 2025 to August 18, 2025

DISMISSAL ORDER

- [1] This dismissal order explains why The Condominium Authority Tribunal (CAT) is dismissing this Application.
- [2] The application against Toronto Standard Condominium Corporation No. 1462, (the Respondent, "TSCC 1462") alleges that the Applicant and their son were harassed by the condominium manager after walking and pushing their bikes in the corporation's hallway to the elevator. Specifically, the Applicant objects to how the manager conducted herself when advising that bicycles must be stored in the garage.
- [3] The CAT returned the application, explained the Tribunal's jurisdiction and requested the Applicant correct errors in the application, and:
 - 1. identify a specific provision in the condominium corporation's governing documents, (declaration, by-laws, or rules) that relate to the issues raised;
 - 2. update the problem description to include a relevant provision and to upload these documents before resubmitting the application.
- [4] The Applicant returned the application without addressing the required changes. Instead, in the problem description, Applicant provided a summary of the issue and concerns with the conduct of the Condominium Manager.
- [5] The Tribunal issued a Notice of Intent to Dismiss ("Notice") the case on August 18.

The Applicant responded the same day. The response was unable to satisfy the Tribunal that the issues in dispute were within its jurisdiction.

- [6] The core issue in dispute is the conduct of the Condominium Manager. The application expressed concern with the Manager's conduct. The response to the Notice also included details of a police report of an alleged physical assault by the manager. The issues related to the alleged conduct of the Manager are more appropriately directed to the Condominium Management Regulatory Authority (CMRAO). The CMRAO is the regulatory body that protects consumers by setting standards and enforcing mandatory licensing of condominium managers.
- [7] Allegations of physical assault fall under section 117(1) of the Condominium Act, 1998 ("the Act"), over which the Tribunal has no jurisdiction. Subsection 117(1) reads as follows:

No person shall, through an act or omission, cause a condition to exist or an activity to take place in a unit, the common elements or the assets, if any, of the corporation if the condition or the activity, as the case may be, is likely to damage the property or the assets or to cause an injury or an illness to an individual.
- [8] The Applicant raised concerns that the root cause of the altercation is that the corporation lacks adequate bicycle storage facilities in the garage. The applicant said that it directly impacts their ability, as an owner, to comply with the rule prohibiting bicycles in the hallways. The Applicant stated that without sufficient storage space, the enforcement of the hallway restriction creates an unreasonable burden and interferes with their right to use the property in a fair and practical way.
- [9] The Tribunal's jurisdiction is established by the Act and the Ontario Regulation 179/17. The Applicant asserted that this dispute that falls within the scope of O. Reg. 179/17, section 1(1)(d) (iii.2), as it involves the corporation's rules governing "nuisance, annoyance or disruption." The Applicant states that denying reasonable storage results in daily disruption to my household and creates unnecessary conflict between management and residents.
- [10] The Applicant is asserting that the absence of storage creates a nuisance. The Applicant has not identified any provisions in the governing documents that restrict, prohibit or otherwise govern activities that create a nuisance, annoyance or disruption.
- [11] The issues raised in this Application are outside of the CAT's jurisdiction. Although this application is dismissed, I note, that the Tribunal does have jurisdiction to deal with disputes related to provisions in governing documents that that prohibit, restrict or otherwise govern bicycles in a unit, the common elements or the assets, if any, of the corporation. It further has authority to consider disputes about provisions 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 storage¹.

[12] The Applicant may have a dispute that falls within the tribunal's jurisdiction – however, the current application cannot proceed due to the identified errors, and the Applicant's refusal to address the errors identified on case intake.

ORDER

1. The Tribunal orders the application dismissed.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: August 25, 2025

¹ (d) subject to subsection (3), a dispute with respect to any of the following provisions of the declaration, by-laws or rules of a corporation:

(i) Provisions that prohibit, restrict or otherwise govern pets or other animals in a unit, the common elements or the assets, if any, of the corporation.

(ii) Provisions that prohibit, restrict or otherwise govern an automobile, motorcycle, van, truck, trailer, bus, mobile home, farm tractor, bicycle, motor-assisted bicycle, motorized snow vehicle, motorboat, rowboat, canoe, kayak, punt, sailboat, raft, aircraft, device used to facilitate the transport of a person with a disability, or any other vehicle drawn, propelled or driven by any kind of power, including muscular power, in a unit, the common elements or the assets, if any, of the corporation.

(iii) Provisions 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.