

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** November 18, 2025

**CASE:** 2025-00727N

**Citation:** Ganeshalingam v. Metropolitan Toronto Condominium Corporation No. 1036, 2025 ONCAT 190

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

**Member:** Ian Darling, Chair.

**The Applicant,**

Poonkularuby Ganeshalingam

Represented by Kumaran Ganeshalingam, Agent

**The Respondent,**

Metropolitan Toronto Condominium Corporation No. 1036

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

### **DISMISSAL ORDER**

[1] The Application is dismissed for the following reasons:

1. Under Rule 19.1 of the CAT's Rules of Practice, the CAT can close a case if the CAT has no legal power to hear or decide upon the dispute. The Tribunal's jurisdiction is established in Ontario Regulation 179/17 ("O. Reg. 179/17"). Section 1 (1) (c.1) of this regulation states that the Tribunal can address issues concerning s. 117 (2) of the *Condominium Act, 1998* (the "Act") and s. 26 of Ontario Regulation 48/01 ("O. Reg. 48/01"), which relate to noise and vibration as nuisances.
2. Section 117 (2) of the Act states that "No person shall carry on an activity or permit an activity to be carried on ... if the activity results in the creation of or continuation of ... any unreasonable noise that is a nuisance ..." The Tribunal requires all three factors indicated in this section for a nuisance dispute to fall under its jurisdiction (when the dispute is not about a provision in the condominium corporation's governing documents). These factors have also been clearly defined in paragraph 11 of *Mishibinijima v. Simcoe Condominium Corporation No. 60 et al.*, 2024 ONCAT 144, as below

(highlights in the original):

For a dispute with respect to this section to fall within the Tribunal's jurisdiction, then, the Applicant must allege, at a minimum, that a **person** is carrying on or permitting an **activity**, and that said activity results in the creation or continuation of a **nuisance**.

- [2] The Problem Description provided by the Applicant does not identify an activity or person causing the noise. The Tribunal requested that the Applicant clarify who (the person) is carrying on the activity or permitting it and what the nature of that activity is. The Applicant was unable to do so.
- [3] The Tribunal issued a Notice of Intent to Dismiss the case. The Applicant did not respond to the Notice.
- [4] I find that the issues that make up this dispute are not within the jurisdiction of the CAT. Accordingly, I order that this case be dismissed.

**ORDER**

- [5] The Tribunal orders the application dismissed.

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Ian Darling  
Chair, Condominium Authority Tribunal

Released on: November 18, 2025