

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: March 2, 2026

CASE: 2025-00683N

Citation: Couto v. Peel Standard Condominium Corporation No. 871, Carvalho 2026 ONCAT 34

Order under Rule 4 of the Condominium Authority Tribunal's Rules of Practice.

Member: Nicole Aylwin, Vice-Chair

The Applicant,

Craig Couto

Self-Represented

The Respondents,

Peel Standard Condominium Corporation No. 871

Fernando Carvalho

Submission Dates: January 23, 2026 to February 4, 2026

MOTION ORDER

[1] The Applicant, Craig Couto, filed this application against the Respondent condominium corporation, Peel Standard Condominium Corporation No. 871 ("PSCC 871") and the Respondent unit owner, Fernando Carvalho. The Applicant identified two issues in his application:

1. That PSCC 871 was allowing residents to park in the condominium's visitor parking spots contrary to the governing documents of the corporation ("Issue 1"), and
2. That the HVAC unit of Respondent unit owner Mr. Carvalho is creating noise and vibration that is a nuisance, annoyance or disruption, and that the plumbing connecting the units is causing a "problem" that makes him concerned that the constant flushing of the toilet will cause a flood and damage his unit ("Issue 2").

[2] On January 15, 2026, the Condominium Authority Tribunal (the "Tribunal" or the "CAT") issued a notice of intent to dismiss (the "Notice") Issue 2 as it appeared the

HVAC and plumbing issues were repair and maintenance issues that fall under s. 89–92 of the *Condominium Act, 1998* (the “Act”). Sections 89–92 of the Act do not fall within the jurisdiction of the Tribunal as set out in Ontario Regulation 179/17.

- [3] In responding to the Notice, the Applicant outlined why he believed the Tribunal was the best place to resolve these disputes. He highlights things such as the CAT’s support of broader public policy goals, its flexible dispute resolution process and its accessibility. While the Applicant may believe the CAT is the best forum for this dispute, the Tribunal can only hear disputes that fall within its jurisdiction. If a dispute does not fall within the Tribunal’s jurisdiction it cannot hear and decide the case regardless of the Tribunal’s attributes. In this case, the only question before me is whether Issue 2 should be allowed to proceed, on the whole or in part.
- [4] I find that it would be premature to dismiss the whole of Issue 2 at this early stage. I will allow the Applicant’s issues regarding noise and vibration related to the HVAC system to proceed, but not his complaint about the plumbing.
- [5] The noise and vibration complaints related to the HVAC issue may proceed since it is unclear whether the HVAC system in question is a common element or owned by an individual unit owner who would be responsible for its maintenance and repair. If it is the latter, it may not be a maintenance and repair issue that is captured by s. 89–92 of the Act. However, I advise the Applicant that although I am allowing this issue to proceed, the Tribunal cannot hear or decide disputes that are outside of its jurisdiction. Parties may need to further address the question of jurisdiction as the case proceeds.
- [6] The Applicant’s complaint regarding plumbing and his concern over a possible flood may not proceed. This is because this issue is clearly related to the maintenance and repair of common elements (i.e. the buildings plumbing system), which would fall within s. 89–92 of the Act. The Applicant has identified no plumbing-related issue that would fall within the Tribunal’s jurisdiction.

ORDER

- [7] The application may proceed but is limited to the parking issue and noise and vibration issues related to the HVAC system in Mr. Carvalho’s unit. The complaint related to the building’s plumbing may not proceed as it does not fall within the

Tribunal's jurisdiction as set out in Ontario Regulation 179/17.

Nicole Aylwin
Vice-Chair, Condominium Authority Tribunal

Released on: March 2, 2026