

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: March 23, 2022

CASE: 2022-00121N

Citation: Walsh v. London Condominium Corporation No. 39, 2022 ONCAT 25

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

Member: Ian Darling, Chair

The Applicant,

Allison Walsh

Self-Represented

The Respondent,

London Condominium Corporation No. 39

Represented by Kim Elcome, Agent

DISMISSAL ORDER

- [1] The Applicant filed an application with the Condominium Authority Tribunal (CAT). The case proceeded to Stage 1 - Negotiation.
- [2] Under Rule 19.1 of the CAT's Rules of Practice, the CAT can close a case in Stage 1 - Negotiation if the CAT determines that that it has no legal power to hear or decide upon the dispute.
- [3] The Application was filed by Allison Walsh regarding compliance with provisions in the condominium corporation's governing documents related to pets; and the reasonableness and/or consistency of the corporation's rules.
- [4] The Respondent submitted a motion to request the CAT dismiss this case because Allison Walsh is not a unit owner of London Condominium Corporation No. 39, and therefore is not entitled to file an application with the CAT under section 1.36 of the *Condominium Act, 1998* (the "Act").
- [5] The CAT gave both parties an opportunity to make submissions.
- [6] The Applicant confirmed that she is an occupant of the unit. She is in a common-law relationship with a relative of the owner of the unit. The Applicant further confirmed that they are in the process of having the ownership of the unit

transferred to her partner's name. The Applicant submitted that, since the ownership was changing, and they are in a common-law relationship, they should be able to continue this case.

- [7] Section 1.36 of the Act stipulates that owners, and condominium corporations can apply to the Tribunal for the resolution of disputes. Occupants, or tenants do not have standing before the CAT to bring a case. Therefore, since the Applicant and her common-law spouse are not currently owners of the unit in question, they do not have standing to file an application with the Tribunal.
- [8] The Applicant does not have standing to continue this application. Therefore, the Respondent's motion to dismiss this application is granted. Accordingly, I order that this case be dismissed.

ORDER

[9] The Tribunal orders that:

1. This case is closed in Stage 1 - Negotiation under Rule 19.1 of the CAT's Rules of Practice.
2. Any documents and messages that have been shared for this Case in Stage 1 - Negotiation are private and confidential. That means that the Users cannot share, or tell anyone about, messages or documents they received from other Users during these stages without the permission of the other User.
3. The Users may share a copy of any document they received during the course of this case if required by law, such as to a government organization or a court.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: March 23, 2022