

The Ontario Condominium Authority Tribunal – Why Is It Still So Limited?

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The last twelve months have been a non-stop roller coaster of legislative changes, policy updates and bureaucratic complications for those in the Ontario condominium world.

In addition to amendments to the [Condominium Act](#) (many of which have not actually gone into force yet), we have seen the creation of two separate condominium regulatory bodies– the [Condominium Authority of Ontario \(CAO\)](#) and the [Condominium Management Regulatory Authority of Ontario \(CMRAO\)](#). CAO was created to oversee condominium issues experienced by owners and residents, while CMRAO was created to oversee property management.

This article will focus on the CAO and the [Condominium Authority Tribunal \(CAT\)](#), and some of my early observations.

The CAO & The CAT

The most exciting aspect of the amended [Condominium Act](#) and the creation of the CAO and the CAT is that owners and board members will have access to a stream-lined online dispute procedure. Rather than needing to spend money on a third party mediator to address, for example, a pet issue, an owner will be able to apply to the CAT for a determination of whether his or her Condominium Act rights are being complied with. In practice, this seems to be a great idea. There is only one problem – since the CAT was launched last year, the only complaints that it is authorized to adjudicate relate to delivery of condominium records. No other disputes can be adjudicated at this point. There have been no updates provided as to when the CAT's mandate will be expanded.

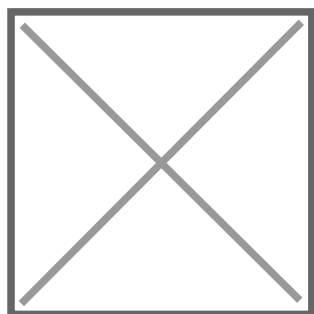
I have had numerous clients and potential clients who have come to me over the past year eager to find out how they can challenge a variety of decisions, including charge-backs rendered by their condo corporation, or how they can challenge the enforcement of their Rules and/or Declaration. Owners want, and quite frankly deserve, the opportunity to raise additional concerns with the CAT.

It would be equally beneficial for condo corporations to also be able to address these issues in a summary fashion. If an owner advances an unsubstantiated complaint (unrelated to records), that complaint should be addressed quickly and efficiently.

CAO has created a very comprehensive and impressive on-line adjudication data-base, which I have begun to use on files. The software and the adjudicators are in place; the only thing missing is approval from the government to allow the expansion of CAT's role. This needs to happen much sooner than later.

(This blog is provided for educational purposes only, and does not necessarily reflect the views of Gardiner Roberts LLP).

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