

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: September 16, 2024

CASE: 2024-00194N

Citation: Pannunzio v. Metropolitan Toronto Condominium Corporation No. 922, 2024 ONCAT 143

Order under section 1.44 of the *Condominium Act, 1998*.

Member: Anne Gottlieb, Member

The Applicant,

Michael Pannunzio

Self-Represented

The Respondent,

Metropolitan Toronto Condominium Corporation No. 922

Represented by Sundeep Jhamtani, Agent

Hearing: Written Online Hearing – June 18, 2024 to August 21, 2024

REASONS FOR DECISION

A. INTRODUCTION

- [1] Michael Pannunzio is an owner of a unit who sought permission from Metropolitan Toronto Condominium Corporation No. 922 (“MTCC 922”), to use the parking area to make repairs to his vehicle.
- [2] MTCC 922 submits that the governing documents state that the parking area can be used solely for the parking of vehicles. Mr. Pannunzio also relies on the governing documents and states that MTCC 922 has the ability to grant his request to use the parking area to make repairs, and such request was denied.
- [3] Based on the evidence presented to me, and for the reasons set out below, I find that MTCC 922 may rely on the provisions of the governing documents to refuse to allow Mr. Pannunzio to use the parking area to service and make repairs to his vehicle, and I dismiss this application, without costs.

B. BACKGROUND

- [4] On March 4, 2024, Mr. Pannunzio sent an email to MTCC 922 identifying himself as an owner of a unit and requesting permission to use his parking space to do “motor vehicle servicing or repairs”. A representative of MTCC 922 replied by email that same day advising that Article IV 4.03 of the Declaration states that parking spots can only be used for parking: “Each parking unit shall be used and occupied only for motor vehicle parking purposes, in strict accordance with the Rules in force from time to time ...”
- [5] On March 5, 2024, Mr. Pannunzio responded that pursuant to Rule 17 he could use his parking spot for repairs with the express written consent of the condominium manager or board. He again requested consent in that email.

- [6] Rule 17 states:

Only motor vehicles (as such term is defined in the Declaration) shall be parked in any parking unit. No servicing or repairs shall be made to any motor vehicle, trailer, boat or snowmobile, or equipment of any kind on the common elements or any parking unit without express consent of the corporation’s manager or board.

No motor vehicle shall be washed on any parking unit or the common elements, nor shall any motor vehicle be driven on any part of the common elements other than a driveway. No person shall, without entering into written agreement with the Corporation, or the Manager of the Corporation, use the underground parking garage , or any parking unit for any purpose whatsoever, save and except for parking of vehicles on parking units or spaces, as provided in the Declaration.

- [7] On March 11, 2024, MTCC 922 replied and denied the request for permission saying “parking spots cannot be used for vehicle service or repairs without permission from the condominium management and board according to the bylaw. Regretfully they have decided not to allow you to make use of the parking spaces for purposes other than parking passenger vehicles.”

C. ANALYSIS

Issue – Can MTCC 922 rely on the governing documents to withhold consent to use parking spots for servicing or repairs to vehicles?

- [8] The interpretation of Rule 17 is self-evident. The condominium placed reliance on the rule in order to deny the permission. Whether an owner is entitled to a further explanation, is a governance issue which is beyond the jurisdiction of this Tribunal.

It is not hard to imagine a myriad of reasons why a condominium corporation may choose to never allow repairs or servicing of vehicles on its premises.

[9] I have no evidence before me to suggest that this rule has not been equally applied to other unit owners. There is nothing before me to suggest that someone was granted permission and Mr. Pannunzio was denied permission.

[10] I find that MTCC 922 has been reasonable in its enforcement of Rule 17. MTCC 922 is within its rights to deny permission to the Applicant to use the parking space to service and repair his vehicle. Mr. Pannunzio's application is therefore dismissed, without costs to either party.

D. ORDER

[11] The Tribunal orders that this application be dismissed without costs.

Anne Gottlieb
Member, Condominium Authority Tribunal

Released on: September 16, 2024