

**CONDOMINIUM AUTHORITY TRIBUNAL
MOTION ORDER**

DATE: September 9, 2019

CASE: 2018-00435R

Citation: Nicholaos Nassios v Grey Standard Condominium Corporation No. 46, 2019 ONCAT 36

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

Member: Deborah Anschell, Member

The Applicant
Nicholaos Nassios

Self-Represented

The Respondent
Grey Standard Condominium Corporation No. 46

Robert Weinberg, Agent

MOTION DECISION AND ORDER

A. OVERVIEW

- [1] On July 17, 2019, the Tribunal released its Decision and Order (the “Dismissal Order”) on a Motion to Dismiss Mr. Nassios’ application for records from Grey Standard Condominium Corporation No. 46 (“GSCC46”). The motion was granted and Mr. Nassios’ application was dismissed on the basis that he had sold his condominium unit and, therefore, had lost his status to request records from GSCC46.
- [2] Mr. Nassios now brings this motion (the “Correction Motion”) to correct or clarify the July 17, 2019 Dismissal Order pursuant to Rule 30 of the Tribunal’s Rules of Practice.
- [3] For the reasons set out below, I find that I do not have the jurisdiction to make the corrections or clarifications requested by Mr. Nassios. Accordingly, the Correction Motion is denied.

B. ISSUES & ANALYSIS

- [4] The starting point for this analysis is Rule 30 of the Condominium Authority Tribunal’s Rules of Practice. This Rule provides as follows:

Correcting and Clarifying Orders and Decisions

30.1 The CAT may at any time correct a typographical error, a calculation error, or similar error in its Order or decision.

30.2 The CAT may at any time make minor changes to an Order or decision to clarify wording that is unclear or incorrectly stated.

30.3 A User has 30 days after receiving the Order or decision to ask the CAT to make this kind of minor correction or clarification. The User must deliver their request to the other Users and the CAT.

[5] Mr. Nassios submitted that the Dismissal Order was wrongly decided. He argued that I wrongly interpreted the evidence submitted by the parties. Further, he has indicated that the manner of handling the motion for dismissal was unfair. Mr. Nassios has suggested that I “cherry-picked” statements from his testimony, without giving adequate consideration to all of the evidence. In considering this Correction Motion, I did not seek submissions from GSCC46.

[6] The issues raised in this Correction Motion were previously dealt with by the Tribunal in *Nicholaos Nassios v. Grey Standard Condominium Corporation No. 46*, 2019 ONCAT 27. The facts in that decision were essentially the same as in the present case. In that decision, the issue of the proper application of Rule 30 was considered by Tribunal Member Sanford.

[7] Tribunal Member Sanford noted as follows at paragraph 7 of her decision:

“The decisions of the Tribunal are intended to be the final word on a matter, made after consideration of the evidence, law and submissions. If any party believes the decision is incorrect, there are remedies available but these occur in another forum. Inevitably, there may be minor errors that creep into a decision that do need to be corrected. Rule 30 exists to permit this. Rule 30.1 refers to a “typographical error, calculation error or similar error” in Orders or decisions. Rule 30.2 permits “minor changes....to clarify wording that is unclear or incorrectly stated.”

[8] Apply this reasoning to the present case, I find that the type of reconsideration that Mr. Nassios is requesting is clearly outside the ambit of Rule 30. Mr. Nassios has not raised any type of typographical error, calculation error or similar error, as contemplated by Rule 30. Therefore, Rule 30 is not applicable at this stage. There is no other Rule that allows me to essentially reconsider the Dismissal Order. Therefore, I do not have the jurisdiction to reconsider this matter.

[9] I am therefore denying the Correction Motion on the basis that I lack the jurisdiction to grant the remedy sought by Mr. Nassios.

C. ORDER

[10] The Tribunal orders that this motion be denied.

Deborah Anshell
Member, Condominium Authority Tribunal

Released on: September 9, 2019