

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: May 13, 2021

CASE: 2020-00047R

Citation: Greasley v. Peel Condominium Corporation No. 55, 2021 ONCAT 43

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

Member: Kathryn Kertesz, Member

The Applicant,
Patrick Greasley
Self-Represented

The Respondent,
Peel Condominium Corporation No. 55
Represented by Barbara Donald, Agent

Date of Request: May 3, 2021

MOTION ORDER

A. OVERVIEW

- [1] On April 19, 2021, the Tribunal released its Decision and Order after the written hearing pertaining to the Applicant, Patrick Greasley's records request submitted to Peel Condominium Corporation No. 55 ("PCC55") under section 55 of the *Condominium Act, 1998*.
- [2] Mr. Greasley brings this motion (the "Correction Motion") to correct or clarify the April 19th decision under Rule 43 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 and clarifications that Mr. Greasley requests. On this basis, the motion is denied. Therefore, it is not necessary to consider whether the requested changes are warranted.

B. ISSUES & ANALYSIS

- [4] There are two issues that arise in considering this motion. First, does the Tribunal have the jurisdiction to consider the types of clarifications and corrections that Mr. Greasley requests? Second, if the Tribunal has that jurisdiction, is it appropriate to

exercise the jurisdiction in this case?

- [5] Mr. Greasley brings this motion under Rule 43 of the Tribunal Rules of Practice. Rule 43 provides:

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

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

43.3 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.

- [6] Mr. Greasley filed this correction request within the 30 days and in the manner specified by Tribunal Rule 43.4.

- [7] Mr. Greasley submits that the decision, mis-stated the purpose of the “playground committee” mandate and I relied more on testimony provided by the Respondent. Mr. Greasley does not approve of the language used and asserts that instead of stating “a playground committee was formed by unit owners opposed to the playground” the sentence should read: “a playground committee” was formed by unit owners to follow up on safety and other concerns.”

- [8] Mr. Greasley also submits that his incurred legal expenses should be reimbursed under s. 45.1 (b) of the Tribunal Rules. He requests a change to the section applied to his legal costs in the decision.

- [9] In considering this Correction Motion, I did not seek submissions from PCC55.

- [10] The decisions of the Tribunal are intended to be the final word on a matter, made after careful 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. Rule 43 exists to allow for the correction of minor errors. It refers to a “typographical error, calculation error or similar error” in Orders or decisions. Rule 43.2 permits “minor changes . . . to clarify wording that is unclear or incorrectly stated.”

- [11] The types of corrections and clarifications that Mr. Greasley requests are not typographical errors or minor changes to clarify meaning or correct wording. Mr. Greasley’s request for changes are much more substantial than that. The changes that he is seeking are to change the findings of the Tribunal. It is unfortunate that Mr. Greasley believes the decision mis-represented his statements. His correction request has more to do with changes that he suggests might be more appropriate for him. However, Rule 43 does not apply in this case.

- [12] Rule 43.7 states:

This Rule cannot be used to ask a CAT Member to make substantive changes to their Order or Decision. If a User makes a request for substantive changes, the CAT may refuse it without providing any further reasons.

[13] There is no other Rule or provision of law that would give me the jurisdiction to make the changes that Mr. Greasley requests, even if I felt those requests were justified. Therefore, this motion is denied on the grounds that I do not have the jurisdiction to grant the remedies that Mr. Greasley seeks. In light of this conclusion, it is not necessary to consider the second question of whether the proposed changes are warranted.

C. ORDER

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

Kathryn Kertesz
Member, Condominium Authority Tribunal

Released on: May 13, 2021