

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** October 1, 2021

**CASE:** 2020-00355N

**Citation:** Middlesex Vacant Land Condominium Corporation No. 605 v. Cui, 2021 ONCAT 90

Order under Rule 19 of the Condominium Authority Tribunal's Rules of Practice.

**Member:** Maureen Carter-Whitney, Member

**The Applicant,**

Middlesex Vacant Land Condominium Corporation No. 605  
Represented by Kristi M. Sargeant-Kerr, Counsel

**The Respondent,**

Weixiu Cui  
Represented by Barrington Lue Sang, Paralegal / Self-Represented

### **CONFIDENTIALITY ORDER**

[1] This confidentiality order addresses the protection of personal information submitted to the Tribunal.

[2] Rule 19.4 of the Condominium Authority Tribunal Rules of Practice states:

The CAT may take any steps and make any directions or Orders that are needed to protect the confidentiality of personal information. The CAT may do this after a request or without a request from a User, in accordance with the CAO's Access and Privacy Policy.

[3] On March 18, 2021, the Respondent made a request to provide late evidence in this proceeding. The Respondent provided personal information in support of her request.

[4] The Supreme Court of Canada recently held in *Sherman Estate v. Donovan*,<sup>1</sup> that personal information disseminated in open court can be more than a source of discomfort and may result in an affront to a person's dignity. The Court went on to state:

A court can make an exception to the open court principle, notwithstanding the

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<sup>1</sup> 2021 SCC 25, para. 33

strong presumption in its favour, if the interest in protecting core aspects of individuals' personal lives that bear on their dignity is at serious risk by reason of the dissemination of sufficiently sensitive information. The question is not whether the information is "personal" to the individual concerned, but whether, because of its highly sensitive character, its dissemination would occasion an affront to their dignity that society as a whole has a stake in protecting.<sup>2</sup>

- [5] Having reviewed the personal information provided, I find it to be of a highly sensitive nature. I further find that its dissemination could constitute an affront to the Respondent's dignity. Therefore, I have determined that it is appropriate to protect the confidentiality of the personal information.

### **ORDER**

- [6] Pursuant to Rule 19.4 of the CAT's Rules of Practice, I order that Exhibits 40, 41 and 42 are deemed confidential and are not to be made available as part of the public record in this matter.
- [7] All Users of this case must take all reasonable steps to ensure that any personal information and/or adjudicative records made confidential by this order remain private. That means that the Users cannot disclose, share, or tell anyone about the confidential information or adjudicative records they accessed in this case.

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Maureen Carter-Whitney  
Member, Condominium Authority Tribunal

Released on: October 1, 2021

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<sup>2</sup> *Ibid.*