

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: October 8, 2021

CASE: 2021-00200R

Citation: Smith v. York Condominium Corporation No. 288, 2021 ONCAT 92

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

Member: Noeline Paul, Member

The Applicant,

Greg Smith

Self-Represented

The Respondent,

York Condominium Corporation No. 288

Represented by Christian Breukelman, Legal Representative

DISMISSAL ORDER

- [1] The Applicant filed an application with the Condominium Authority Tribunal (CAT). The case proceeded to Stage 3 - Tribunal Decision on August 11, 2021.
- [2] Under Rule 41.1 of the CAT's Rules of Practice, the CAT can close a case in Stage 3 - Tribunal Decision if the CAT determines that the Applicant has abandoned their case.
- [3] During preliminary discussions in the CAT online hearing process, I requested that the Applicant respond to a particular issue. I made this request by posting in a message in the CAT online platform on September 9, 2021. The Applicant did not respond to this first request and I posted a follow-up message on September 14, 2021 requesting that the Applicant respond by September 21, 2021. The Applicant did not respond to this second request.
- [4] Further to my two requests, CAT staff telephoned the Applicant and left a message on his voice mail service on September 22, 2021 regarding the Applicant's lack of participation in the hearing process. They also sent a follow-up email to the Applicant using the contact address provided. The Applicant did not respond to these communication attempts.
- [5] On September 27, 2021, I issued a Notice of Intent to Dismiss letter, which was posted in the Documents tab of the CAT online system. I also created a new

message thread advising of this letter and potential dismissal. The Notice of Intent to Dismiss letter advised both parties of the CAT's intent to dismiss this application on the basis that the Applicant had abandoned the application. Both parties were given an opportunity to provide submissions within certain timelines. The Applicant was directed to respond by September 29, 2021 and the Respondent by October 1, 2021. Neither party provided submissions or responded in any other way to this letter.

[6] The Applicant has repeatedly failed to take the actions required to actively participate in this stage of the CAT process. As such, I find that this case has been abandoned.

[7] Accordingly, I order that this case be dismissed.

ORDER

[8] The Tribunal orders that:

1. This case is closed in Stage 3 - Tribunal Decision under Rule 41.1 of the CAT's Rules of Practice.
2. Any documents and messages that have been shared for this Case in Stage 1 - Negotiation and / or Stage 2 - Mediation are private and confidential. That means that the Users cannot share, or tell anyone about, messages or documents they received from other Users during these stages without the permission of the other User.
3. The Users may share a copy of any document they received during the course of this case if required by law, such as to a government organization or a court.

Noeline Paul
Member, Condominium Authority Tribunal

Released on: October 8, 2021