

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** February 16, 2022

**CASE:** 2021-00286R

**Citation:** Richards v. Peel Condominium Corporation No. 27, 2022 ONCAT 12

Order under section 1.41 of the *Condominium Act, 1998*.

**Member:** Ian Darling, Chair

**The Applicant,**

Ann Richards

Represented by Luka Vukelic, Representative

**The Respondent,**

Peel Condominium Corporation No. 27

Represented by Leza Blair, Agent

### **DISMISSAL ORDER**

[1] The reasons below explain my decision to order the dismissal of this case under Rule 19 of the Condominium Authority Tribunal's (CAT) Rules. Under Rule 19.1, the CAT can dismiss an application or case at any time, in certain situations, including:

- a) Where a Case is about issues that are so minor that it would be unfair to make the Respondent(s) go through the CAT process to respond to the applicant(s)'s concerns;
- b) Where a case has no reasonable prospect of success;
- c) Where a Case is about issues that the CAT has no legal power to hear or decide;
- d) Where the Applicant(s) is using the CAT for an improper purpose (e.g., filing vexatious Applications);
- e) Where the Applicant(s) has filed documents with the CAT that the Applicant(s) knew or ought to have known contain false or misleading information;
- f) Where the CAT has found that the Applicant has abandoned their Case because the Applicant no longer wants to continue or is no longer actively involved in the Case; or
- g) Where the Respondent has not joined the Case and the Applicant has either not delivered all of the Notices as required, or where the Applicant has delivered all of the required notices but has not moved the Case forward to Stage 3 – Tribunal Decision.

[2] This case follows a Request for Records (the "Request") submitted to the Respondent in July 2021. The Applicant filed a CAT application, which proceeded to Stage 2 - Mediation. During the mediation all the records listed on the Request were provided. During the mediation the Applicant also asked for additional

records and information that were not part of the Request. The Respondent provided some additional records. The mediation concluded when the Respondent stated that they had provided all available records, and that additional documents do not exist. The Applicant requested the Tribunal allow the case to move to Stage 3.

- [3] At the conclusion of the mediation, I issued a Notice of Intent to Dismiss (the “Notice”) the case because all the records on the Request had been provided, and the Applicant had not followed the prescribed records request process (as outlined in Ontario Regulation 48/01) for the additional records.
- [4] The parties were given an opportunity to respond to the Notice. The Applicant objected - they state that their request has not been satisfied because they want additional documents and information. The Respondent supported a dismissal because all the records listed on the July 2021 Request had been provided.
- [5] Upon review of the submissions, I find that it would be unfair to allow the case to proceed to Stage 3 because there are no outstanding issues from the July 2021 request. I find that Rule 19.1 (a) and (b) apply. The Applicant received all the records that were part of the Request. The Respondent provided additional records and information. Since the Applicant has not followed the prescribed process to request additional records and the additional records were not included in the Request, there is no reasonable prospect of success. Accordingly, I order that this case be dismissed.

## **ORDER**

- [6] The Tribunal orders the case dismissed.

---

Ian Darling  
Chair, Condominium Authority Tribunal

Released on: February 16, 2022