

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: April 29, 2022

CASE: 2022-00108N

Citation: Carleton Condominium Corporation No. 132 v. Evans, 2022 ONCAT 38

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

Member: Ian Darling, Chair

The Applicant,

Carleton Condominium Corporation No. 132

Represented by David Lu, Representative

The Respondent,

Ross Evans

Self-Represented

MOTION ORDER

- [1] Carleton Condominium Corporation No. 132 submitted an application to the CAT. The case was accepted on February 22, 2022. The case is a parking dispute that concerns how the Respondent's parking impacts snow removal in the condominium parking lot. On March 21, 2022, the Respondent, Ross Evans, requested that the Tribunal adjourn the case for two months for medical reasons. This order explains why I am denying the request.
- [2] After receiving the request, the Tribunal asked both parties to comment. We asked if they believed that this case should be adjourned, and if two months was an appropriate length of time. The Respondent was also permitted to provide supporting documents that demonstrate their medical need for an adjournment.
- [3] The Respondent did not reply to the request and did not explain why they needed the case to be adjourned. To ensure a fair process, and to balance the Tribunal's obligation to provide a timely process against the request for medical accommodation, the tribunal gave the Parties an additional opportunity to provide information to establish:
- i. the existence and nature of a disability or medical issue;
 - ii. the medical and/or disability related need for accommodation;
 - iii. the connection between disability and the requested accommodation; and
 - iv. the absence of alternative forms of accommodation.

The tribunal also asked how a deferral of two months would allow Mr. Evans to participate in the process once the adjournment expires.

- [4] Mr. Evans responded by sending messages about the substance of the parking dispute. For instance, he provided a video of snow removal equipment close to a vehicle. Mr. Evans did not provide any information to answer the question of whether the CAT should adjourn the case.
- [5] Carleton Condominium Corporation No. 132 stated that they could not respond in detail to the request because Mr. Evans had not provided any additional information. They did however oppose the request to adjourn.
- [6] Having reviewed the submissions, I have determined that this application should not be adjourned since the Respondent has not provided any information to support their request to adjourn.
- [7] The motion to adjourn the case is denied.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: April 29, 2022