

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: April 29, 2022

CASE: 2021-00182N

Citation: Tamo v. Metropolitan Toronto Condominium Corporation No. 744 et al., 2022 ONCAT 41

Order under Rule 21 of the Tribunal's Rules of Practice

Member: Jennifer Webster, Member

The Applicant,

Janet Tamo

Represented by Jonathan Fine, Counsel

The Respondents,

Metropolitan Toronto Condominium Corporation No. 744

Represented by Deborah Howden, Counsel

Teryn Clancy

Represented by Micheal Simaan, Counsel

Hearing: Written Online Hearing – December 12, 2021 to April 4, 2022

CONFIDENTIALITY ORDER

[1] Rule 21.5 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 Party, in accordance with the CAO's Access and Privacy Policy.

[2] All parties submitted documents that contained personal medical information about the Applicant, Dr. Janet Tamo, and the Respondent, Ms. Teryn Clancy. I held a case management conference with the parties on February 23, 2022 and I advised them that, based on my review of the doctor's reports, they contained sensitive personal information. I also advised the parties that I had determined that it was appropriate to issue an order to protect the confidentiality of the personal information. The parties stated that they agreed with the decision to issue a confidentiality order.

[3] During this proceeding, I held a day of live cross-examination on March 23, 2022 during which the applicant and Ms. Clancy answered questions from opposing counsel. This session was recorded, and the parties requested that the

confidentiality order extend to this recording because both witnesses had disclosed sensitive medical information during their cross-examination. I agreed to this request.

ORDER

- [4] Pursuant to Rule 21.5 of the Tribunal's Rules of Practice, I order that the following documents and records (the Confidential Documents) are subject to this confidentiality order:
- Exhibits 16, 24, 25, 26, 27, 28, 48, 53, 54, 58, and 63
 - The recording of the cross-examination session on March 23, 2022
- [5] I order the Confidential Documents be treated as strictly confidential and removed from the public record in this matter.
- [6] Other than the Tribunal and its staff, only the counsel and representatives of each party whose names appear in Appendix A shall have access to and view the Confidential Documents.
- [7] All parties in this case must take all reasonable steps to ensure that the Confidential Records subject to this order remain private. That means that the parties cannot disclose, share, or tell anyone about the confidential information they access in this case.
- [8] The termination of these proceedings will not relieve any person to whom the Confidential Documents are disclosed from maintaining the confidentiality of the information.

Jennifer Webster
Member, Condominium Authority Tribunal

Released on: April 29, 2022

APPENDIX A

List of Parties, Counsel and Representatives Bound by this Confidentiality Order

Applicant: Janet Tamo

Applicant's Representative(s): Jonathan Fine, Natalia Polis

Respondent: Metropolitan Toronto Condominium Corporation No. 744

Respondent's Representative(s): Deborah Howden, Ava Naraghi, Martin Starkman

Respondent: Teryn Clancy

Respondent's Representative(s): Micheal Simaan