

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: May 13, 2022

CASE: 2021-00405R

Citation: Grant v. York Condominium Corporation No.17, 2022 ONCAT 48

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

Member: Angelique Palmer, Member

The Applicant,

Enid Grant

Represented by Dianne Grant

The Respondent,

York Condominium Corporation No.17

Represented by Steve Savage, Property Manager

MOTION ORDER

- [1] The Applicant filed an application with the Condominium Authority Tribunal (CAT). The case proceeded to Stage 2 - Mediation on January 18, 2022.
- [2] Mediation was conducted but the parties did not settle. The Applicant requested that this matter be transferred to Stage 3 Mediation. The Mediator granted this request and transferred the matter to Stage 3 Adjudication on February 3, 2022, pending payment by the Applicant to move this matter forward. The Applicant failed to make the required payment within the time allotted. The Application is deemed abandoned.
- [3] Subsequently, the Applicant contacted the CAT and requested the opportunity to have this matter moved to Stage 3 for Adjudication.
- [4] A Notice of Intent to Dismiss was issued and filed on April 18, 2022, granting the Parties the opportunity to make submissions explaining why they believed the case should or should not be dismissed. The Applicant was given until April 25, 2022 to make submissions. The Respondent was given until May 6, 2022 to respond.
- [5] In summary, the Applicant acknowledged missing the deadline to make the payment to transfer this matter to Stage 3 Adjudication, due to a delay in hearing back from CAT and unavailability due to health issues. The Applicant uploaded a

letter of authorization from the Owner stating that the representative, Dianne Grant, has authority to act on her behalf and make decisions in all matters regarding the unit.

- [6] In summary, the Respondent contends that the Representative has no proxy or letter on file showing that she can represent the Owner in any matters dealing with the unit or this pending matter. As such, the Respondent cannot turn over any records to the Applicant's representative, and the representative cannot represent the Applicant in Stage 3 Adjudication.
- [7] I've reviewed the submission of the parties. The Applicant's representative provided a letter of authorization from the Owner stating that the representative has authorization to represent the Owner in all matters and decisions related to the unit. Therefore, contrary to the Respondent's allegations, I find that the Applicant's representative, Dianne Grant, does have authorization to represent the Owner in all matters related to the unit since August 22, 2021. This authorization was in place before the Request for Records at issue was submitted to the Respondent.
- [8] Further, as there were no direct submissions made in response to the Applicant's request to allow this Application to proceed due to delay for reasons beyond her control, the Applicant's request to not dismiss the Application and allow it to be transferred to Stage 3 Adjudication is granted.

ORDER

- [9] The Tribunal orders that Motion of Intent to Dismiss this Application is denied. The Applicant must contact and coordinate with CAT Staff to move their case forward to Stage 3 – Tribunal Decision.

Angelique Palmer
Member, Condominium Authority Tribunal

Released on: May 13, 2022