

## **CONDOMINIUM AUTHORITY TRIBUNAL**

**DATE:** November 7, 2022

**CASE:** 2021-00347N

**Citation:** York Region Standard Condominium Corporation No. 1375 v. Sousa, 2022 ONCAT 119

Order under Rule 21.5 of the Condominium Authority Tribunal Rules of Practice.

**Member:** Michael Clifton, Vice-Chair

**The Applicant,**

York Region Standard Condominium Corporation No. 1375

Represented by David Thiel, Counsel

**The Respondent,**

Aniceta Sousa

Represented by Tony Bui, Counsel

**The Intervenor,**

Maria Armanda Sousa

Represented by Tony Bui, Counsel

**Hearing:** Written Online Hearing – March 25, 2022 to October 29, 2022

### **CONFIDENTIALITY ORDER**

- [1] The Applicant brought this case to enforce the pet provisions of its governing documents against the Respondent. The Respondent seeks accommodation under the Ontario Human Rights Code in order to keep her pet dog. The Respondent has expressed concern about public disclosure of her reasons for seeking this accommodation and has requested a broad confidentiality order to cover certain documents submitted as exhibits, as well as discussion about those reasons and documents that takes place in the course of this hearing. This request is granted.
- [2] This order is based upon the unique facts and information in this case. The documents subject of this order include some that could justifiably be excluded from it in another case and under a more strict application of the law relating to the balancing of the open court principle and individual's privacy interests (such as is

set out clearly in the Supreme Court of Canada decision in *Sherman Estate v. Donovan*, [2021 SCC 25 \(CanLII\)](#)). In addition to the suggestions and submissions of the Respondent's legal counsel in this regard, I take into consideration that the Applicant, through its counsel, has expressed willingness to accommodate the Respondent's concerns for the potential negative effects of disclosure of the subject information on her personal sense of dignity and well-being. The Applicant's counsel only expresses concern that the order should not negatively impact the ability of the parties to communicate openly with one another and the Tribunal about the relevant information. Since this order also covers the written message threads within the Tribunal's online dispute resolution system (ODR) that will include such dialogue, I conclude that this is not a concern. Therefore, I am prepared to grant the broad order requested by the Respondent.

[3] To further preserve the Respondent's privacy, I have identified each of the documents in question by their exhibit numbers rather than by name, source, or contents. The following are the documents, which are exhibits in this case, that are subject to this confidentiality order: All exhibits marked with an alpha-numerical designation following either the formula CR\_# or CA\_#, as well as the exhibit marked AF-RE (collectively, the "Confidential Exhibits"). In addition, all dialogue between the parties and the Member included in the Tribunal ODR Written Hearing Message Threads that are part of this case record and are titled "Confidentiality Order," "Documents Subject of Confidentiality Order," and "Confidential Matters," as well as "Respondent's Initial Submissions," are also subject to this order (collectively, the "Confidential Threads").

[4] It is noted that certain facts disclosed in the Confidential Exhibits and Confidential Threads may also appear in other exhibits or submissions that are not subject to this order. Although the parties are entitled to disclose or share such information even though it also appears in the Confidential Exhibits and Confidential Threads, they are each hereby commended to carefully consider the need for and purposes of such disclosure and to avoid sharing any information that might have the effect of harming the Respondent's dignity or sense of well-being.

[5] I order as follows:

1. The Confidential Exhibits and Confidential Threads shall be treated as strictly confidential and removed from the public record in this matter. Other than the Tribunal Chair, Vice-Chairs, assigned Members and staff, only the parties to this case, including the Intervenor, and their respective counsel or other representatives, shall have access to and be entitled to view the Confidential Exhibits and Confidential Threads.

2. All parties in this case, including the Intervenor, must take all reasonable steps to preserve the integrity and purpose of this order, including that they are hereby ordered not to disclose, share, or tell anyone about the contents, sources, or other details of the Confidential Exhibits and Confidential Threads, whether during or after the conclusion of these proceedings.

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Michael Clifton  
Vice-Chair, Condominium Authority Tribunal

Released on: November 7, 2022