

## **CONDOMINIUM AUTHORITY TRIBUNAL**

**DATE:** January 5, 2023

**CASE:** 2022-00644N

**Citation:** Wentworth Condominium Corporation No. 39 v. Toth. 2023 ONCAT 3

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

**Member:** Anna Boudria, Member

**The Applicant,**

Wentworth Condominium Corporation No. 39

Represented by Kennen Heydrich, Agent

**The Respondent,**

Anita Toth

Self-Represented

Submission Dates: October – December 20, 2022

### **MOTION ORDER**

- [1] The Applicant filed an application with the Condominium Authority Tribunal (CAT). The case proceeded to Stage 2 – Mediation on October 24, 2022.
- [2] Around October 28, 2022, the question of board composition was brought up. In addition to what the parties have posted in the case, the Condominium Authority of Ontario's public registry did not list Kennen Heydrich as a director of the condominium.
- [3] The CAT requested submissions from the parties on whether Kennen Heydrich was authorized to continue representing WCC39 in this case.
- [4] A review of the submissions from the parties revealed that an upcoming condominium meeting was scheduled to take place November 29, 2022. A decision was made on November 15, 2022, that 2022-00644N application was paused until the November 29, 2022, meeting was held.
- [5] On December 19, 2022, a review of the public registry revealed that 4 new board members were appointed, and that Kennen Heydrich continued not to be listed as

a board member. A message was sent to the board seeking their position regarding 2022-00644N application.

- [6] A review of the Law Society directory confirms that Kennen Heydrich is neither a lawyer nor a paralegal. Section 26.1(1) of the *Law Society Act*, contains a prohibition on the practice of law by unlicensed persons. According to By-law 4, unlicensed individuals can not provide legal services unless they are exempted. Kennen Heydrich has not provided any information to satisfy the CAT that he is authorized to continue to act in this case.
- [7] On December 20, 2022, the newly appointed board director, Noel Laurie-Joice informed the CAT that they wished to withdraw the application as it was originally instigated by Kennen Heydrich, on behalf of the corporation. Stating that the Application was prepared on his own with neither board approval nor board knowledge.
- [8] Accordingly, I order that this case be dismissed.

### **ORDER**

[9] The Tribunal orders that:

1. This case is closed in Stage 2- Mediation under Rule 4 of the CAT's Rules of Practice.
2. Any documents and messages that have been shared for this case in Stage 1- Negotiations and / or Stage 2- Mediation are private and confidential. This means that the Parties cannot share, or tell anyone about messages or documents they received from the other Party during these proceedings or throughout these different stages without the permission of the other Party.
3. The Parties may share a copy of any document they received during the course of this case if required by law, such as to a government organization or a court.

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Anna Boudria  
Member, Condominium Authority Tribunal

Released on: January 5, 2023