

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** February 27, 2023

**CASE:** 2022-00469R

**Citation:** Wang v. Carleton Condominium Corporation No. 95, 2023 ONCAT 29

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

**Member:** Marc Bhalla, Member

**The Applicant,**  
Ming-Dong Wang  
Self-Represented

**The Respondent,**  
Carleton Condominium Corporation No. 95  
Represented by Anna Iordanidi, Agent

**Date of Request:** February 22, 2023

### **MOTION ORDER**

#### **A. INTRODUCTION**

- [1] The Tribunal dismissed this case in a decision of February 15, 2023. On February 22, 2023, the Applicant brought a motion to correct or clarify the decision. Rule 46 of this Tribunal's Rules of Practice applies to the motion.
- [2] Rule 46.5 allows the motion to be addressed without hearing from other parties. The Applicant's motion is denied.

#### **B. ISSUES & ANALYSIS**

- [3] The Applicant requested seven changes. The Applicant disagrees with the decision's findings and characterizations of the issues. The Applicant disagreed with the decision's:
1. statement that the Applicant failed to prove the Respondent has or is required to have further records.
  2. description of the leak.
  3. finding that a record provided by the Respondent was "notification of the leak".
  4. timeline of certain record requests.

5. finding that the Respondent's condominium manager was credible.
6. finding that the Applicant did not point to any requirement for the Respondent to have more records or evidence proving the Respondent refused to provide records.
7. finding that the Respondent did not refuse to provide a record without reasonable excuse.

[4] The requested changes fall under the following Rules of Practice of this Tribunal:

1. Rule 46.7, which does not allow the Applicant to ask for a substantive change to the decision.
2. Rule 46.2, which allows for a minor change to a decision to clarify wording that is unclear or incorrectly stated.

[5] The Applicant's requests would either change the outcome of the case or extend beyond a typographical error or minor change relevant to the issue of the case. For example, clarifying the leak as originating from a gasket connected to a toilet rather than "related to a toilet leak" would change nothing about the records at issue. It remains that the case is about records. The Applicant's interests clearly extend beyond such. The request is beyond the scope of Rule 46.

**C. ORDER**

[6] The motion is denied.

---

Marc Bhalla  
Member, Condominium Authority Tribunal

Released on: February 27, 2023