

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: March 22, 2023

CASE: 2022-00473N

Citation: Rahman v. Peel Standard Condominium Corporation No. 779, 2023 ONCAT 48

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

Member: Nicole Aylwin, Member

The Applicant,

Aqib Rahman
Self-Represented

The Respondent,

Peel Standard Condominium Corporation No. 779
Represented by Megan Molloy, Counsel

Request(s) date: March 10, 2023

MOTION ORDER

- [1] The Tribunal dismissed this case in a decision of March 10, 2023. On March 10, 2023, the Applicant, Mr. Rahman, brought a motion to correct or clarify the decision under Rule 46 of the Tribunal's Rules of Practice.
- [2] Mr. Rahman disagrees with the decision's findings. He submits that the decision is "wrong" and that I should reconsider. In particular Mr. Rahman takes issue with the finding that the case is not within the Tribunal's jurisdiction and what he views as the failure of the decision to address his accusations of misrepresentation against PSCC 779's representative. Finally, Mr. Rahman asks if he should file a new case about unreasonable noise in relation to the same vent dampers that figured heavily into the issues in this case.
- [3] On March 17, 2023, the Respondent, PSCC 779, seemingly in response to the Mr. Rahman's request, also submitted a request to correct or clarify the decision. However, the substance of the request does not relate to a correction or clarification, rather PSCC 779 indicates they would like permission to make submissions on costs. They note that PSCC 779 has incurred substantial costs litigating this case and do not want to be faced with defending a future application on an issue that has already been decided by the Tribunal.
- [4] On March 17, 2023, Mr. Rahman then submitted another request to correct or clarify the decision. This request in its substance was a response to PSCC 779

request and contained unrequested submissions on several issues beyond the scope of what is appropriately before me.

- [5] The Tribunal has two rules within its Rules of Practice that are of relevance to these requests for changes to a decision:
1. Rule 46.2 allows for a minor change to a decision to clarify wording that is unclear or incorrectly stated.
 2. Rule 46.7, which does not allow for parties to ask for a substantive change to the decision.
- [6] Rule 46.5 of the Condominium Authority Tribunal's Rules of Practice allows the motions from both parties to be addressed without hearing from the other side.
- [7] Neither the request by Mr. Rahman, nor the request by PSCC 779 ask for minor changes to the decision.
- [8] Mr. Rahman's request for me to revisit the decision because he believes it is wrong, extends far beyond a typographical error or minor change that would fall under Rule 46.2. Rather, Mr. Rahman's request amounts to a request to change the outcome of the case. Such a change is substantive and is not a request that is allowed under Rule 46.7.
- [9] PSCC 779's request to make submissions on costs also extends beyond Rule 46.2. PSCC 779 is effectively requesting that I re-open the hearing to take arguments on costs. The fact that this request comes only after the Applicant indicated that he is considering filing another case is questionable. PSCC 779 could have raised the issue of costs during the hearing and did not.
- [10] The costs of litigating this case have not changed since the close of the hearing. I do not find that reopening the case to take submissions on costs, which could have been properly made during the hearing, would accord with the Tribunal's Rule of Practice 4.1, to provide a fair, focused and efficient, process.
- [11] Regarding Mr. Rahman's question of whether he should make a new application to the Tribunal, I cannot answer that. It is beyond the scope of what I can appropriately deal with as is PSCC 779's concern that Mr. Rahman may file a case regarding an issue already decided by the Tribunal.
- [12] For these reasons, both the request by Mr. Rahman and the request from PSCC 779's are denied.
- [13] Finally, I caution both parties that the 'request to correct or clarify an order' function that is provided by the Tribunal's online system, is not a means by which the parties may continue to engage with the adjudicator of their case or with each other or as a means to continue to argue the merits of their case once the case has been closed and a decision issued. Continuing to use the request function in

this way may amount to an abuse of process and should be avoided.

ORDER

[14] The motion from the Applicant, Mr. Rahman, is denied.

[15] The motion from the Respondent, PSCC 779, is denied.

Nicole Aylwin
Member, Condominium Authority Tribunal

Released on: March 22, 2023