

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: November 21, 2023

CASE: 2023-00415N

Citation: McEwen v. Meyer et al., 2023 ONCAT 175

Order under section 1.44 of the *Condominium Act, 1998*

Member: Patricia McQuaid, Vice-Chair

The Applicants,

Keith and Perry McEwen

Self-Represented

The Respondents,

Dale and Linda Meyer

Self-Represented

Wellington Standard Condominium Corporation No. 162

Represented by Ann Pipe, Agent

DISMISSAL ORDER

- [1] The Applicants filed an application with the Condominium Authority Tribunal (CAT). The case proceeded to Stage 3 - Tribunal Decision on October 4, 2023.
- [2] Under Rule 43.1 of the CAT's Rules of Practice, the Tribunal can close a case in Stage 3- Tribunal decision if the CAT determines that the Applicants have abandoned their case.
- [3] As stated in the Notice of Intent to Dismiss (NOID) which I posted in this case on the CAT-ODR platform on November 10, 2023, the Applicants have not responded to messages regarding this hearing since October 13, 2023.
- [4] Throughout the hearing, the Applicants were given ample opportunity to provide their evidence and submissions. They have declined to do so.
- [5] In addition to posting the NOID, I created a separate message thread advising the parties of the NOID and the possible dismissal of the case on the basis that the Applicants had abandoned their application. All parties were given an opportunity to provide submissions within specified timelines. The Applicants were directed to

respond by November 16, 2023. They did not do so. I then advised the Respondents that they were not required to make submissions regarding the NOID.

[6] The Applicants have repeatedly failed to take the actions required to actively participate in this case. They have provided me with no explanation as to why this case should not be dismissed. Therefore, I find that this case has been abandoned.

[7] Accordingly, I order that this case be dismissed.

ORDER

[8] The Tribunal orders that:

1. This case is closed in Stage 3 – Tribunal Decision under Rule 43.1 of the CAT's Rules of Practice.
2. Any documents and messages that have been shared for this Case in Stage 1 - Negotiation and / or Stage 2 - Mediation are private and confidential. That means that the Users cannot share, or tell anyone about, messages or documents they received from other Users during these stages without the permission of the other User.
3. The Users 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.

Patricia McQuaid
Vice-Chair, Condominium Authority Tribunal

Released on: November 21, 2023