

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: March 20, 2024

CASE: 2023-00510N

Citation: Metropolitan Toronto Condominium Corporation No. 1031 v. Lengyel, 2024 ONCAT 44

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

Member: Ian Darling, Chair

The Applicant,

Metropolitan Toronto Condominium Corporation No. 1031
Represented by Jessica Hoffman, Counsel

The Respondent,

Evelyn Lengyel
Self-Represented

The Intervenors,

Metropolitan Toronto Condominium Corporation No. 1056
Represented by Rabab Meen, Counsel

Metropolitan Toronto Condominium Corporation No. 965
Represented by Ava Naraghi, Counsel

Submission Dates: February 1, 2024 to February 29, 2024

MOTION ORDER

- [1] This Order explains why this case cannot be adjourned indefinitely. It also includes information about how the CAT case will proceed, and instructions for the parties.
- [2] On January 12, 2024, the CAT issued an order¹ about several procedural matters in this case. The Tribunal adjourned the case until February 4, 2024 to give the Respondent Evelyn Lengyel additional time to prepare for the case. Soon after, Ms. Lengyel submitted a second motion requesting that the case be adjourned indefinitely due to medical reasons. Since this was a new motion, the CAT asked

¹ Metropolitan Toronto Condominium Corporation No. 1031 v. Lengyel 2024 ONCAT 10

for submissions from both parties.

- [3] The decision to grant an adjournment is determined by the particular facts of each case and each request. The Tribunal considers factors such as the nature of the dispute, which party is making the request, and the prejudice to either party.
- [4] Ms. Lengyel cited situations where indefinite adjournments have been granted by different tribunals – including cases where she was the Applicant. I find that those circumstances do not apply to this case. The issues in dispute are different. The role of the person requesting the adjournment is different. In the examples, Ms. Lengyel was the Applicant who requested the indefinite adjournment. This case is different because she is the Respondent. Postponing the case would cause the Applicant a potentially significant delay, to resolve, or have the parking dispute heard and determined by the Tribunal.
- [5] Ms. Lengyel has a disability that affects her ability to participate in a hearing. The CAT accepts that the documentation substantiates the disability.
- [6] The CAT can make the process easier. It can accommodate Ms. Lengyel and help her participate in a meaningful way. The CAT process is different from a typical tribunal. The parties have the opportunity to negotiate a solution in Stage 1 of the CAT process. They can have a mediator assist with resolving the issues in Stage 2. These are opportunities to resolve the issues without a hearing. The negotiation and mediation stages are usually fully conducted in writing.
- [7] If a hearing is required, it does not require the parties to attend in person. Stage 3 Adjudication is a written hearing (similar to exchanging messages via email). Ms. Lengyel has demonstrated through the many email messages sent in response to this motion, that she can respond to written messages. The Tribunal process is similar.
- [8] Tribunal members create a hearing schedule that sets deadlines that ensure parties can participate. If the Respondent needs extra time to fully participate, the Tribunal members may grant it as needed.
- [9] The CAT Rules also allow for Representatives to support parties during the process. Rule 9.1 of the CAT's Rules of Practice states that a Party may be represented by:
 - (a) a lawyer or paralegal licensed by the Law Society of Ontario; or
 - (b) a person who is exempt from the Law Society's licensing requirements. This includes a friend or family member who is helping without receiving

any fee...

- [10] The existence of a disability does not diminish Ms. Lengyel's legal responsibilities. I am satisfied that the Applicant has demonstrated that Ms. Lengyel can maintain formal complaints and Tribunal cases when she is the Applicant. There is no apparent reason she cannot do so in this case, simply because she is now the Respondent. It is unfair to delay this process any further.
- [11] The dispute before the Tribunal relates to parking. I understand that the Applicant feels that Ms. Lengyel has not complied with the rules, and that the Respondent asserts that the Applicant has not accommodated her disability-related parking needs. There are also issues connected to MTCC 1031's indemnity provisions. This dispute clearly falls within the CAT's jurisdiction. If the CAT were to allow an indefinite adjournment, it would allow the underlying dispute to fester – and would not serve the needs of either party.
- [12] Some of Ms. Lengyel's submissions explained why she felt that MTCC 1031 was wrong, discriminatory, or unfair in enforcing its parking rules. I have not considered these arguments in deciding this motion, these arguments may be made once the case proceeds.
- [13] For the reasons set out above, Ms. Lengyel's adjournment request is denied.
- [14] I will allow Ms. Lengyel time to prepare for the case to resume. She can either join the case or can appoint a representative (as allowed under the Tribunal rules). **The Respondent is instructed to join the case before April 3, 2024. If the Respondent joins, the parties will have the opportunity to move through the three-stage process. If the Respondent does not join the case, the process will still proceed following the "Process in Absence of Respondent" outlined in Rule 28 of the CAT Rules.**

Confidentiality Order

- [15] Ms. Lengyel gave some personal and medical information both in her submissions on this motion and in emails to the Tribunal after the submission period ended. The sensitive and personal information is throughout the submissions. In a previous motion decision, I granted a confidentiality order. The information contained in these submissions are the same as the previous order. On the Tribunal's own initiative, I extend the order to the submissions related to this motion order.

ORDER

[16] The Tribunal orders that the submissions in response to the motion are confidential and are not to be released to the public.

[17] The Tribunal denies the adjournment and orders that the case will resume on April 3, 2024.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: March 20, 2024