

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: March 25, 2024

CASE: 2023-00510N

Citation: Metropolitan Toronto Condominium Corporation No. 1031 v. Lengyel, 2024 ONCAT 47

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: March 20, 2024

MOTION ORDER

[1] On March 20, 2024, the Condominium Authority Tribunal ("CAT") issued a Motion Order¹ that explained why this case cannot be adjourned indefinitely. This was the second motion order related to an adjournment request. The first was issued on January 12, 2024². After sending the Motion Order on March 20, the CAT received another motion to postpone the case.

[2] This motion included three notes from a doctor.

¹ Metropolitan Toronto Condominium Corporation No. 1031 v. Lengyel - 2024 ONCAT 44

² Metropolitan Toronto Condominium Corporation No. 1031 v. Lengyel - 2024 ONCAT 10

1. The first repeated the same information that was considered in the previous motion.
2. The second explained why the Respondent needs an accessible parking space.
3. The third explained why the tribunal should communicate in writing with the Respondent.

[3] I have considered the motion and doctor's notes. The first note does not provide any new information. The medical reasons were considered in the previous motions. Since this request is the same, the CAT will not consider it. It is an abuse of process to allow the case to be further delayed when the CAT has already decided the issue, and there is no new basis for the request.

[4] I note that the Respondent's first request in December 2023 was for a 90-day adjournment. The effect of these subsequent motions has been to delay the start of this case for more than 90 days. The Tribunal will not consider this motion, or any further motions for adjournment or delay if the motion is based on grounds that have already been decided.

[5] The second reason to request the delay is because the Respondent has stated that she needs accessible parking. The use and allocation of accessible parking is the substance of the application to the CAT. The second note would be more appropriate as evidence once the case proceeds – because one of the issues in dispute appears to be if the Respondent is entitled to an accessible parking.

[6] Once the case proceeds, the Respondent will have a chance to provide evidence and arguments about the entitlement and use of accessible parking spots – but I cannot consider them before the case starts.

[7] The third note is more appropriate to an accommodation request – as it requests that the CAT accommodate the Respondent's disability-related needs. The CAT already communicates with parties in writing. Negotiation, Mediation and Adjudication can all be conducted in writing.

[8] As previously communicated, the Tribunal cannot grant an adjournment as requested under its Accommodation Policy. The CAT can grant accommodations to ensure the Mediation and Adjudication stages are conducted in writing.

[9] The Tribunal's staff are available to assist the parties in participating in the case, which has been ordered to resume on April 3, 2024.

Confidentiality Order

[10] The Respondent provided new personal and medical information in this motion. The sensitive and personal information is throughout the motion. Previous motion decisions, include confidentiality orders. The information contained in these submissions are the same as the previous orders. On the Tribunal's own initiative, I extend the order to the submissions related to this motion order.

ORDER

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

[12] 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 25, 2024