

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: April 1, 2024

CASE: 2023-00385R

Citation: Krepel v. York Region Standard Condominium Corporation No. 1253, 2024 ONCAT 48

Order under section 1.41 of the *Condominium Act, 1998*.

Member: Ian Darling, Chair

The Applicant,

Josh Krepel

Self-Represented

The Respondent,

York Region Standard Condominium Corporation No. 1253

Submission Dates: March 18, 2024 to March 25, 2024

DISMISSAL ORDER

[1] An application was submitted to the Condominium Authority Tribunal (CAT) on July 11, 2023. The CAT is dismissing this application under Rule 19.1 of the CAT's Rules of Practice for the following reasons:

1. This application was started in July 2023. It relates to Requests for Records made between April 29 and May 2, 2022. The 2022 Requests are deemed abandoned because this Application was submitted more than 6 months after the requests were made to the condominium corporation. The timelines are established under Section 13.10 of Ontario Regulation 48/01 ("O. Reg. 48/01").
2. The Applicant was informed that the Application was late. The Applicant was given a chance to submit a new records request and update the application.
3. A new Request for Records was submitted in July 17, 2023. The Applicant was informed that the condominium corporation has 30 days to respond to the Request for Records as per Section 13.3 of O. Reg. 48/01, and, therefore, he could re-submit the application after August 15, 2023.

4. The application was re-submitted on September 16, 2023, when the Applicant informed the CAT that he has received no response to his Request for Records of July 17, 2023.
 5. Although a new records request was submitted, the Applicant did not update the Problem Description to remove references to the 2022 requests.
 6. The CAT has repeatedly informed the Applicant since September 2023 that the Requests for Records of 2022 could not be addressed as per Section 13.10 of O. Reg. 48/01.
 7. The Applicant stated that he did not consider his requests of 2022 abandoned and he decided to proceed with his application as-is (indicating these requests as part of the issues in dispute).
- [2] The CAT issued a Notice of Intent to Dismiss the Application and invited the Applicant to comment on CAT cases decided in similar circumstances¹. The Applicant did not respond to the Notice.
- [3] The Applicant has previously stated that the 2022 requests are not abandoned – because he still wants the records. I recognize that the Applicant genuinely desires the records, and that he has not abandoned that desire. Notwithstanding his desire, the case is dismissed because the CAT case was not filed within the timelines outlined in the Regulations. I recognize that the Applicant has not abandoned his desire to access the records – however, the Regulation stipulates that the request “shall be deemed to be abandoned, and it shall then have no force and effect” if the timelines are not followed.
- [4] I find the Requests are deemed abandoned because the requests were made too late.
- [5] I further find that the July 2023 request is also deemed abandoned because 6 months have passed since the original request, and the application’s problem description still refers to the 2022 records requests.
- [6] I have also reviewed communication between the Tribunal and the Applicant over the period of July 2023 - March 2024. I see that Tribunal staff advised the Applicant on several occasions what steps were required to have the case accepted. The Applicant did not follow these steps. It is a natural consequence that the case be dismissed.

¹ *Kowalchuk v. Metropolitan Toronto Condominium Corporation No. 983*, 2023 ONCAT 84 & *Soper v. Muskoka Common Elements Condominium Corporation No. 71*, 2024 ONCAT 33.

ORDER

[7] The Tribunal orders the case dismissed.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: April 1, 2024