

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** June 21, 2024

**CASE:** 2023-00350N

**Citation:** Ekene v. Skakunova et al., 2024 ONCAT 88

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

**Member:** Anna Boudria, Member

**The Applicant,**

Ilobachie Ekene

Self-Represented

**The Respondents,**

Karina Skakunova

Self-Represented

Simcoe Vacant Land Condominium Corporation No. 423

Represented by Anna Maksimenkova, Agent

**Submission Dates:** June 7, 2024 to June 14, 2024

### **MOTION ORDER**

- [1] Under Rule 19.1 of the CAT's Rules of Practice, the CAT can close a case in Stage 2 - Mediation if the CAT determines that the Applicant is no longer actively involved in their matter.
- [2] The Applicant filed a case with the Condominium Authority Tribunal (CAT) related to the assignment of a common element parking. The dispute proceeded to Stage 2 - Mediation on May 6, 2024.
- [3] The Applicant discontinued all communication and participation in this mediation on May 21, 2024.
- [4] A Notice of Intent to Dismiss was posted on the CAT-ODR platform on June 7, 2024. The parties were given an opportunity to provide submissions on why they believed the case should or should not be dismissed. Both the Applicant and Respondents have provided their submissions in response to the notice to dismiss. The Respondents supported the motion to dismiss because it has been more than

fifteen (15) days since the Applicant had responded.

- [5] Upon review of the submissions, I am satisfied that the Applicant has not abandoned his application. I am also satisfied that the parties will be unable to resolve the case with a mediated agreement.
- [6] It is for this reason I allow the Applicant to proceed to Stage 3, as he will be provided fifteen (15) days from the release of this order to complete payment (see [Rule 6 in Rules of Practice](#)). The Applicant is to go to the Questions and Request tab on the CAT-ODR platform and follow the directions to move forward. If the time lapses and the Applicant has not taken any action, his application will be closed.
- [7] Accordingly, I order that the Applicant should be allowed to keep his application open.

### **ORDER**

- [8] The Tribunal orders that:

1. This case is to remain open and be permitted to go to Stage 3.

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Anna Boudria  
Member, Condominium Authority Tribunal

Released on: June 21, 2024