

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: July 31, 2024

CASE: 2024-00281SA & 2024-00296R

Citation: Clegg v. Carleton Condominium Corporation No. 382, 2024 ONCAT 115

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

Member: Nicole Aylwin, Member

The Applicant,

Jeff Clegg

Self-Represented

The Respondent,

Carleton Condominium Corporation No. 382

Represented by Nancy Houle, Counsel

Submission Dates: July 19, 2024, to July 26, 2024

MOTION ORDER

- [1] On July 10, 2024, the case #2024-00281SA, between the Applicant, Jeff Clegg, and the Respondent, Carleton Condominium Corporation No. 382 proceeded to Stage 3 – Tribunal Decision. In this case, the Applicant alleges that the Respondent has breached a settlement agreement between the parties by failing to correct errors in several sets of recent board meeting minutes, thus rendering the minutes inadequate.
- [2] On July 12, 2024, the Respondent made a motion to merge this case with case #2024-00296R, a case also filed by the Applicant, which was proceeding to Stage 3 – Tribunal Decision.
- [3] In case #2024-00296R, the Applicant alleges that the Respondent has not provided him with records to which he is entitled and that the Respondent is not keeping adequate records as per the *Condominium Act, 1998* (the "Act"). He also claims the Respondent is acting oppressively in its "ongoing treatment of [his] records requests."
- [4] I requested and received submissions on the motion from both parties. While the submissions raise several questions, including questions related to jurisdiction,

this motion decision only addresses whether the cases should be merged.

- [5] The Applicant opposes the merging of the cases. He submits the issues in the cases are distinct and that the records at issue in the two cases are different.
- [6] The Respondent submits the issues are interwoven insofar as the issues in both cases relate to the adequacy of records and whether the Respondent has/is responding to requests related to records in accordance with its responsibilities under the Act and terms of the settlement agreement. It argues that it would be more efficient and cost-effective to merge the cases given the overlap in issues.
- [7] Section 1.37 (2) of the Act, allows the Tribunal to direct that two or more applications be heard together if the Tribunal believes it would be fair to determine the issues together.
- [8] Rule 4.1 of the Condominium Authority Tribunal's (the "CAT") Rules of Practice states that the CAT may give directions or make Orders to provide for a fair, focused and efficient process in each case.
- [9] Rule 18.2 of the CAT's Rules of Practice states that the CAT may direct that two or more cases be heard together if the CAT believes it would be fair to do so.
- [10] Having reviewed the submissions provided by the parties and the information before me, I am persuaded that while there may be some distinct issues in each case, several of the issues in the cases are intertwined, such as issues related to the adequacy of records, and issues related to how the Respondent deals with the Applicant's records requests.
- [11] Given the similarity of several issues, merging the cases will allow for a more efficient process since there is likely to be significant overlap in the facts, witnesses and evidence provided in both cases. Moreover, the parties are the same, the representatives are the same and given the very early stages of both cases, merging the cases will not result in delay, increased costs, or prejudice to either party.
- [12] Therefore, having concluded it is fair, focused, and efficient to determine the issues in the cases together, I order that the cases be merged.

ORDER

- [13] The Tribunal orders that CAT case #2024-00296R be closed and merged with case #2024-00281SA. I will provide parties with instructions on how to affect the merger.

Nicole Aylwin
Member, Condominium Authority Tribunal

Released on: July 31, 2024