

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: July 30, 2025

CASE: 2025-00125N

Citation: Currie v. Metropolitan Toronto Condominium Corporation No. 973, 2025 ONCAT 125

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

Member: Ian Darling, Chair

The Applicant,

Robert Currie,
Self-represented

The Respondent,

Metropolitan Toronto Condominium Corporation No. 973,
Represented by Natalia Polis, Counsel

Submission Dates: May 22, 2025, to June 2, 2025

DISMISSAL ORDER

A. INTRODUCTION & ANALYSIS

Motion to Dismiss

- [1] The Respondent filed a motion to dismiss a case in Stage 1 – Negotiation because the issues in this dispute have already been resolved by a Consent Order¹. The Applicant was given a chance to respond to the motion.
- [2] This case is dismissed. The Respondent has satisfied the Tribunal that the prior consent order includes settlement terms that resolve the issues in this application.
- [3] The Applicant received two enforcement letters related to activities of the Applicant and his guests. The Respondent sought to recover the costs associated with producing the letters. The Applicant commenced two applications in February 2025 (one for each letter) under the Tribunal's jurisdiction to deal with

¹ *Currie v. Metropolitan Toronto Condominium Corporation No. 973, 2025 ONCAT 61*

indemnity provisions related to nuisances. One case proceeded to mediation and was resolved with the Consent Order. The Applicant chose to wait to proceed with the second case until after the first case was closed.

- [4] The Respondent submits that all the costs related to its enforcement actions were incorporated into the Consent Order that resolved the first case.
- [5] The Applicant objects to closing this case because there were other concerns within the condominium community about the fairness of the liens, and the transparency and legitimacy of board decisions and how they may affect “other parties” that were not addressed in the Consent Order.
- [6] The Tribunal acknowledges that the two cases were filed with respect to two different enforcement letters sent by the Respondent; however, it is clear that the terms of the Consent Order address both chargebacks in issue. Furthermore, the Tribunal does not have the authority to make orders with respect to “other parties” who are not properly part of the case.
- [7] It is evident based on submissions, and the specific terms of the Consent Order, that the chargeback issues have been resolved. Based on this information, it would be an abuse of process to allow this case to proceed.

Motion to add issues

- [8] After the deadline for the submissions, the Applicant requested to amend the application to add issues related to an ongoing dispute between the parties, and concerns with the Condominium Manager. This request is denied. It would not be fair or appropriate to amend the application at this point. The Tribunal must review each application to ensure that it is within its jurisdiction before it proceeds.

B. COSTS

- [9] The Respondent requested that the Tribunal award costs against the Applicant due to the costs they have incurred in responding to what the Tribunal has determined to be an abuse of process. An award of costs is discretionary.
- [10] The ‘CAT Practice Direction: Approach to Ordering Costs’ sets out several factors relevant to deciding whether to order costs. When deciding whether to order a party to reimburse another party’s costs under Rule 48 and/or 49 of the CAT’s Rules of Practice, the CAT will balance the parties’ rights and interests to arrive at a fair decision. Some of the factors that the Tribunal may consider include:

1. Whether a party or representative’s conduct was unreasonable, for an

improper purpose, or caused a delay or expense;

2. Whether the Case was filed in bad faith or for an improper purpose;
3. The conduct of all parties and representatives, including the party requesting costs;
4. The potential impact an order for costs would have on the parties;
5. Whether the parties attempted to resolve the issues in dispute before the CAT;
6. Whether a Party has failed to follow or comply with a previous order or direction of the CAT;
7. The provisions of the condominium corporation's declaration, by-laws and rules (collectively referred to as the condominium corporation's "governing documents");
8. Any other factors the CAT considers relevant.

[11] I decline to award costs in this application because of the unique circumstances where the Applicant filed two cases concurrently. When filed, there was a genuine intention to deal with two distinct chargebacks. Though I have dismissed this case, I do not find this the basis to assign costs.

[12] I have also considered that since it is early in the proceeding, and the Tribunal limited the motion submissions to 1000 words, the costs to the Respondent are minimal.

[13] I do note, however, that there are other cases between these parties before the Tribunal, and the Applicant has signaled a desire to submit additional applications. I caution the Applicant to be mindful of the Tribunal's jurisdiction and criteria in assessing costs.

C. ORDER

[14] The Tribunal orders the case dismissed.

Chair, Condominium Authority Tribunal

Released on: July 30, 2025