

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: August 25, 2025

CASE: 2025-00497R

Citation: Currie v. Metropolitan Toronto Condominium Corporation No. 973, 2025 ONCAT 145

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: August 11, 2025 to August 18, 2025

DISMISSAL ORDER

- [1] Robert Currie (the “Applicant”) filed an application with the Condominium Authority Tribunal (“CAT”). The case proceeded to Stage 1 – Negotiation. On July 25, 2025, Metropolitan Toronto Condominium Corporation No. 973 (the “Respondent”) submitted a motion to dismiss the case on the basis that it was filed for improper purpose. They requested that the case be dismissed, and costs awarded against the Applicant. The Tribunal invited submissions from the Applicant.
- [2] This order explains why this case is dismissed, and awards \$425 in costs to the Respondent.
- [3] The case was filed under the Tribunal’s records jurisdiction, following a request for records submitted on May 23, 2025. The Tribunal accepted the case, and it proceeded into the Negotiation stage.
- [4] The Respondent submits that the case has been filed for an improper purpose because the “application was not commenced for the purposes of resolving a records dispute but rather is again part of the Applicant’s continuous campaign to harass the Corporation and its management.” In support of this allegation, the

Respondent provided a settlement offer made by the Applicant, that was made during the Negotiation stage. The offer did not address any of the records issues, but referred to a dispute with a different owner, and a dispute with the board and condominium manager. The Tribunal's Rules of Practice establish that settlement offers are confidential; however, I am varying the rule (Rule 4 of the Tribunal's Rules of Practice) in this instance to allow the message and offer to be considered in the context of the Tribunal's duty to prevent an abuse of process.

- [5] The Applicant responded to the motion by providing information about a non-records related dispute relating with the condominium manager, and enforcement actions undertaken by the Respondent regarding the Applicant and his guests. The Applicant asserted that the corporation has not conducted itself properly with respect to that dispute and alleged harassment. None of the arguments satisfied me that the application is related to the records request or disputes flowing from the request. The Applicant is using an application filed under the Tribunal's records jurisdiction to try to resolve the underlying interpersonal dispute, and concerns about management practices.
- [6] The Tribunal's jurisdiction is established by government regulation¹. It is limited. The Tribunal cannot deal with a dispute of the nature described here. The Tribunal can deal with records requests and related disputes flowing from the request. We cannot deal with the underlying, or inciting incident. The Applicant is not trying to address the records issues; he is attempting to resolve issues that the CAT has no power to decide.
- [7] The Respondent asked for \$425 in costs. This represents the cost of making the motion to dismiss the case. The Tribunal's Rules of Practice establish that the Tribunal does not normally award costs but can consider costs that were directly related to a Party's behaviour that was unreasonable, undertaken for an improper purpose, or that caused a delay or additional expense.
- [8] I have found that the Applicant has filed an application for improper purpose. I also note that this follows two prior orders dismissing applications involving the same parties². The Respondent has reasonably incurred costs and has only requested the costs of preparing this motion. In this context, it is appropriate to award costs

¹ Ontario Regulation 179/17

² *Currie v. Metropolitan Toronto Condominium Corporation No. 973*, 2025 ONCAT 125

Currie v. Metropolitan Toronto Condominium Corporation No. 973, 2025 ONCAT 85

on a full indemnity basis.

[9] I caution the Applicant regarding the improper use of the Tribunal. These orders have established that the Applicant has repeatedly brought legal actions about the same or similar issues. Further, he has brought actions that have no reasonable prospect of success, and engaged in conduct that is intended to harass, annoy, or cause expense to others.

[10] The Tribunal has the authority under its rules to limit vexatious applications. The Applicant is advised to consider Rule 4.6, which states that:

If the CAT finds that a Party has filed a vexatious Application or has participated in a CAT Case in a vexatious manner, the CAT can dismiss the proceeding as an abuse of the CAT's process. The CAT may also require that Party to obtain permission from the CAT to file any future Cases or continue to participate in an active Case. The CAT may also require a Party to agree to an undertaking that they will comply with the Rules and with any CAT Orders.

[11] I do not find it necessary to make such an order at this time – but do provide it as a warning to the Applicant to ensure that further use and participation in Tribunal proceedings is consistent with the intent and purpose of the Tribunal.

ORDER

[12] The Tribunal orders:

1. The Application is dismissed.
2. Under s. 1.44 (1) 4 of the Act, and within 30 days of the date of this Order, the Applicant shall reimburse the Respondent its costs of \$425.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: August 25, 2025