

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** December 11, 2025

**CASE:** 2025-00297R

**Citation:** Wong v. Metropolitan Toronto Condominium Corporation No. 1049, 2025

ONCAT 210

Order under Rule 47 of the Tribunal Rules of Practice

**Member:** Ian Darling, Chair

**The Applicant,**

Jorgen Wong

Self-Represented

**The Respondent,**

Metropolitan Toronto Condominium Corporation No. 1049

**Motion Dates:** December 4, 2025 to December 10, 2025

### **MOTION ORDER**

[1] On December 4, 2025, the Applicant filed a motion to reopen a case that closed automatically in Stage 1 – Negotiation after 30 days of inactivity. The motion also sought to add issues related to a dispute connected to the appointment of an Arbitrator under section 132 of the Condominium Act (1998), to decide a dispute related to changes to the common elements as outlined in section 98. This order explains why the Tribunal is denying the motion.

[2] In deciding whether to reopen the case, I am guided by the factors in *Frey v. MacDonald* [1989] O.J. No. 236 (C.A.). In *Frey*, the Court set out four considerations in assessing a request for an extension of time:

1. The existence of a bona fide intention to appeal;
2. The length of the delay;
3. Prejudice to the other party; and,
4. The merits of the case.

When considering these factors, the Court has also stated that “the justice of the case” is the overriding consideration.

- [3] The case closed on November 27. The Motion was received December 4. The CAT system sends automatic notifications in advance of the case closing, so the parties should have been aware of the consequences of non-participation.
- [4] In the motion to reopen the case, the Applicant did not provide any reasons why the records case itself should be reopened. The reasons provided were related to the additional request for the CAT to “assert jurisdiction” over a dispute that is before the Superior Court of Justice. The issues in that dispute relate to changes to the common elements, and a dispute about appointing an arbitrator (as outlined in s.132 of the Act).
- [5] The Tribunal does not have the jurisdiction to decide issue related to changes to the common elements (s. 98). The Tribunal does not have jurisdiction to decide issues related to mediation and adjudication as outlined in s.132.
- [6] When considering the overall justice of the case, that it would not be fair to reopen the case. The Applicant has not provided any information to support reopening the records case, and the arguments in favour of reopening the case were related to issues over which the tribunal has no legal authority to decide.
- [7] The motion is dismissed.

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Ian Darling  
Chair, Condominium Authority Tribunal

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