

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** April 14, 2026

**CASE:** 2025-00781R

**Citation:** Delongchamp v. Toronto Standard Condominium Corporation No. 1739 2026 ONCAT 68

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

**Member:** Ian Darling, Chair.

**The Applicant,**

Patrick Delongchamp

Self-represented

**The Respondent,**

Toronto Standard Condominium Corporation No. 1739

**Submission Dates:** January 27, 2026 to February 10, 2026

### **DISMISSAL ORDER**

- [1] Patrick Delongchamp (the “Applicant”) filed a records case with the Condominium Authority Tribunal (“CAT”). The CAT could not accept it because it was incomplete. The CAT gave the Applicant an opportunity to fix the problems. When they were not corrected, the CAT issued a Notice of Intent to Dismiss the case (the “Notice”). The Applicant responded to the Notice and explained why they thought the case should not be dismissed. The Applicant also requested that I recuse myself from the process. This Order explains why I declined the request, and why the CAT dismisses this application.
- [2] The application was filed with the CAT on October 22, 2025. The Problem Description refers to refusal to provide records and inadequacy of records received.
- [3] This application is about two records requests; however, by the time the application was received, it was too late for the CAT to consider them because each request was deemed abandoned under s. 13.10 of Ontario Regulation 48/01 (“O. Reg. 48/01”).
- [4] The relevant portion of s. 13.10 of the O. Reg. 48/01 states that:

13.10 (1) A request for records shall be deemed to be abandoned and it shall then have no force and effect if, within 60 days of receiving the board's response, the requester does not,

(a) in accordance with subsection 13.3 (11), return the requester's response to the corporation and pay the fee payable for the request;

(b) apply, in accordance with Part I.2 of the Act, to the Condominium Authority Tribunal established under that Part for resolution of the request as a matter in dispute, if the Tribunal has been established under that Part and the application may be made under that Part

[5] Here is a timeline of relevant events:

1. Request 1 submitted to the corporation – July 1, 2025
2. Board Response 1 received by Applicant – August 15, 2025
3. Request 2 submitted to the corporation – September 22, 2025
4. Board Response 2 received by Applicant – October 20, 2025
5. CAT Application commenced – October 22, 2025
6. CAT response to Application and instructions to correct the Application sent – October 22, 2025
7. Applicant updated CAT Application – October 25, 2025
8. CAT responded with additional instructions to correct Application – October 28, 2025
9. October 28, 2025–January 2, 2026: No further activity on CAT application
10. Unaltered CAT Application received – January 2, 2026
11. CAT Notice of Intent to Dismiss issued – January 27, 2026

### **Request 1**

[6] The Applicant submitted the request on July 1, 2025, and received the Board's Response form for Records Request 1 on August 15, 2025. The Tribunal notes that the Board's Response form was late. Notwithstanding that delay, s. 13.10 (1) of O. Reg 48/01 establishes a 60-day limit for applications to the CAT once the board responds. This request was deemed abandoned before the date the

application was submitted for review to the CAT on October 22, 2025.

- [7] Tribunal staff informed the Applicant about the regulation, and the date when the request was deemed abandoned. The Applicant was asked to remove Records Request 1 from the application and make additional changes regarding Request 2 (specified below) before re-submitting the application.
- [8] I conclude that Request 1 was deemed abandoned before the Application was commenced.

## **Request 2**

- [9] This request was sent to the condominium corporation on September 22, 2025, and the Board's Response was received on October 20, 2025.
- [10] The CAT application was submitted for review on October 22, 2025. The CAT reviewed the portion of the application related to Request 2 and identified some changes that were required before it could be accepted. On October 22, 2025, the Applicant was asked to update and to re-submit the application. The requested changes were to remove extra-jurisdictional issues, and to provide additional information to allow the CAT to determine if the case could proceed. The Applicant made minor changes on October 25, 2025, but did not address all the problems with the Application. The CAT responded on October 28, 2025 with additional instructions.
- [11] Between October 28, 2025, and January 2, 2026, the Applicant did not update the application. It was re-submitted, unchanged, on January 2, 2026.
- [12] The Applicant received the Board's Response 2 on October 20, 2025, therefore, the 60-day timeline set out in s. 13.10 of O. Reg. 48/01 expired as of December 20, 2025. After that date, Request 2 is deemed abandoned.
- [13] During the period between October 28, 2025, and January 2, 2026, the Applicant sent emails to request accommodations related to human rights related needs to extend timelines. The CAT advised that the Condominium Authority of Ontario has a process to accommodate requests related to how the CAT provides its service, but these accommodations would not relate to legislative timelines. The CAT advised that it could develop an accommodation plan to allow the Applicant to participate in a case once it was accepted. The Applicant was also advised of the relevant timelines, and that the CAT required changes to the application. The Applicant responded to email reminders from the Tribunal during that time and demonstrated that they were aware of the timelines.

[14] The Application was submitted for review on October 22, 2025, but the Applicant did not make the required changes in a timely manner that would allow the CAT to accept the case. I conclude that Request 2 was deemed abandoned after the Applicant did not make the required changes to allow the CAT to accept the Application.

[15] The Applicant can request the records again and, if there is a dispute about the records, can submit a new application to the CAT.

### **Human Rights-Related Accommodations**

[16] The Applicant's response to the Notice referred to requests for accommodations related to disability-related needs. The Tribunal has a process to remove barriers to participation. If the Applicant files a new case, Tribunal staff will work with the Applicant to understand his needs and develop an accommodation plan to ensure barrier-free participation. However, the accommodation process can only address how the CAT ensures equal participation, not to vary timelines as set out in the *Condominium Act, 1998* or its regulations.

### **Recusal Request**

[17] In the Applicant's response to the Notice, the Applicant requested that I recuse myself from deciding this matter. The basis for the recusal request was an assertion that I have a conflict of interest due to a prior working relationship with Mario Deo. According to the Applicant, Mr. Deo has acted as counsel for the Respondent. In the years 2015–2017, Mr. Deo was a member and chair of the Tarion Warranty Corporation consumer advisory counsel. During that time, I was the New Home Buyer Ombudsperson at Tarion.

[18] The Supreme Court of Canada has established the test for reasonable apprehension of bias in the case *Committee for Justice and Liberty et al. v. National Energy Board et al.*, 1976 CanLII 2 (SCC) at p. 394 which is:

... what would an informed person, viewing the matter realistically and practically—and having thought the matter through—conclude. Would [they] think that it is more likely than not that [the decision-maker], whether consciously or unconsciously, would not decide fairly.

[19] I have reviewed the basis of the request and determined that an informed person would conclude that there was no reasonable apprehension of bias. The period in question was over nine years ago. We did not work together—Mr. Deo's role was to advise Tarion and lead a stakeholder committee. The Ombudsperson independently investigated and resolved complaints about Tarion. The complaints

were not related to activities of the advisory committee.

[20] The question before me in this matter is whether the Application was submitted on time. The Application is dismissed based on O. Reg. 48/01, without submissions from Respondent. There is no information before me regarding the Respondent's current counsel. The Respondent has not been invited to join this case or appointed counsel. The fact that the Respondent may have in the past retained Mr. Deo has no bearing on my ability to decide this matter.

[21] For the reasons outlined above, I am satisfied that an informed person would conclude that I could decide the issue fairly and decline the motion.

**ORDER**

[22] Both Records Requests are deemed abandoned. The Tribunal orders the application dismissed.

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Ian Darling  
Chair, Condominium Authority Tribunal

Released on: April 14, 2026