

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** April 16, 2026

**CASE:** 2025-00578N

**Citation:** Debnath v. Metropolitan Toronto Condominium Corporation No. 1240, 2026 ONCAT 71

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

**Member:** Victoria Romero, Member

**The Applicant,**

Sunandini Debnath

Self-Represented

**The Respondent,**

Metropolitan Toronto Condominium Corporation No. 1240

Represented by Yeganeh Pejman, Counsel

**Submission Dates:** April 2, 2026, to April 9, 2026

### **MOTION ORDER**

- [1] The parties participated in a mediation to resolve a dispute on the Condominium Authority Tribunal Online Dispute Resolution system (CAT-ODR). The parties did not settle their issues at mediation. As the mediator, I allowed the Applicant to move the case to Stage 3 – Tribunal Decision. An applicant has 15 days to advance to adjudication once the mediator allows the case to proceed. As per Rule 34.3 of the CAT's Rules of Practice ("CAT Rules"), if the request is not made within 15 days, the CAT closes the case.
- [2] The Applicant did not make the request (pay the fee) within the prescribed time period and asks that the case be reopened to allow a late request for adjudication. Upon receipt of the request, I asked both parties to provide written submissions.
- [3] After considering the parties' submissions, I grant the extension of time to make the request for adjudication. My reasons follow.

### **ANALYSIS**

- [4] Under Rule 34.3 (e) of the CAT Rules, the Tribunal will end Stage 2 and close the case if "the Applicant(s) has not paid the Stage 3 fee for more than 15 days."

- [5] Rule 4.4 of the CAT Rules allows the CAT to vary time limits or deadlines.
- [6] The Applicant was given the ability to request Stage 3 – Tribunal Decision on March 2, 2026. The Applicant was advised she had 15 days from March 2, 2026, to advance her case to adjudication. The Applicant confirmed on March 17, 2026 that she was choosing to withdraw her case as the Respondent had requested a mediation in her Human Rights Tribunal (“HRTTO”) case and added that she would re-apply if the HRTTO mediation failed.
- [7] In deciding whether to give an extension of time to request adjudication, I am guided by the factors for consideration set out in *Frey v. MacDonald* [1989] O.J. No. 236 (C.A.) (“Frey”). In Frey, the Court set out four factors to be considered in assessing a request for an extension of time as follows:
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 appeal.
- [8] When considering these factors, the Court has also stated that “the justice of the case” is the overriding consideration.
- [9] These factors were also applied in *Musharraf Ali Khan v Metropolitan Toronto Condominium Corporation No. 581*, 2018 ONCAT 14 (“Khan”). I asked the parties to review the Frey and Khan decisions to provide submissions that addressed the factors identified in those cases.
- [10] On March 17, 2026, the Applicant requested to withdraw her case because she hoped the scheduled HRTTO mediation may resolve the issues; and, if not, she indicated she would reapply to the CAT within the 2-year limitation period. However, when the Respondent raised the issue of costs, she indicated that she would like to proceed to Stage 3 – Tribunal Decision. The Applicant, at all times, demonstrated a genuine intention to pursue the case within the required timelines.
- [11] Regarding the length of the delay the Applicant asked the Tribunal to allow her to proceed to Stage 3 ten (10) days late. This delay was minimal. Indeed, the communication during these ten (10) days was focused on the Respondent’s request for costs.
- [12] Regarding prejudice to the other party, the Respondent, advised that they were agreeable to the Applicant being granted an extension of time (14 days) to pay the

required fee to move the matter to Stage 3 – Tribunal Decision. The Respondent confirmed they had no further submissions.

[13] I also accept that there is still an issue that needs to be decided namely: Does the Respondent's conduct constitute a nuisance, annoyance or disruption in breach of the corporation's governing documents regarding harassment, namely, Rule #8 under Schedule "A" to By-law #1 for Metropolitan Toronto Condominium Corporation No. 1240 ("MTCC 1240")?

[14] Finally, as I have no doubt that the Applicant would re-apply again if not allowed to proceed, forcing the Applicant to re-start her case would also force all parties to redo the negotiation and mediation stages again. Allowing this case to move forward will save time and money to all parties involved.

### **ORDER**

[15] I grant the extension of time to make the request for adjudication.

[16] I direct the Applicant to contact the Tribunal staff within fourteen (14) days from the date of this Order to pay the fee to move the case forward. I confirm that if the Applicant fails to pay the fee within this deadline, this case will be dismissed.

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Victoria Romero  
Member, Condominium Authority Tribunal

Released on: April 16, 2026