

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: May 5, 2022

CASE: 2022-00085R / 2022-00074SA

Citation: Manaj v. York Condominium Corporation No. 228, 2022 ONCAT 45

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

Member: Noeline Paul, Member

The Applicant,

Luiza Manaj

Self-Represented for case 2022-00085R

Represented by Tony Bui, Counsel for case 2022-00074SA

The Respondent,

York Condominium Corporation No. 228

Represented by Victor Yee, Counsel

MOTION ORDER

- [1] The Applicant has initiated two cases against the Respondent at the Condominium Authority Tribunal ("CAT"): case 2022-00074SA, which involves the enforcement of a Settlement Agreement, and case 2022-00085R, which relates to a request for records. I have been assigned by the CAT Chair to be the Member to decide both cases.
- [2] At the outset of case 2022-00085R, the Applicant submitted a Request, asking for the two above-noted cases to be joined. In providing the reasons for this Request, the Applicant indicated that both cases complete each other, they create a better picture of the situation, and that she would like to call the same witnesses for both cases.
- [3] The Applicant is self-represented in one case, while represented by counsel in the other. When asked about her intentions with respect to legal representation in these cases, the Applicant stated that she intended to be represented by the same counsel if both cases were heard together.
- [4] The Respondent has indicated that they do not have any issues with joining or consolidating the two cases.
- [5] Both cases are at an early stage in the hearing process and no evidence has been entered or heard in either matter.

- [6] The CAT has authority to join or jointly hear cases under Rule 18.2 of the CAT Rules of Practice if the tribunal believes it would be fair to do so. Further, the CAT may give directions or make Orders to provide a fair, focused and efficient process in each case, as set out in Rule 4.1.
- [7] I find that hearing both cases jointly would allow a more focused and efficient process. The parties in both cases are the same. Additionally, there is sufficient connection between the subject-matters of both cases and there will be overlap in witness testimony. Proceeding in this manner will not cause prejudice to either party.
- [8] The Applicant has advised that she will have the same counsel in both cases, and I accept that she will do so in order allow for an efficient process.
- [9] Based on the above reasons, I am ordering that both cases be heard together. Further, rulings and Orders made for one case will apply to the other. A final decision will be rendered that applies to both cases.
- [10] With respect to the actual hearing process, I will issue directions within the CAT-ODR platform and, unless indicated in the ODR later, all issues and evidence will be entered into one case profile only. However, formal Orders and the final decision will be uploaded into both case profiles in the ODR platform. Both cases will remain open in the ODR platform until a final decision has been issued.

ORDER

- [11] The Tribunal orders that cases 2022-00085R and 2022-00074SA be heard together pursuant to Rule 18.2 of the CAT Rules of Practice.

Noeline Paul
Member, Condominium Authority Tribunal

Released on: May 5, 2022