

Governing Documents Disputes: Guide to Respondents and Intervenors

This guide provides information and guidance on the role of Respondents and Intervenors for Applicants filing a governing documents application with the Condominium Authority Tribunal (CAT). It is intended to assist in understanding and applying the rules and does not constitute legal advice.

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What is a Respondent?

A Respondent is a person or legal entity (like a condo corporation) that an Applicant has filed an application against.

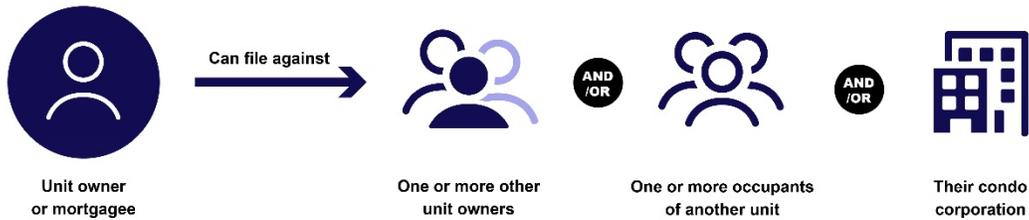
When an Applicant files an application with the Condominium Authority Tribunal (CAT), the Respondent must join the case through the CAT’s online dispute resolution system (CAT-ODR) and respond to the issues the Applicant raised. Once they join the case, they can explain their side of the disputes. If they do not join or participate in the case, the CAT may make an order without their involvement.

Under section 1.36 of the Condominium Act, 1998 (the “Condo Act”), Applicants decide who to name as a Respondent when they file their application. Who an Applicant can name as a Respondent depends on who the Applicant is.

Note: For applications relating to a condo corporation’s governing documents, Applicants can file applications against multiple Respondents.

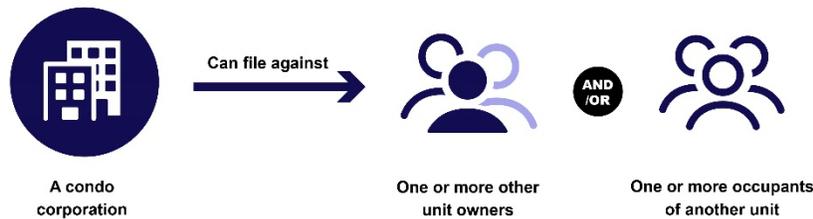
- 1. A unit owner or mortgagee** can file an application against any combination of...
 - One or more other unit owners;

- One or more occupants of another unit; and/or,
- Their condo corporation.



2. A condo corporation can file an application against any combination of...

- One or more unit owners; and/or,
- One or more occupant of a unit.



Here are a few examples:

- An Applicant can file an application against another unit owner and an occupant of that owner's unit
- A unit owner or mortgagee can file against another unit owner and their condo corporation
- A condo corporation can file an application against two or more unit owners

How do I determine who to name as a Respondent?

If you are thinking about filing an application with the CAT about an issue with the corporation's governing documents, there are a few things you should consider:

1. Who do I think is responsible for the issues?
 - Respondents are required to join CAT cases and to respond to the issues raised by the Applicant. You should only identify an individual or legal entity as a Respondent if you think they are in some way responsible for the issues.
2. What kind of outcome am I looking for?
 - In Stage 1 – Negotiation and Stage 2 – Mediation, the parties work together to try to find solutions to the issues. You should consider who should be involved in those discussions, and who needs to be part of a settlement.

- If the case moves to Stage 3 – Tribunal Decision, the CAT has the power to issue legally binding orders in accordance with section 1.44 of the Condo Act. That includes orders requiring a party to do something (or stop doing something), to pay compensation or costs, or another order that the CAT decides is fair in the circumstances.

If you think a person or legal entity is responsible for the issues and you want the CAT to issue an order requiring them to do something or stop doing something, you may want to consider identifying them as a respondent.

If you need advice on who to name as a Respondent, you may wish to seek legal advice.

The CAT and its staff cannot give you advice about who to identify as a Respondent.

What is an Intervenor?

An Intervenor is a person or legal entity (including condo corporations) that have a right to participate in a CAT case, as set out under Rule 15 of the CAT's Rules of Practice.

Intervenors are invited to participate in CAT cases because they may be affected by the outcome, but the role of an Intervenor is different than that of the other parties. It is important to remember that an Intervenor is not the Applicant (i.e., the person bringing the application) or a Respondent (i.e., the person or entity against which the application has been filed).

Intervenors can provide information, documents or other things that may be relevant to the issues in dispute, but they are not required to advocate on behalf of / support either Applicant or the Respondent.

An Intervenor can:

- Make and vote on settlement offers in Stage 1 – Negotiation
- Participate in Mediation discussions in Stage 2 – Mediation
- Participate in the online hearing held during Stage 3 – Mediation

Intervenors can also send messages and upload documents in Stages 1 and 2, and participate in the Stage 3 online hearing as directed by the CAT Member assigned to the case.

If there are any Intervenors, Applicants must identify them and must deliver a Notice of Case to them once the Application is accepted.

If CAT Staff determine that an Applicant has not identified the required Intervenors, they will advise the Applicant and give them an opportunity to update their application.

An Intervenor becomes a party when they join a case.

Who can intervene in a CAT case?

Rule 15 of the CAT's Rules set out who can intervene in CAT cases. Who can intervene depends on three criteria:

- Who filed the case;
- The reason it was filed; and,
- Who the Respondent(s) is.

Under the CAT's Rules and the Condo Act, a condo corporation has a right to participate as an Intervenor in all cases where they are not already a party. That means that condo corporations have a right to participate in all cases filed by an owner against another owner and/or occupant.

Applications filed by an owner or mortgagee

#	If the Respondent is...	And the application is being filed because...	The Intervenor are...
1.1	Another unit owner	Of something that owner has done / failed to do	The condo corporation
1.2	Another unit owner	Of something that an occupant of that owner's unit has done / failed to do	The condo corporation The occupant
1.3	An occupant of another unit	Of something that the occupant has done / failed to do	The condo corporation The owner of the unit
1.4	The condo corporation	There are no intervenors in these types of applications	

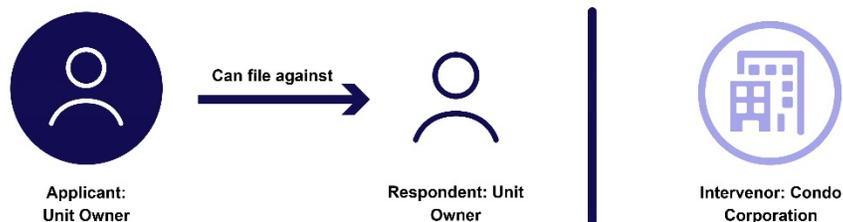
Applications filed by a condo corporation

#	The Respondent is	And the application is being filed because...	The Intervenor are...
2.1	A unit owner	Of something that owner has done / failed to do	None
2.2	A unit owner	Of something that an occupant of that owner's unit has done / failed to do	The occupant of the unit
2.3	An occupant of a unit	Of something that the occupant has done / failed to do	The owner of the unit

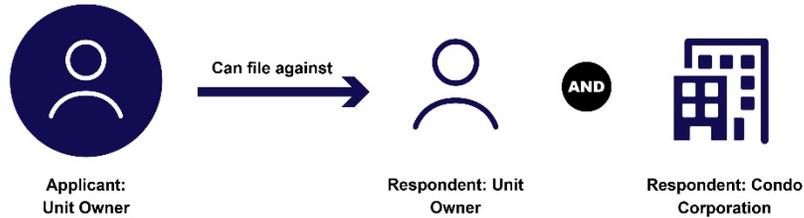
Applicants only need to identify Intervenor if those people / legal entities are not already involved as Respondents.

Here are few examples to illustrate what this means:

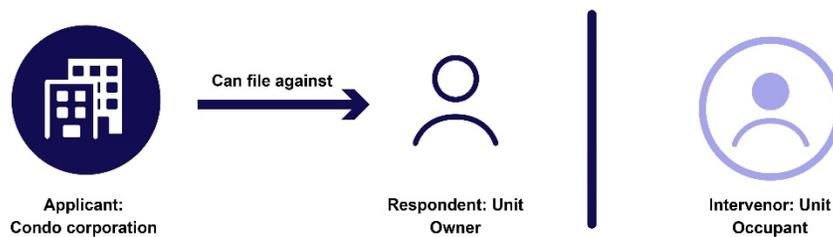
- If you are a unit owner and are filing an application **against another unit owner** because of something that owner has done, then you will have to identify your condo corporation as an Intervenor.



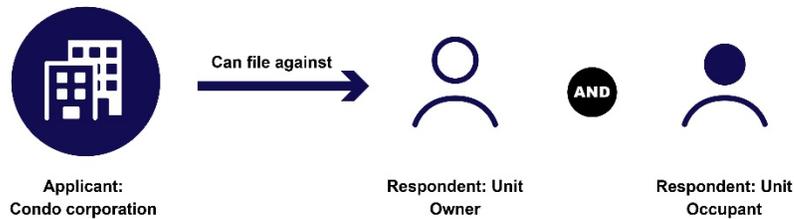
Alternatively, if you were to file against **both another unit owner and your condo corporation**, then there would not be any Intervenor.



- If you are filing an application on behalf of a condo corporation **against a unit owner** because of something that owner's occupant has done, then you will have to identify the occupant of the unit as an Intervenor.



Alternatively, if you were to file against **both the unit owner and their occupant**, then there would not be any Intervenor.



Have Questions?

If you have any questions, please contact us directly:

- Phone – Local: 416-901-9356
- Phone – Toll-Free: 844-880-5341
- Email: CATinfo@condoauthorityontario.ca