

**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

THE HONOURABLE

WEDNESDAY, THE 2ND

D.L. CORBETT J.

DAY OF JUNE, 2021

B E T W E E N:



MERG KONG

Applicant
(Appellant)

- and -

TORONTO STANDARD CONDOMINIUM CORPORATION NO. 1959

Respondent
(Respondent in Appeal)

- and -

TORONTO STANDARD CONDOMINIUM CORPORATION NO. 1862

Intervenor
(Respondent in Appeal)

APPLICATION UNDER section 1.36 of the *Condominium Act, 1998*, SO 1998, c.19.

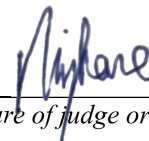
ORDER

THIS MOTION made by the Applicant (Appellant) in an appeal of the Order of the Condominium Authority Tribunal (the "Tribunal") dated March 4, 2021 in Case 2020-00340N

(the “Decision”, with reasons reported as *Kong v. Toronto Standard Condominium Corporation No. 1959*, 2021 ONCAT 18), was read this day at the court house, Osgoode Hall, 130 Queen Street West, Toronto, Ontario, M5H 2N5.

ON READING the executed consent of the parties,

1. THIS COURT ORDERS that the Decision is set aside.
2. THIS COURT ORDERS that the Appellant’s application under section 1.36 of the *Condominium Act, 1998*, SO 1998, c.19 in Case 2020-00340N (the “Application”) is hereby remitted to the Tribunal for determination of the remaining issues in the Application other than the limitation period referenced in paragraph 3 of this Order.
3. THIS COURT ORDERS that any motion to dismiss the Application as time-barred is withdrawn and the issue of the limitation period in ss. 1.36(6)-(7) of the *Condominium Act, 1998* cannot again be raised by the parties or the Tribunal in the Application. In remitting the Application to the Tribunal, this Court is not to be considered to have passed any judgment on the Tribunal’s interpretation of ss. 1.36(6)-(7) of the *Condominium Act, 1998*.
4. THIS COURT ORDERS that no costs be awarded on this motion or in the Appellant’s appeal.



(Signature of judge or registrar)

"Registrar, Clerk"

Divisional Court

130 Queen Street West

Toronto, ON M5H 2N5

MERG KONG v. TORONTO STANDARD CONDOMINIUM CORPORATION NO. 1959
Applicant Respondent (Respondent in Appeal)
(Appellant)
TORONTO STANDARD CONDOMINIUM CORPORATION NO. 1862
Intervenor (Respondent in Appeal)

**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

Proceeding commenced at TORONTO

ORDER

Torys LLP
79 Wellington St. W., 30th Floor
Box 270, TD South Tower
Toronto, ON M5K 1N2

J. Toshach Weyman (LSO #: 707880)
Tel: 416.865.8210
tweyman@torys.com

Jonathan Silver (LSO #: 70137Q)
Tel: 416.865.8198
jsilver@torys.com

Lawyers for the Applicant (Appellant)