

Stage 1 – Negotiation: A User Guide

cat Condominium Authority Tribunal

This guide is for Parties of the Condominium Authority Tribunal’s Online Dispute Resolution System (CAT-ODR). It helps Parties understand what they should do in Stage 1 – Negotiation and provides guidance on how to use the CAT-ODR system.

Note: Images included in this guide may be slightly different than those in the system.

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The Purpose of Stage 1 - Negotiation

In Stage 1 – Negotiation, the Parties will work collaboratively to resolve the issues in dispute. The Tribunal’s online system gives Parties the ability to exchange settlement offers, messages, and documents to resolve the case.

The Five Tabs

Once you log-in to the CAO’s website and access your case in the CAT-ODR system, you will see five menu tabs along the top of the screen. You can click on each of these options to access that tab. You can find more information on each of the tabs in the different sections of this guide.



Tab 1: Case Summary

 Case summary

What Is It?

This tab provides an overview of your case, including:

- The names and contact information of the Parties and their representatives (if any)
- The Applicant's description of the issues in dispute (referred to as the "Problem Description")
- Which stage of the CAT process your case is currently in
- Whether you have any related cases

Why Do I Use It?

You can use this tab to review the information described above, update your contact information, invite or change your representative, or access other CAT resources.

How Do I Use It?

If your contact information or your representative changes, you can update the information on this tab:

- If you want to change your or your Representative's contact information, use the "Update Applicant's Info" or "Update Respondent's Info" button.
 - **Note:** You cannot change the information of other Parties or their representatives.
- If you want to add or remove a representative, or make a representative your Primary Representative, use the "Manage Representatives" button. For more information on Representatives, please review the CAT Representatives guide.

Update Applicant's info

Manage Representatives

Tab 2: Message Centre



What Is It?

The Message Centre is where you exchange messages with the other Parties in your case.

Why Do I Use It?

This tab allows you to communicate with the other Parties by sending messages. The Message Centre is a useful way for you to communicate with the other Parties in your case. For instance, you may want to use the Message Centre tab to discuss your dispute and the potential ways to resolve it before making a settlement offer.

How Do I Use It?

Messages are posted in threads called Topics. You can see a list of the existing Topics on the left side of the webpage, and you can access any of the Topics by clicking on its name. You can also create a new Topic by clicking on the "Create new Topic" button.



When you create a new Topic, you will need to give your new Topic a title and write the first message in the topic.

When you post a message or make a new Topic in the Message Centre, the other Parties will receive an email notification prompting them to log in and review your message.

Important Notes:

- After you post a message, you cannot change or delete it.
- There is a 9,000 character limit for each message.
- All communications posted in the Message Centre tab are private and confidential. They cannot be shared outside of the CAT-ODR system.



Party Tip: Your choice of words may influence how the other Party in your case responds or participates in the negotiation process. Keep your communications respectful and positive. Do not use the case or the CAT-ODR system to insult or attack the other Party.

Tab 3: Settlement Offers

 Settlement Offers

What Is It?

On this tab, Parties can send settlement offers to one another and review and respond to offers made by other Parties.

Why Do I Use It?

You can use this tab to send a settlement offer to the other Parties or to review a settlement offer that another Party has sent to you.

If all the other Parties accept another Party's settlement offer, all the Parties will receive an automatically generated settlement agreement.

If there are Intervenors in your case, all the Intervenors present in the case also must accept or abstain from voting on the offer for a settlement agreement to be created.

If a settlement agreement is created, the dispute will be resolved and the case will be closed. This means that the case will not proceed to Stage 2 – Mediation or Stage 3 – Tribunal Decision.

How Do I Use It?

The Parties can make Settlement Offers and can update their settlement offer at any time. You can use this tab to:

- Make a Settlement Offer
- Update your Settlement Offer
- Review and/or accept another Party's Settlement Offer

When you make a Settlement Offer, you will get to preview a copy of the draft Settlement Agreement that you and the other Parties will get if they accept your offer. Review this document carefully before you finalize your offer.



Party Tip: You can only resolve your dispute in Stage 1 – Negotiation if the other Parties (and Intervenors, if there are any) agree to a settlement offer. Keep this in mind while you draft settlement offers, because your choice of words can have a big impact on how the other Parties may feel about your offer.

What happens if another Party doesn't follow the settlement agreement?

If a party does not comply with a **settlement agreement**, then another party can file another case with the CAT asking for an order that requires compliance with the settlement agreement.

Checklist for Making or Accepting a Settlement Offer

Before you make or accept a Settlement Offer, you should consider...

Does the Settlement Offer clearly describe what will happen?

A good Settlement Agreement should make sense on its own. It should be clear and descriptive, and identify exactly who will be responsible for what, and include details, deadlines, and timelines for any further steps to be taken.

Does the Settlement Offer address all the issues in dispute?

By accepting a settlement offer, the Parties agree that they have resolved all the issues in dispute. If a Party accepts the other Party's settlement offer, the CAT-ODR system will automatically close the Case.

For this reason, it is important to make sure that the settlement offer addresses all of the issues in dispute.

Have you reviewed the standard language included in the Settlement Agreement, including under the "Acknowledgement," "Compliance," and "Privacy & Confidentiality" headings?

The terms set out below are automatically included with every Settlement Agreement. By making or accepting a settlement offer, you accept these terms:

Acknowledgement

We, the Parties, agree that this Settlement Agreement fully resolves the issues in dispute. We understand that the case will be closed, and we also understand that this Settlement Agreement can only be changed if both the Applicant and Respondent agree to the changes in writing.

Compliance

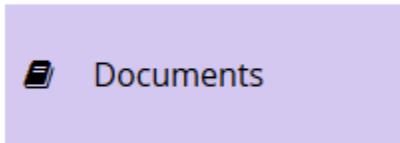
If either the Applicant or Respondent fails to comply with this Settlement Agreement, then the other Party is entitled to file a case with the CAT for an order requiring compliance with this Settlement Agreement. That case must be filed within six months of when the terms of the Settlement were broken.

Privacy and Confidentiality

This Settlement Agreement is confidential, meaning the Parties are not allowed to share it with others, or tell others about the details of the settlement without the permission of the other Party. The Parties may share a copy of any document they received if required by law, such as to a government organization or a court.

Any documents submitted through the CAT's online system are also confidential. This agreement, and any communications or documents related to this case, will not be made public by the CAT.

Tab 4: Documents



What Is It?

This tab lets you access the documents or files that have been uploaded to the case.

You can use it to add your own documents or files here or download the documents or files that other Parties have added.

Important Note: Documents uploaded to this tab can be seen by all Parties.

Why Do I Use It?

You can use this tab to review documents added by other Parties, or to add documents that you may be useful while you negotiate.

Documents uploaded in Stage 1 – Negotiation will also be available to the Parties (and the Mediator) in Stage 2 – Mediation. As required by the [CAT Rules of Practice](#), these documents are private and confidential (meaning they can't be shared with anyone without consent of the other Party, even after the case is closed).

How Do I Use It?

If you want to access (download) a document, simply click on the “Download” button next to any of the documents.

If you want to add (upload) a document:

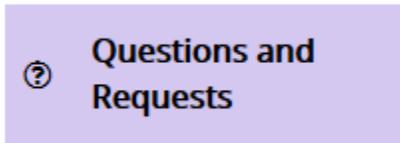
1. First click on the “Add Document” button located in the lower-left of the screen.
2. Click on “Browse,” and then choose the document you want to upload.
3. Provide a Document Name and Description in the boxes.
4. Click on the “Add Document” button.



Party Tip: You can upload the following file types: PDF, DOC, DOCX, TXT, JPEG, PNG, GIF, TIFF, MP3 or MP4.

If you want to edit a document, you can click on the “Modify” button. This allows you to change the name or description of a document. If you want to change the content of a document, you should delete the document entirely and then add a new document.

Tab 5: Questions and Requests



What Is It?

In Stage 1 – Negotiation, you can use this tab to communicate with CAT staff.

Why Do I Use It?

You can use the Questions and Requests tab if you need technical assistance from CAT staff, or if you would like to report abusive behavior by the other Party.

If you are an Applicant, you may use the Questions and Requests tab to withdraw from the case. If you are the only Applicant and withdraw, your case will close. If there are other Applicants and you withdraw, the case will continue with the remaining Applicants.

If you are the only or Primary Applicant, you can also use this tab to move the case forward into Stage 2 - Mediation.



Party Tip: Only Applicants can withdraw from the case or move it to the next stage.

How Do I Use It?

Simply click on one of the options available:

1. Withdraw (Primary Applicants)

- You may use this button to withdraw and close your case. This option is only available if you are the only Applicant in the case. If you close your case this way, it will not be re-opened in the future.
- If there are multiple Applicants in the case, all non-primary Applicants must individually withdraw before the Primary Applicant can close the case.
- If you no longer want to be the Primary Applicant in your case, another Applicant must be made Primary to replace you. To change the Primary Applicant in a case, you must contact CAT Staff regarding this issue. You can email them at CATinfo@condoauthorityontario.ca.

2. Withdraw (Intervenors or non-primary Applicants)

- Use this button if you want to individually withdraw from your case. You are only able to individually withdraw if you are an Intervenor or a non-primary Applicant. The case will continue after you withdraw.

3. Move to Stage 2 - Mediation (Applicants)

- If you are an Applicant, you can use this button to move your case forward to Stage 2 – Mediation. If you click on this button, you will be asked to pay the \$50 fee for Stage 2, after which the CAT will assign a Mediator to your case.
- If there are multiple Applicants, you can use this button to initiate a poll between the Applicants on if the case should move to Stage 2. If all the Applicants agree to move to the next stage, the Primary Applicant will be required to pay the \$50 fee for Stage 2, after which the CAT will assign a CAT Mediator to your case.
- Please note that once the case has moved into Stage 2 – Mediation, you cannot go back to Stage 1 – Negotiation.

4. Report Abuse

- Use this button to notify the CAT that another Party is behaving inappropriately (e.g., if the other Party is being aggressive, threatening, or is using profanity).

5. Ask CAT staff a question

- Use this button to send a question to CAT staff (e.g., if you have a question about how to use the system or about the CAT process). These questions cannot be seen by the other Parties.



Party Tip: In Stage 2 – Mediation and Stage 3 – Tribunal Decision, you can also use this tab to send a request directly to the Mediator assigned your case. The other Party(s) will be able to see any requests that you send to a Mediator through this tab.

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