



CAO Guide for Self-Represented Parties



TABLE OF CONTENTS

4	Introduction to CAO
5	The Condominium Authority Tribunal
6	What Can I Expect With Self-Representation?
9	Using this guide
10	Part 1: Try to resolve your issue collaboratively
13	Part 2: Learn about the Tribunal’s jurisdiction
18	Part 3: Learn about the Tribunal’s process
25	Part 4: Learn about cases like yours
26	Part 5: Prepare your case
29	Part 6: Participating in the case
31	Appendix A: Glossary
33	Appendix B: Building My Case Worksheet
34	Appendix C: Dispute Resolution for issues outside the Tribunal’s Jurisdiction



INTRODUCTION TO CAO

The Condominium Authority of Ontario is mandated under the Condo Act to support condominium living and enhance consumer protection for condo communities. It plays a vital role in Ontario's condo ecosystem by providing cost-effective and accessible digital resources that are available in both English and French.

The CAO provides information, education and dispute resolution services for condo communities to help them stay strong and vibrant. Our three service pillars help us achieve our mandate:

Three pillars of CAO's digital service model



Information

- Helpful condo living tips and tools
- Condo forms and templates
- Condo returns
- Searchable Condo Registry



Education

- Free mandatory director training on key topics like governance, finance and more.
- Best practice guides



Dispute Resolution

Integrated online dispute resolution through:

- Guided steps to help resolve issues early
- Condominium Authority Tribunal

Our services are developed and enhanced based on engagement with and feedback from Ontario's condo communities. The CAO's services are available online and have been designed to help owners and others understand and make the most of condo living and working together harmoniously to solve issues early.

The CAO's integrated issue and dispute resolution service of tools and resources guide condo community members through our dispute resolution process step by step.

Our first of its kind Condominium Authority Tribunal has been specifically designed to support parties, particularly self-represented parties, by guiding them through the process if they choose to represent themselves.

THE CONDOMINIUM AUTHORITY TRIBUNAL



The Condominium Authority Tribunal is Ontario's first fully online tribunal and is dedicated to helping condo owners and corporations resolve disputes conveniently, quickly and affordably.

The CAO has developed this online system to provide access to the Tribunal on a 24/7 basis. Parties can participate in their case from the comfort of home and based on their own availability. They receive email notifications whenever another party, a Tribunal Member or CAO staff take any action on the case. Tribunal Members are assigned to cases as the Mediator or as the Adjudicator based on the stage of the case.

The Tribunal has the legal authority to make binding orders that those involved in a case must follow. A Tribunal case is a

legal proceeding and those involved should treat it seriously and actively participate in the dispute resolution process. Failing to participate may result in a case being dismissed, or an order being made without that person's involvement.

The Tribunal's jurisdiction is set by the government. The Tribunal's jurisdiction is set out in [Ontario Regulation 179/17](#), which is a regulation under the [Condo Act](#), and which currently specifies that the Tribunal can help resolve disputes related to **condo records**, sections in your condo corporation's governing documents about **pets, vehicles, parking, storage**, as well as **nuisances, annoyances or disruptions**, including noise, light, vibration, odour, smoke or vapour.



WHAT CAN I EXPECT WITH SELF-REPRESENTATION?

Here at CAO, we sometimes get questions from the public about whether parties involved in a case with the Tribunal need to be represented by a lawyer. The answer is that like any tribunal or court, individuals always have the option to represent themselves. The CAO's dispute resolution steps and the online system developed for the Tribunal are designed to guide all individuals to resolve issues and disputes.



Who can file a case with the Tribunal?

Unit **owners** and **condo corporations** can file Tribunal cases.¹ A person or corporation that files a case is called an **applicant**. The person or corporation they file the case against is called a **respondent**.

A **unit owner** can start a case by filing an application against any combination of:

- One or more other unit owners
- One or more occupants of a unit
- Their condominium corporation



¹ **Occupants** can only file cases about compliance with settlement agreements.

A condominium corporation can start a case by filing an application against any combination of:

- One or more unit owners
- One or more occupants of a unit.



A condo
corporation

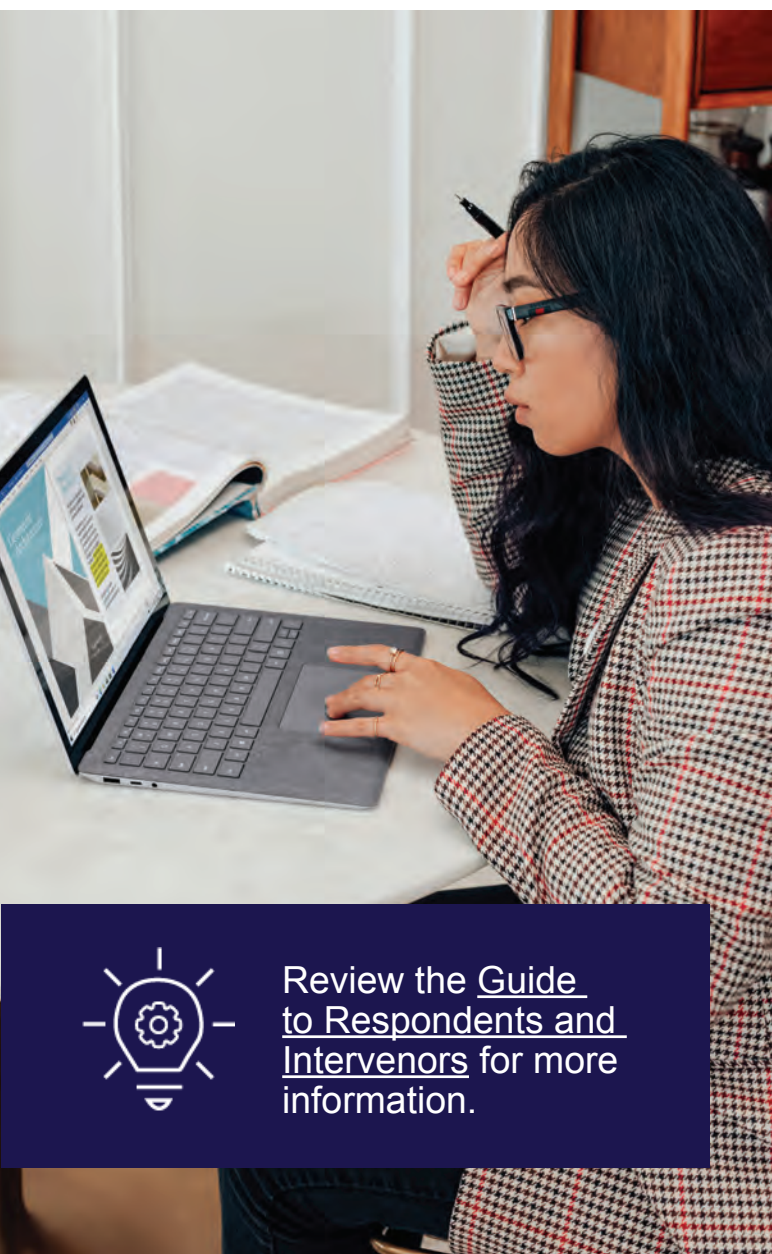
Can file against



One or more other
unit owners



One or more occupants
of another unit



Review the [Guide to Respondents and Intervenor](#) for more information.

Who can be involved in a Tribunal case?

There are some scenarios in which parties other than the applicant or respondent are entitled to participate in the case because they may be affected by its outcome. These parties are called **intervenor**s and they are entitled to participate under the Tribunal's Rules of Practice.

For example:

- A condo corporation files a case against a non-owner occupant of a unit. The owner of the unit must be identified as an intervenor.
- An owner files a case against another owner. The condo corporation must be identified as an intervenor.
- An owner files a case against an owner of another unit because of something that an occupant has done. The occupant must be identified as an intervenor.
- There is always at least one owner and one condo corporation in every case.

Who can be a representative?

A representative is a person who acts on behalf of a party in a case. If you decide to have a representative, it is important that you understand who is allowed to represent you.

All parties involved in Tribunal cases are legally entitled to have a representative.

Condo unit owners and occupants can represent themselves or can be represented by:

- A lawyer or paralegal licensed by the Law Society of Ontario.
- A person who is allowed to provide legal services under Part V of the [Law Society's By-Law #4](#), which includes a neighbour or family member who provides the services without receiving any fee. The types of people who can act as a representative without a licence is governed by the Law Society of Ontario.

Condominium corporations and other companies must have someone represent them. This can be a director, condo manager, lawyer or paralegal.



Learn more about getting [legal representation](#) and other legal resources.

USING THIS GUIDE

This guide will walk you through steps to prepare for your case if you choose to represent yourself.

- **If you are thinking about filing a case with the Tribunal**, you should read through all sections of this guide.
- **If you have received a notice that you have been named as a party in a Tribunal case filed by another owner or your condominium corporation**, you can start by reviewing **Part 2: Learn about the Tribunal** onwards. You should also join as soon as possible by following the instructions on the notice you received.

[Contact CAO's helpful Information Services Team](#) if you have any questions about filing a case, about a notice you have received, or about anything covered in this guide.



PART 1: TRY TO RESOLVE YOUR ISSUE COLLABORATIVELY

Learn more about condo living

Condo ownership is inherently different from owning a freehold home. Condo owners elect the directors who serve on their board and the board makes important decisions that affect the physical and financial well being of the corporation on the owners' behalf.

We encourage you to review the information and guides on our website and learn more about the issue you're experiencing before you take any further steps.

The CAO provides a wealth of resources to help you understand and make the most of condo living:



[CAO Condo
Buyer's Guide](#)



[CAO Condo
Owners Guide](#)



[CAO Guide on
Communication and
Conflict Resolution](#)



[CAO Guide on Issues
Management](#)



[CAO Guide to Condo
Records](#)



[Information about
boards and condo
governance](#)



[Information about
condo living](#)



[CAO Director
Training](#)



[CAO Condo Landlord
and Tenant Guides](#)

Also, check out this overview explaining what condo owners can, should and must do:



Owners can:

- Seek election to their condo's board of directors
- Requisition an owner's meeting to discuss important matters in their community
- Use amenities in accordance with the governing documents
- Request and access condo records
- Add items to owner's meeting agendas



Owners should:

- Attend and vote at owners' meetings
- Resolve issues collaboratively
- Review thoroughly and provide feedback on materials provided by their condo corporation, such as information certificates, financial statements, reserve fund studies and any other communications they send to you



Owners must:

- Abide by the governing documents
- Notify your corporation if you lease your unit
- Repair and maintain your unit in accordance with the Condo Act and governing documents
- Pay condo fees on time

Use our guided steps to solving common condo living issues

The CAO provides guided steps and helpful letter templates that you can use to correspond with others in your condo community.

There are four guided steps for each issue:



Step 1: Identify the issue



Step 2: Legal considerations



Step 3: Find solutions



Step 4: Escalate issue / Condominium Authority Tribunal

The CAO's website provides guided steps for the following 15 common issues that condo communities face. The Tribunal can deal with many of these issues but not all. Check out the next section of this guide for more information.



Records

Condo owners have a right to access some records, but not all.



Noise

When sound becomes persistent or excessively loud.



Vibration

Tremors through the walls or floors can be disruptive.



Condo managers

Relations with your condominium manager or management services provider.



Pets & animals

Even the most lovable companions can cause issues.



Parking & storage

Issues about where people are parking or storing their belongings.



Smoke & vapour

Tobacco and cannabis in the units or common elements.



Odors

Unpleasant smells can be a nuisance for other occupants.



Light

Too bright? Too dim? There may be a simple solution.



Vehicles

From idling cars to dangerous driving.



Settlement Agreements

Steps to take when someone doesn't comply with a Tribunal settlement agreement.



Harassment

Unwelcome, threatening or discriminatory interactions with other residents.



Infestation

From mice and mould to birds and bedbugs, infestation is a serious issue.



Meetings

Issues about whether meetings are being held and how they are run.



Short-term rentals

Questions about short-term rentals.

We encourage you to review the information about your issue and to try to resolve it collaboratively before it escalates, results in costs, or requires legal action. Condo owners and corporations that can resolve their disputes will save time and money and can usually resolve the dispute in a way that meets everyone's needs and supports harmonious condo living.

PART 2: LEARN ABOUT THE TRIBUNAL'S JURISDICTION

The Condominium Authority Tribunal can help you resolve disputes related to **condo records**, provisions (sections) in your condo corporation's governing documents about **pets, vehicles, parking and storage**, and **nuisances, annoyances, and disruptions**, including noise, light, vibration, odour, and smoke or vapour.

The Tribunal can also deal with disputes about **compliance with settlement agreements** that was reached during a previous case.

1. Records

The Tribunal can deal with a dispute about a condo corporation's records. Here are some common disputes in records cases:



You submitted a Request for Records and your condo corporation did not respond



You believe you are entitled to a record that your corporation has refused to provide



You disagree with the fee the corporation is charging to provide you with records



You believe that your condo's records are not adequate



You believe that your condo is not keeping certain records or is not keeping them for long enough



The Tribunal cannot deal with every condo living issue. Its jurisdiction is set by the government of Ontario in Ontario Regulation 179/17, which is a regulation under the Condo Act.

2. Pets, Vehicles, Parking and Storage

The Tribunal can deal with disputes about one or more provisions in a condo corporation's governing documents that prohibit, restrict, or otherwise govern **pets, vehicles, parking, or storage**, as well as **charges related to these issues**.

There must be one or more relevant provisions in the condominium corporation's governing documents to file this type of case.



Pets & animals



Vehicles



Parking & storage



Charges related to
these issues

Here are some common disputes in these cases:



Another
resident is not
complying with the
provisions



The condo
corporation is
not enforcing the
provisions



The provisions in
the rules or by-laws
are not reasonable



The provisions are
inconsistent



The condo
corporation didn't
follow the mandatory
requirements to
make, amend or
repeal the provisions



3. Nuisances

The Tribunal can help resolve a dispute involving someone causing nuisances, annoyances or disruptions involving **noise, light, vibration, odour, and smoke or vapour**, as well as **charges related to these issues**, even if your condo corporations governing documents do not specifically reference them.



Noise



Vibration



Smoke & vapour



Light



Odour



Charges related to
these issues

Here are some common disputes in these cases:



Another resident is
causing one of the
above nuisances



The condo
corporation is causing
one of the above
types of nuisances



The condo corporation
is not adequately
addressing one of
the above types of
nuisances

The Tribunal can also deal with disputes about provisions in a condo corporation's governing documents that govern these issues **or any other type of nuisance, including provisions relating to harassment**.



Harassment that is
prohibited under the
corporation's governing
documents



Other types of nuisances,
annoyances or disruptions
prohibited under the
corporation's governing
documents



Charges relating to
these issues

Here are some common disputes in these cases:



Another resident is not complying with the provisions



The condo corporation is not enforcing the provisions



The provisions in the rules or by-laws are not reasonable



The provisions are inconsistent



The condo corporation didn't follow the mandatory requirements to make, amend or repeal the provisions

4. Compliance with a Settlement Agreement

Parties involved in a Tribunal case can agree to resolve their dispute through a settlement agreement, which is a document that is issued by the Tribunal at the conclusion of the case with the mutual agreement of all the parties.

The agreement sets out what each party will do to resolve the dispute. Settlement agreements are an effective way for parties to work together to resolve disputes collaboratively in a way that works for everyone in all stages.

A party who believes that another party is not complying with a settlement agreement from a previous case can file a new case to ask the Tribunal to order them to comply.

A party who wishes to file this type of case must do so within six months of another party's failure to comply.





Some disputes fall outside of the Tribunal's jurisdiction

There are certain types of disputes that the Tribunal cannot deal with, even if the issues relate to a dispute listed above. This is because the Condo Act prohibits the Tribunal from dealing with disputes:

- That involve matters that are likely to cause damage to property, or injury or illness to a person.
 - For example, the Tribunal can deal with smoke and vapour nuisances, but not if it is serious to the point of being likely to cause injury, so if the case is about the negative health impacts that someone's smoking is having, the Tribunal may be unable to deal with it.
- Involving agreements between an owner and a condo corporation to modify the common elements.
 - For example, the Tribunal cannot deal with a dispute about whether the corporation should have made the agreement, or about compliance with the agreement.
- Involving an agreement between an owner and a condo corporation to install an electric vehicle charging station.

There are also a number of common condo living issues the Tribunal cannot deal with, for example:

- Issues about condo governance (how the board operates) and board decisions
- Financial or budget disputes
- Repair and maintenance disputes
- Meeting related issues such as quorum, voting, meeting notices

The CAO's Information and Tribunal Analysts review each case when it is filed and will clarify and help the parties understand which issues fall within the Tribunal's jurisdiction.

What can I do if my issue falls outside of the Tribunal's jurisdiction?

You have different options outside of CAO's services depending on the type of issue you are experiencing. Please refer to **Appendix C** at the end of this Guide for more information.

PART 3: LEARN ABOUT THE TRIBUNAL'S PROCESS

The Tribunal's process begins when an applicant files a case through the Tribunal's online system.

The CAO's Information and Tribunal Analysts review each case when it is filed to identify any potential issues with the application and will advise the applicant how they can be resolved.

Once the Tribunal accepts the case, the other parties must join through the Tribunal's online system. Once they do, it will proceed through the Tribunal's three-stage dispute resolution process:



Under the Tribunal's Rules of Practice, a **case** is called an **application** until it is accepted by the Tribunal. We have used the term case throughout this guide.

Stage 1 – Negotiation

Stage 2 – Mediation

Stage 3 – Tribunal Decision

Important Note: If a respondent does not join the case, the case may proceed directly to Stage 3 – Tribunal Decision. You should join the case as soon as possible after receiving a notice if you are a respondent or intervenor. An order may be made without your participation if you do not join.

Stage 1 – Negotiation: The applicant files the case and must pay an initial \$25 fee. Negotiation begins as soon as all of the parties join the case.

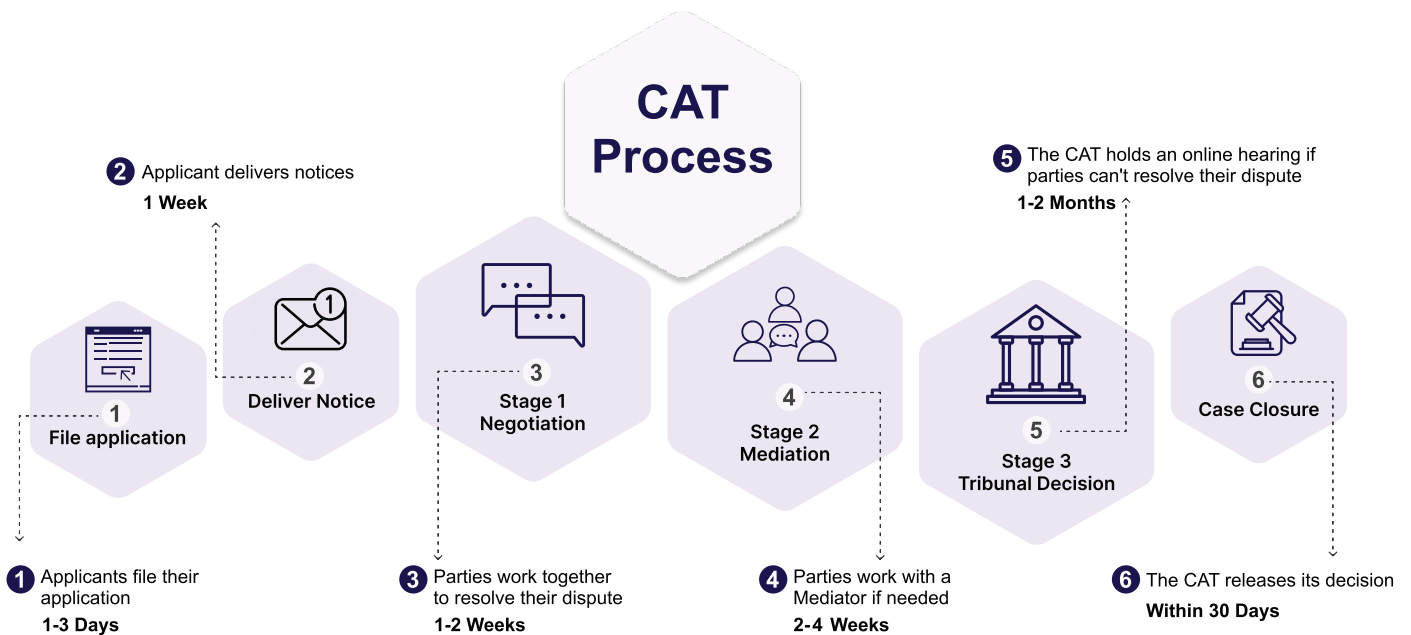
Stage 2 – Mediation: If the parties cannot resolve the issues in Stage 1, the applicant can decide when to move to Stage 2 – Mediation. The applicant pays the \$50 fee and a Tribunal Member is assigned to the case as a Mediator.

Stage 3 – Tribunal Decision: If the parties cannot resolve the issues in Stage 2, the Tribunal Mediator can allow the applicant to move the case to Stage 3 – Adjudication. The applicant pays the \$125 fee and a new Tribunal Member is assigned to conduct the hearing as an Adjudicator.

The Adjudicator who conducted the hearing will then write the final decision, which will usually be issued within 30 days.

Cases that go through all three stages will cost a total of \$200 in Tribunal fees.

The Tribunal's process is set out in the [Tribunal's Rules of Practice](#). The Rules explain the Tribunal's process and powers in more detail, and we encourage everyone to review them before filing or joining a case.



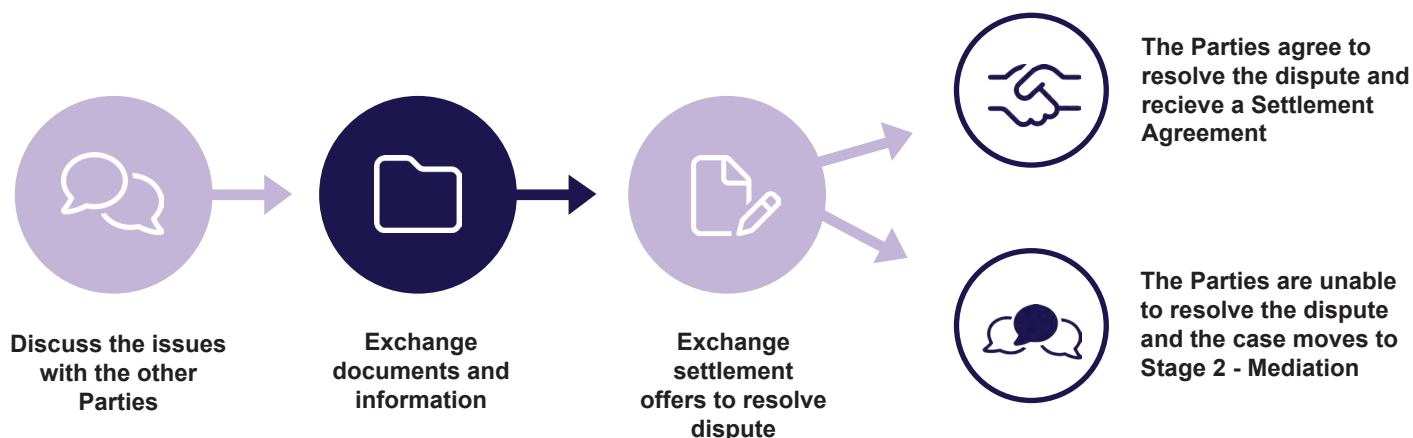
One of CAO's Information and Tribunal Analysts will be assigned to your case and can answer any questions about the process or about using the online system.



Approximately 20 per cent of Tribunal cases are resolved in Stage 1 – Negotiation

Stage 1 – Negotiation

- The parties can use the online system to work collaboratively to try to resolve their issues.
- The parties can exchange messages and documents and discuss the issues while working together



The parties can also propose a settlement offer through which they can suggest an agreeable resolution. Parties can modify their own offer at any time and can accept or refuse settlement offers proposed by other parties.

If all of the parties agree to a settlement offer, everyone will receive a settlement agreement automatically generated by the online system and the case will be closed.

Parties can save time and money by working together to resolve the issues.

Messages, documents and settlement offers shared during this stage are private and confidential and cannot be shared with people that are not involved in the case.



Review [The CAO's Guide to Effective Negotiation](#) and [The CAO's Stage 1 – Negotiation User Guide](#) for more information.



Approximately 35 per cent of Tribunal cases are resolved in Stage 2 - Mediation



Stage 2 – Mediation

- ▶ A Tribunal Member will join the case as a Mediator and will work with the parties to try to resolve the issues.
- ▶ The mediation process may be different for each case based on the nature of the issues and the needs of the parties. The Tribunal Mediator will decide how to best conduct the mediation, will explain the process and let the parties know what they will need to do.



Tribunal Mediators can do many things to help resolve the case, including:

- Clarifying the issues in dispute
- Helping you understand your rights and responsibilities
- Helping the parties identify common ground
- Facilitating communication with you and the other party
- Providing feedback on your position and arguments
- Suggesting possible solutions

The Tribunal Mediator will usually begin the mediation by explaining the process to the parties. The Mediator will then help the parties understand the issues. Tribunal Mediators can propose ways to resolve the issues in dispute, and the parties can review the Mediator's proposal and provide their feedback.

If the parties agree to resolve the case, the Tribunal Mediator will prepare a settlement agreement or issue a consent order to document their agreement, and the case will be closed.

The Tribunal Mediator can end the mediation if the parties are unable to resolve the issues.

The applicant can then move the case to Stage 3 – Tribunal Decision.

Messages, documents and settlement offers shared during this stage are private and confidential and cannot be shared with people that are not involved in the case. The Tribunal Mediator will provide guidance on what information and documents can be raised in Stage 3 – Tribunal Decision.



Please review [The CAO's Stage 2 – Mediation User Guide](#) for more information.

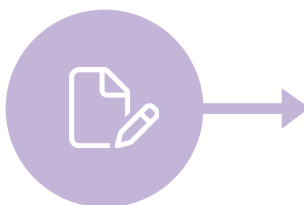


Stage 3 – Tribunal Decision

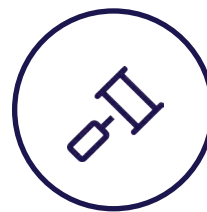
- › A Tribunal Member will join the case as an Adjudicator and will conduct an online hearing.
- › A hearing is an opportunity for each party to present its position, evidence and legal arguments.
- › It is very important that you actively participate in the hearing. Failing to participate may result in a case being dismissed (if you are the applicant), or an order being made without your participation (if you are a respondent or intervenor).
- › Each party will have a chance to tell the Adjudicator what order they want them to make and why they think that order is appropriate.
- › The Adjudicator will consider the evidence, arguments and the law and make a final decision that will resolve the issues.
- › All parties are required to follow the Tribunal's decision.
- › If a party believes the Tribunal has made a legal error, they can [file an appeal or application](#) for judicial review.



A CAT Adjudicator joins the case to hold an online hearing



Each party will present its case to the CAT Adjudicator



The CAT Adjudicator decides the issues in dispute and issues a final order

During the hearing, the Adjudicator assigned to the case will ask the parties to provide their evidence and arguments. Parties will also have an opportunity to identify witnesses that can provide evidence about the issues in dispute. Witnesses can provide their testimony in writing or by teleconference or video conference.

The Tribunal uses active adjudication to promote access to justice and to ensure that cases are resolved fairly, particularly for self-represented parties who may not have experience or familiarity with Tribunals. Active adjudication means that the Adjudicator is an engaged but impartial participant in the hearing process. Through active adjudication, Adjudicators can:

- Clarify the issues and the outcomes the parties are seeking
- Ensure the parties understand the process
- Help parties understand the hearing process and Tribunal Rules
- Provide information (but not advice) about the law that applies in each case
- Explain key legal and procedural rules, and setting out the options for the parties

The Tribunal has developed a [Practice Direction to provide more information about active adjudication](#).

The Adjudicator assigned to the case will oversee how and when the parties can exchange messages and add documents. This means the hearing process can vary from case to case.



You can review the [Guide to Participating in a Tribunal Hearing](#) and the [Stage 3 – Tribunal Decision User Guide](#) for more information about the hearing process, including evidence and witnesses.

The Tribunal generally will not order one party to pay another party's costs. However, the Tribunal may order a party to pay some costs, including legal costs, where those costs were the result of behavior that was unreasonable, undertaken for an improper purpose or that caused a delay in the process or additional expense.

Legal costs can be considerable, so it is important that everyone involved in a case act reasonably and focus on the issues in dispute.

The Tribunal has developed a Practice Direction to provide more information about its [approach to ordering costs](#).

PART 4: LEARN ABOUT CASES LIKE YOURS

You can learn more about cases like yours and how they were resolved by reviewing the Tribunal's previous decisions and orders. The Tribunal's orders and decisions are published on [CAO's website](#).

Past orders and decisions allow you to see the types of evidence and arguments that parties have provided in similar cases, and how the Tribunal decided those issues.

You can search for decisions and orders using key words or phrases, such as "minutes of board meetings" or "loud music." You can also use our advanced search features to find decisions and orders within a date range, or that involve a particular party, representative, or Tribunal Member.

Reviewing similar cases and fact scenarios can provide valuable insight into the hearing process and possible outcomes, but no two cases are the same and likewise, outcomes may differ depending on the facts and evidence.

We encourage you to consider saving case links or copies of relevant decisions for your reference as you participate in your case.



PART 5:

PREPARE YOUR CASE

You should think carefully and build your case before starting a Tribunal case or responding to a Tribunal notice. You will be better prepared and more comfortable working through the dispute resolution process if you have a good sense of what you want, how the law applies and how you can prove it.

Please use the **Building My Case Worksheet** in **Appendix B** at the end of this Guide.

1. What do I want?

Having a clear sense of the outcome you're looking for will be incredibly helpful throughout all stages of the dispute resolution process. It will help you stay focused on what is important and will help you think strategically about what you really want to achieve. You may be willing to compromise on something less important, for example, to get what you are really seeking. For example, if your main objective in a records case is to get a copy of a record you requested, you might be willing to compromise on the costs or on the corporation's timeline to provide it.

2. What is the law?

You should do research to make sure you understand what the law says.

You can do your research by:

- Reviewing your condominium corporation's governing documents.
- Reviewing the information on CAO's website and in its guides.
- Reviewing previous Tribunal decisions and orders.

Doing research will help you understand where the law supports your arguments and where it might not. It will also help you feel confident that you are on solid footing in asking for what you want. Verify your sources.

Parties involved in Tribunal cases should be prepared to make arguments by citing specific sections of the Condo Act or its regulations that are relevant to the issues in dispute.

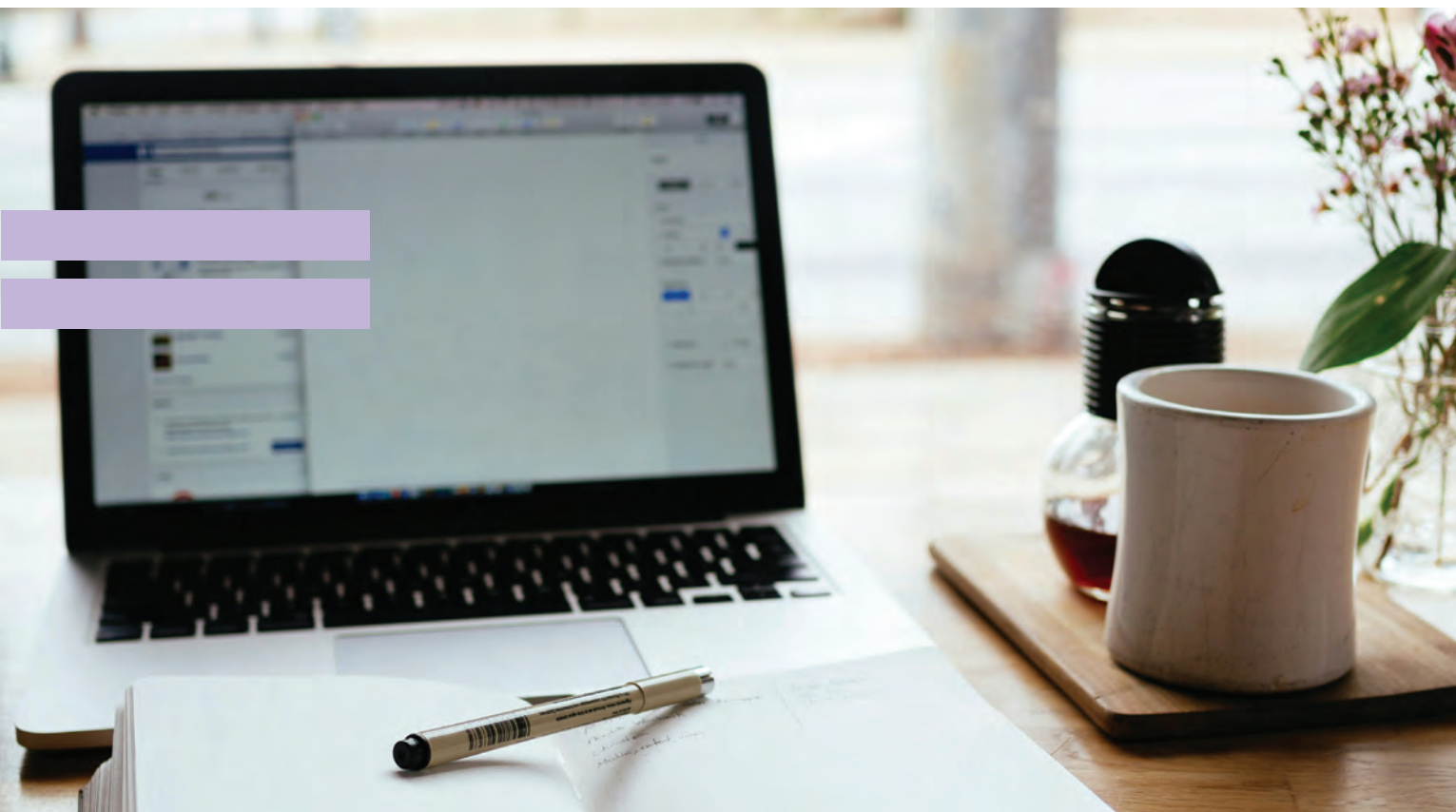
You can [contact CAO's knowledgeable Information Services Team](#) to answer questions you might have about the Condo Act or about the provisions that may be relevant to your issue.

Remember: CAO's staff cannot provide legal advice, only support and guidance.

3. What do I need to prove?

It is important to identify what you will need to prove to get what you want. You should think about how the law applies to your situation. Having a clear sense of what you will need to prove to be successful will help you identify the important questions and will help you develop compelling legal arguments.

- **Example 1:** You have asked your condo corporation for a record and your corporation has refused to provide it. In this case, you will need to prove that you are legally entitled to the record. You could do this by referring to the Condo Act or to previous decisions in which the Tribunal found an owner was entitled to the record.
- **Example 2:** Your neighbour is playing loud music and you want them to stop. In this case, you will need to prove that your neighbour is engaging in an activity that causes a nuisance, annoyance or disruption that is contrary to the Condo Act or the condo corporation's governing documents. You could do this by providing incident or security reports or logs of dates and times, audio recordings, or by calling witnesses to testify to what they heard, or by providing a report from an expert, like a sound engineer.
- **Example 3:** You think your condo corporation's rules are inconsistent with the condo corporation's declaration contrary to the requirements of the Condo Act. In this case, you will need to prove that the provisions in the rules contradict or say something different than the declaration does. You would need to identify the specific provisions that are inconsistent and explain how they are at odds.



4. How am I going to prove it?

You will need to provide evidence to help the Tribunal understand your case and what happened before the hearing. If the parties disagree about what happened, the Adjudicator will need to decide which version of events is most likely to have happened.

You can also consider whether witnesses will be able to help you prove your case. Witnesses are people who can provide evidence about an issue or fact in dispute. For example, in a nuisance case, a witness may have been present at a relevant event and may be able to provide information about what they saw or heard. A witness may also know about how an important document was developed, how it has been applied in the past, or how it relates to the events or issues in dispute.

Here are some examples of common types of evidence:

- Letters, emails or text messages
- Photos, videos or audio recordings
- Witness statements
- Invoices, receipts, quotes or other financial records
- Copies of contracts or other agreements
- Minutes from condo owner or board meetings
- Incident logs or reports of dates and times

Whether you are an applicant, respondent or intervenor, all parties involved in a Tribunal case need to think about and build their case. This includes understanding what the law says, making legal arguments and identifying relevant evidence and witnesses.



The adjudicator in your case will direct you on what evidence you can submit, including how to submit and when.

PART 6: PARTICIPATING IN THE CASE

Now that you've prepared, here are some tips for effective participation in the case. You should:

- Check your email regularly for notifications and updates about the case
- Keep an open mind and consider opportunities to resolve the dispute
- Actively participate in the case and respond to messages promptly
- Focus on the issues and avoid personal comments or attacks
- Make sure that you meet any deadlines set by the Mediator in Stage 2 - Mediation or the Adjudicator in Stage 3 – Tribunal Decision
- Ask questions to confirm your understanding

You can ask the Mediator or Adjudicator, or contact CAO's Information and Tribunal Analysts, if you have any questions about the process or about how to use the system.

[Contact the CAO helpful Information Services Team](#) if you have any questions about filing a case, about a notice you have received, or about anything covered in this guide.





APPENDIX A: GLOSSARY

Adjudicator: A Tribunal Member who has been assigned to conduct a hearing in Stage 3 – Tribunal Decision.

Application: Filing an application is the first step in resolving a dispute. Applicants file an application through the Tribunal's system to start a new case.

Applicant: The person or legal entity that files an application with the Tribunal. This can be an owner, purchaser or mortgagee of a condo unit, or a condo corporation. Occupants can only file cases about compliance with settlement agreements.

Case: A case is a legal proceeding to resolve a dispute that has been accepted by the Tribunal.

Consent Order: A legally enforceable order that the Tribunal makes with the agreement of all of the parties. Consent Orders typically resolve all the issues in dispute and will close the case.

Decision: An order issued at the end of the hearing which includes the Tribunal's ruling and reasons. A decision is legally binding and final.

Evidence: Any document, piece of information, or other thing that a party uses to support their arguments or position in a hearing.

Hearing: The process in Stage 3 – Tribunal Decision where the parties present evidence and make arguments to support their case to an Adjudicator. After the hearing is over, the Adjudicator will consider the evidence and arguments of the parties and make a legally binding decision.

Intervenor: An intervenor is a person or legal entity (including condo corporations) that have a right to participate in a Tribunal case.

Mediator: A Tribunal Member who has been assigned to mediate a case in Stage 2 – Mediation.

Tribunal Member: Tribunal Members are assigned to cases as Mediators in Stage 2 – Mediation to facilitate mediation and as Adjudicators in Stage 3 – Tribunal Decision to conduct hearings and make decisions. Individuals become Tribunal Members on the recommendation of the CAT Chair and appointment by the Condominium Authority of Ontario Board of Directors.

Order: A legal direction or instruction given by a Tribunal Member that everyone must follow.

Owner: A person or legal entity typically listed as the owner of a condo unit at the Ontario land registry office.

Party: Applicants, respondents, intervenors who participate in Tribunal cases, or any other person or legal entity granted party status by a Tribunal Member.

Representative: A person who acts on behalf of a party in a case.

Respondent: A person or legal entity that an applicant files a Tribunal case against.

Settlement Agreement: An agreement between the parties that resolves the issues in dispute and closes the case. Settlement Agreements are generated automatically when all parties agree to a Settlement Offer in Stage 1 – Negotiation or can be issued by a Mediator in Stage 2 – Mediation or Adjudicator in Stage 3 – Tribunal Decision.

Settlement Offer: A party's proposal for how the issues in dispute can be resolved. Parties can exchange settlement offers in Stage 1 – Negotiation and can change their offer at any time.

Witness: A person who has information or evidence about the issues in dispute. Parties can propose to have witnesses provide evidence in Stage 3 – Tribunal Decision.

APPENDIX B: BUILDING MY CASE WORKSHEET

Whether you are the applicant, respondent or an intervenor, you can use the following worksheet to help you prepare for participating in your case.

- In the **What I want** row, write down the outcomes you want.
- In the **What the Law Says** row, summarize the relevant provisions of the law, and make sure you keep track of the specific provisions and cases you think support what you want.
- In the **Points to Prove** row, write down the things you will need to prove for the Tribunal to make the order you want.
- In the **Evidence** row, set out the evidence (including witnesses) that you can use to help you support your argument.

What I want	
What the Law Says	
Points to prove	
Evidence	

APPENDIX C: DISPUTE RESOLUTION FOR ISSUES OUTSIDE THE TRIBUNAL'S JURISDICTION

1. Mediation

Mediation is a process where a neutral facilitator tries to bring the parties to a mutually agreeable solution. Mediation is often cheaper and faster than the alternatives, and it gives parties an opportunity to collaborate on finding a solution that everyone is comfortable with. The parties may need to agree about who will conduct the mediation and who will bear the costs for the mediation.



[Section 132 \(4\) of the Act](#) deems all condo corporations to have a provision in their declaration requiring that disputes about the governing documents must proceed first to mediation then arbitration.

2. Arbitration

Arbitration is a process where a neutral arbitrator makes a ruling on the issues. The parties involved in the dispute can present their evidence and arguments to the arbitrator. The arbitrator weighs the evidence and arguments and makes a binding decision, often with limited appeal rights.

An arbitrator may rule in favour of one party over another and may order one party to bear all of the costs, leaving the losing party empty handed. It can also be more time consuming and expensive than mediation. This is why we encourage condo communities to work together wherever possible to find a solution that meets everyone's needs.

As mediation and arbitration are largely unregulated professions, it can be important to select a dispute resolution service provider who is appropriately qualified and priced for your issues. The [ADR Institute of Ontario](#) maintains a directory of mediators and arbitrators that it has designated appropriately qualified to offer these services.

3. Filing an application for a compliance order from the Superior Court of Justice

Owners and condominium corporations can ask the court to make an order requiring compliance with any provision of the Condo Act or the governing documents.

You should review the [Superior Court of Justice website](#) if you are thinking about filing a case with the court. The website provides:

- Information and links to other resources regarding the court system in Ontario, proceedings in the Superior Court of Justice, and information about how to obtain legal advice or legal representation.
- Information about the policies, protocols and practice directions that govern how cases proceed in the Superior Court of Justice.
- Information about what to expect and how to conduct yourself when going to court.

If your dispute is about provisions in your condo corporation's governing documents, you must try to resolve your issue through mediation or arbitration first before seeking compliance from the Superior Court of Justice.



Check [section 134 of the Condo Act](#) for more information about compliance orders.



Stay in the know!
TheCAO.ca/subscribe

