

CAT Member Conflict of Interest Policy

1.0 Introduction

A conflict of interest is any interest, relationship, association or activity that may adversely impact Member's performance of their duties or obligations to the Tribunal. A conflict of interest arises when a Member's private or personal interest may compete or take precedence over his or her responsibilities as an appointee. A conflict of interest may be real, perceived or potential. A conflict of interest may be financial and/or non-financial.

Members must prevent real, potential, or apparent conflicts of interest. Members should not have any involvement in activity that is incompatible the Member's duties and responsibilities or that may call into question their capacity to perform those duties and responsibilities.

Members should be aware of the importance of impartiality and independence relationships and how activities outside of the Tribunal affect the appearance of impartiality and independence. Members should avoid situations that may give rise to conflicts of interest or allegations of an apprehension of bias.

Where a member has personal or financial interests that could raise an issue under the Conflict of Interest Policy, they must inform their Ethics Executive (EE). Members should also inform the EE if their activities might create a perception of bias or create a reputational risk for the CAT.

For the purposes of this Policy, the Chair is the EE for all other Members of the CAT. The Chair of the Board of Directors of the Condominium Authority of Ontario is the EE for the Chair of the CAT.

2.0 General Duty to Disclose Potential Conflicts

While the Condominium Authority Tribunal (CAT) will try to provide some guidance and predictability to activities that may cause a conflict of interest, the key responsibility of members is to disclose even the possibility of conflict of interest, to their EE, so that it may be assessed and dealt with in a proactive manner.

3.0 Disclosing Confidential Information

1. A CAT Member shall not disclose confidential, or case-related information obtained while they are employed by the CAT to any person or entity unless they are required or authorized to do so by law, the CAT and the CAO.

4.0 Use of Confidential Information

2. A CAT Member shall not use confidential information for personal benefit or in a business or undertaking outside of their work for the CAT.

5.0 Offering Assistance

3. A CAT Member shall not assist or offer assistance to a person or entity dealing with the CAT other than the assistance given in the ordinary course of their employment by the CAT.

6.0 Engaging in Business

4. A CAT Member shall not become employed by or engage in a business or undertaking outside their employment or duties in the CAT in any of the following circumstances:
 - a) if the CAT Member's private interests in connection with the employment or undertaking could conflict with their duties to the CAT and the CAO;
 - b) if the employment or undertaking would interfere with the CAT Member's ability to perform their duties to the CAT and the CAO;
 - c) if the employment is in a professional capacity and is likely to influence or detrimentally affect the CAT Member's ability to perform their duties to the CAT and the CAO;
 - d) if, in connection with the employment or undertaking, any person would gain, or may appear to gain, an advantage from the CAT Member's employment in the CAT.

7.0 Outside Activities

5. Members must ensure that their outside activities do not interfere with the impartial, effective, and timely performance of their responsibilities.
6. Members must not engage in activities that bring the CAT into disrepute.
7. Unless so authorized by the Chair, Members must not perform outside activities in a manner that appears to be officially supported by or connected to CAT, or appears to represent CAT opinion or policy.
8. Members must not use their position with the CAT to lend weight to the public expression of a personal opinion.

8.0 CAT Resources

9. Members shall use the CAT premises, equipment, and supplies only for work related to their employment with the CAT.

9.0 Prior Involvement

10. A CAT Member shall not mediate, adjudicate, or participate in any part of a proceeding in which there has been any prior involvement by the CAT Member, any person with whom they are in a significant professional relationship or any other person with whom they have a close business or personal relationship (including their spouse, child, parent, or sibling).

10.0 Professional Relationship

11. A CAT Member shall not mediate, adjudicate, or participate in any part of a proceeding involving a Party or representative with whom they are currently, or were formerly, in a professional relationship.

11.0 Effect on Other Proceedings

12. A CAT Member shall not mediate, adjudicate, or participate in any part of a proceeding in which the outcome may have an impact on any other legal proceeding in which the CAT Member, or their spouse, child, parent, sibling, or close associate, has a personal or pecuniary interest.
13. Where a Member becomes aware of a possible conflict of interest, or of facts which may give rise to a perception of bias, and the related circumstances are unknown to the parties, the Member must immediately advise the Chair. Depending on discussions with the Chair, the Member may recuse themselves from the determination or advise the parties as soon as possible of the potential conflict, hear submissions on the issue, and provide a written decision.
14. On receipt of such notification, the Ethics Executive shall take all reasonable measures to ensure the application is segregated and that firewalls are in place to limit internal access to the file to appropriate individuals.

12.0 Appearance before the CAT: Current Members

15. A CAT Member shall not appear before the CAT as an expert or technical witness or as a representative for a User.
16. A CAT Member shall not, other than in discharging their functions within the CAT, provide legal, consulting or technical services or advice to anyone in respect of a matter that is before the CAT, or on an appeal or review of a matter which was before the CAT, whether the services or advice are provided for remuneration or otherwise.
17. A CAT Member may commence or respond to an application or other matter before the CAT provided that they:
 - are represented by counsel or a representative;
 - immediately notify their EE;
 - refrain from any communication about the matter except as may be required by law or by the rules of the CAT; and,
 - refrain from involvement in any case which is directly related to the matter in question.
18. On receipt of such notification, the Ethics Executive shall take all reasonable measures to ensure the application is segregated and that firewalls are in place to limit internal access to the file to appropriate individuals.
19. If the CAT Member must appear as a witness in a proceeding to which they are not a party, they shall notify their EE, and provide sufficient advance notice to permit the EE to take appropriate action to protect the integrity of the CAT and its processes.

13.0 Appearance before the CAT: Former Members

20. A former CAT Member shall not appear as a representative or an expert or technical witness before the CAT for a period of 12 months from the end of their appointment or, 12 months after the release of their last decision if that is later.

14.0 Undertaking

I will adhere to this Conflict of Interest Policy and commit to supporting standards contained in the policy.

I will review my compliance with the Policy on a regular basis.

I acknowledge that I have read and understand the policy and agree to conduct myself in accordance with it.

Signature of Member

Date:

Signature of Witness

Date:

15.0 Review of Policy

This Policy will be reviewed at regular intervals, and no less than once every three years to ensure that it continues to effectively serve its intended purpose.

Approval Authority:	Condo Authority Board of Directors
Previous Approval Date:	March, 2018
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