



# CONDOMINIUM AUTHORITY TRIBUNAL RULES OF PRACTICE

## INTRODUCTION

These Rules outline how the Condominium Authority Tribunal (the CAT) operates, and what Parties and their representatives need to know or do when they are involved in an application at the CAT.

The CAT has the authority to make rules to govern its practices under the *Statutory Powers Procedures Act, 1990*. The Chair of the CAT may issue Practice Directions to provide more information about the CAT's practices or procedures.

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## **A. GENERAL**

### **1. Using These Rules**

- 1.1 These Rules will be used by the CAT in a way that:
- (a) promotes the fair, timely and efficient resolution of disputes;
  - (b) recognizes the need for a clear and easy to use process and system, including for parties without legal representation;
  - (c) encourages the settlement of disputes;
  - (d) supports fair, focused and efficient processes, that are flexible and proportional based on the complexity of the issues and how the outcome could affect the Parties or others; and
  - (e) ensures that, if a hearing is needed, the parties have an adequate opportunity to know the issues and to be heard on matters in the proceeding.
- 1.2 These Rules should be read and understood together with the *Statutory Powers Procedure Act, 1990* and *Condominium Act, 1998*.

### **2. Definitions (French terms in brackets)**

- 2.1 In these Rules,
- (a) “Added Party” (**FRENCH TERM**) means an individual, legal entity, or a condominium corporation that has a right to participate in a CAT application under these Rules.
  - (b) “Applicant” (requérant) means the party who files an application with the CAT.
  - (c) “Application” (requête) means the CAT’s proceeding under section 1.36 of the *Condominium Act, 1998* to resolve a dispute, or under section 1.47 of the Act about a settlement agreement that has not been followed.

- (d) “CAT Member” (membre du TASC) means a person who is appointed to the CAT to mediate and adjudicate applications.
- (e) “Consent Order” (ordonnance sur consentement) means an order that the CAT makes with the parties’ agreement. Consent orders are published online and are available to the public.
- (f) “Decision” (décision) means CAT Member’s order issued after the conclusion of a hearing or mediation-adjudication.
- (g) “Document” (document) means a written document, image, audio or video recording, or any file with information recorded or stored by any means.
- (h) “Hearing” (audience) means the process in Stage 3 – Adjudication where the parties have an opportunity to present evidence and make arguments to support their position in the dispute before a CAT Adjudicator. A Hearing may be held through the CAT’s system, telephone conference call, videoconference, or other methods.
- (i) “Occupant” (occupant) means an individual or legal entity that occupies or resides in a unit that they do not own. This includes residential and commercial tenants.
- (j) “Owner” (propriétaire) means a person or legal entity that owns a condominium unit (i.e., is listed as the owner of the property at an Ontario land registry office).
- (k) “Party” (partie) means the applicant and respondent, any added parties, and/or any other person or legal entity granted party status by a CAT Member.
- (l) “Representative” (représentant) means a person who acts for a party in an application.
- (m) “Respondent” (défendeur) is the party (either a person or a corporation) that has the right to respond to an application.
- (n) “Settlement Agreement” (accord de règlement) means a written agreement between the parties to resolve some or all of the issues in dispute. Settlement agreements are private and confidential by default, but parties can agree to vary the confidentiality requirements in Stage 2 or Stage 3.
- (o) “Tribunal” (tribunal), or “CAT” (TASC) means the Condominium Authority Tribunal.



### 3. Calculation of Time

- 3.1 Where a CAT order or a Rule refers to a number of days, it refers to calendar days, including weekends and holidays.
- 3.2 When something must be done under a CAT order or under these Rules within a specific number of days, the number of days are counted by excluding the first day and including the last day.
- 3.3 All references to a specific time of day in the CAT's system or in any other communication from the CAT are references to eastern daylight time (during the spring and summer) and eastern standard time (during the fall and winter).

### 4. Confidentiality

- 4.1 In Stages 1 and 2, all settlement offers and settlement-related messages are confidential. Documents that include settlement discussions, settlement offers or otherwise privileged information are also confidential. That means that parties cannot:
  - share them with others.
  - tell others about them.
  - publicly post them in any form.
- 4.2 Parties will not have access to the messages and settlement offers exchanged in Stage 1 – Negotiation or Stage 2 – Mediation if the application has moved to Stage 3 – Adjudication or if it has closed.
- 4.3 CAT Members cannot be compelled to give testimony or produce documents in any civil proceeding relating to matters that come to their attention while assigned to applications in Stage 2 – Mediation.
- 4.4 The CAT will typically only accept medical information from the person to whom that information relates. Parties cannot share another individual's medical information unless authorized by the CAT.

**Note:** The CAT has developed a Practice Direction to provide additional scheduling confidentiality. Click here to access the [CAT Practice Direction: Confidentiality](#).

### 5. Public Access

- 5.1 In addition to these Rules and any CAT direction or order, the CAT will also be guided by the Access and Privacy Policy of the Condominium Authority of Ontario.

- 5.2 The public may have reasonable access to adjudicative records related to Stage 3 - Adjudication, including documents and messages that are uploaded or sent through the CAT's online system. This public access may be delayed until after the application is closed.
- 5.3 CAT files may include the following adjudicative records:
- the application;
  - any documents required to be submitted when the application was filed;
  - the Notice of Application;
  - any motion-related correspondence and submissions;
  - written submissions;
  - documentary evidence;
  - recordings of oral portions of the proceeding, if any;
  - orders and / or decisions; and,
  - hearing schedules.
- 5.4 Any person may request that the CAT close all or part of a application to the public or restrict public access to the CAT's adjudicative records. Requests under this section can be made at any time, even after the application has closed.
- 5.5 The CAT may make orders or directions to protect the confidentiality of personal information. The CAT may do so after a request or without a request from a party.

## 6. Human Rights Code Needs

- 6.1 The CAT is committed to accessibility and equal access to its services. All parties who have needs related to the Human Rights Code have a right to equal access to the CAT's services. Parties with Code-related accessibility needs should inform the CAT as soon as possible.

## 7. English or French

- 7.1 Proceedings may be conducted in English or French, as guided by the CAT's French Language Services Policy.
- 7.2 Parties must notify the CAT of any change in language preference as soon as possible.



## 8. Availability

- 8.1 Parties are required to actively participate in the application while it is open. If a Party will be unavailable and requires an adjournment or a delay while an application is in Stage 2 or Stage 3, they must make a request to the CAT Member assigned in advance.

**Note:** The CAT has developed a Practice Direction to provide additional information on scheduling requests and adjournments. Click here to access the [CAT Practice Direction: Scheduling Requests and Adjournments](#).

## 9. No Contact with CAT Members

- 9.1 No party or member of the public shall contact or attempt to contact a CAT Member outside of the CAT's online system.

# B. TRIBUNAL POWERS

## 10. Tribunal Powers

- 10.1 The CAT can make orders or give directions to provide a fair, focused, efficient, and proportional process in each application.
- 10.2 The CAT can make orders or give directions to prevent abuse of its processes.
- 10.3 The CAT can make an order directing a party to take an action or refrain from taking an action while an application is ongoing.
- 10.4 The CAT can vary or waive the application of a Rule on its own initiative or on request of a party except where doing so is prohibited by law.
- 10.5 The CAT can make orders or give directions on receipt of a request, or without a request from a party.
- 10.6 The CAT can update or correct any information in its online system at any time and can make updates on behalf of parties.
- 10.7 The CAT can invite a representative to join an application in the online system on behalf of a party and can remove an individual's access to an application if they are not acting as a representative.
- 10.8 The CAT can invite a party to join an application in the online system and can remove a party's access if they are no longer a party.



- 10.9 The CAT can require anyone involved in a proceeding to provide proof of identification at any time.
- 10.10 The CAT may decide any matter of procedure that is not provided for by these Rules.

## 11. Combining and Severing Applications

- 11.1 The CAT may order or direct that two or more applications be combined.
- 11.2 The CAT may order or direct that one application be severed into two or more separate applications.

## 12. Mediator and Adjudicator Refusal of Settlement Agreement or Consent Order

- 12.1 Mediators and Adjudicators can refuse to incorporate the terms agreed upon by the parties into a settlement agreement or consent order if they determine that the terms violate the *Condominium Act, 1998*, or another law.

## 13. Early Dismissal

- 13.1 The CAT can dismiss an application at any time in certain situations, including:
  - (a) where the CAT finds that it is an abuse of process;
  - (b) where an application is about issues that are so minor that it would be unfair to make the respondent go through the CAT process;
  - (c) where an application has no reasonable prospect of success;
  - (d) where an application is about issues that the CAT has no legal power to hear or decide;
  - (e) where the applicant is using the CAT for an improper purpose (e.g., filing vexatious applications);
  - (f) where the applicant has filed documents or submissions with the CAT that they knew or ought to have known contain false or misleading information; or,
  - (g) where the CAT has found that the applicant has abandoned their application.





#### 14. Administrative Closure

- 14.1 The CAT can administratively close an application in the circumstances set out in Rules 25.1, 29.1, or 31.1 (d) or (e).

#### 15. Abuse of Process

- 15.1 To prevent abuses of process, the CAT may require:
- (a) that a party obtain permission from the CAT to file any future applications or to continue to participate in an active application.
  - (b) that a party to agree to an undertaking that they will comply with the Rules and with any CAT orders and directions.

### C. PARTICIPATION AND REPRESENTATIVES

#### 16. Participation

- 16.1 The CAT's purpose is to help resolve disputes. This requires parties to participate and make a genuine effort to resolve the dispute.
- 16.2 Unless the CAT allows another method, all parties must use the CAT's online system to communicate, and exchange documents and messages.
- 16.3 All parties and representatives must:
- (a) participate in the way that the CAT directs;
  - (b) behave and communicate in a respectful manner;
  - (c) have enough information and instructions to effectively participate in the application, and have the authority to make agreements or settle any issues;
  - (d) act in good faith and not use the CAT's online system or CAT processes for an improper purpose;
  - (e) only use their own CAO account to access the CAT's online system;
  - (f) not allow anyone to falsely represent them in the CAT's online system;
  - (g) communicate in a way that is timely, courteous and respectful of everyone;
  - (h) check the CAT's online system as often as directed by the CAT or by the CAT Member assigned; and,
  - (i) follow all directions that CAT members and other CAT staff provide.



## 17. Representation

- 17.1 A party may be represented by:
- (a) a lawyer or paralegal licensed by the Law Society of Ontario; or
  - (b) a person who is exempt from the Law Society's licensing requirements. This includes a friend or family member who is helping without receiving any fee, or a person who is a licensed condominium manager.
- 17.2 Representatives must have the authority to act and to enter into settlement agreements and consent orders on behalf of the entities they represent.
- 17.3 A representative can do anything a party can do on their behalf. Representatives must follow any CAT orders and directions for the party they represent.
- 17.4 If there is any change in representatives, the change must be made immediately in the CAT's online system.
- 17.5 When a representative ceases to represent a party, they must ensure that the party they were representing or another representative has access to the application in the CAT's online system.
- 17.6 The CAT may require a condominium corporation and/or its representative to provide evidence that the condominium corporation has a quorum of directors on its board and that the board has authorized the person appearing as its representative.
- 17.7 Parties are prohibited from inviting individuals to access applications as representatives if they are not acting as representatives. The CAT may remove an individual's access to the applications at any time to prevent an abuse of process.
- 17.8 The CAT may disqualify a representative that is not licensed by the Law Society of Ontario from appearing before it if the representative's appearance would lead to an abuse of process.

## 18. Contact Information

- 18.1 Every party must provide their contact information in the CAT's online system. If their contact information changes, they must update their information in the CAT's online system as soon as possible. Contact information includes:
- (a) an e-mail address;
  - (b) a phone number; and,
  - (c) a mailing address.



## **D. RESPONSIBILITY TO NOTIFY TRIBUNAL**

### **19. Scenarios**

19.1 The parties must immediately notify the CAT.

1. If a unit owner sells their unit.
2. If the *Condominium Act, 1998* ceases to govern the property.
3. If a party has a residential or commercial tenancy agreement for their unit and that tenancy concludes.

Notifications must be sent:

- By email to [CATinfo@condoauthorityontario.ca](mailto:CATinfo@condoauthorityontario.ca) if the application has not yet proceeded to Stage 2 or Stage 3.
- By notifying the CAT Member assigned in Stage 2 or Stage 3.

## **E. DELIVERY OF DOCUMENTS**

### **20. Electronic Documents**

20.1 Documents must be in an electronic form and provided by using the CAT's online system, unless the CAT allows or requires another method.

### **21. Physical Documents**

21.1 If these Rules or the CAT requires a paper document or any other physical object to be delivered, it may be delivered by:

- If the recipient is a condominium corporation...
  - (a) Personally giving it to a member of the condominium corporation's board of director or to the condominium corporation's condominium manager.
  - (b) Sending it by regular mail to the condominium corporation's address for service, as shown in the [CAO's Condo Registry](#).
- If the recipient is a unit owner ...
  - (a) Personally giving it to:
    - the unit owner; or,

- an adult occupant of the unit who confirms that the unit owner is also an occupant.
- (b) Sending it by regular mail to:
  - the address for service for the unit owner, as shown in the record of owners and mortgagees that the condominium corporation is required to maintain under section 46.1 of the *Condominium Act, 1998*; or,
  - the unit's address, if there is no address for service listed in the record of owners and mortgagees that the condominium corporation is required to maintain under section 46.1 of the *Condominium Act, 1998*.
- If the recipient is an occupant...
  - (a) Personally giving it to the occupant; or,
  - (b) Sending it by regular mail to the unit's address.

**Note:** This does not apply to a summons to a witness, which must be delivered in person.

- 21.2 When a Party or the CAT delivers a physical document, that document is deemed to be delivered at the following times:
- (a) if delivered by mail, five days after the postmark date on the envelope; or,
  - (b) if personally delivered, at the time when it is delivered to the person.
- 21.3 The CAT may require the sender of a paper document to prove its delivery.
- 21.4 If a Party fails to deliver a paper document as required, the CAT may:
- (a) proceed with the application if satisfied there will be no prejudice to the party entitled to receipt of the document;
  - (b) adjourn the application; or,
  - (c) dismiss the application or request.
- 21.5 If a party fails to provide an electronic document or deliver a paper document in accordance with this section, the CAT may still deem that it was validly delivered if the contents came to the attention of the person for whom it was intended within the required time period.

## **F. ADDED PARTIES**

### **22. Added Parties**

- 22.1 Added parties have all the rights and responsibilities of a parties under the *Condominium Act, 1998* and these Rules.
- 22.2 When an application is filed against a non-owner occupant of a condominium unit (e.g., a tenant), the applicant must identify and name the owner of the unit as an added party.
- 22.3 When an application is filed against the owner of a unit, the applicant must identify and name the occupant of that unit as an added party, but only if the occupant is involved in the conduct at issue and the applicant is seeking an order against that occupant.
- 22.4 If a condominium corporation is neither the applicant nor the respondent, the applicant must identify and name the condominium corporation as an added party.
- 22.5 When an application is filed against a condominium corporation about an issue involving shared facilities or a shared facilities agreement with other condominium corporations, the applicant must identify and name each of the other condominium corporations that uses the shared facility or are a party to the shared facilities agreement as an added party.

## **G. FILING AN APPLICATION**

### **23. Filing an Application with the CAT**

- 23.1 Applications must be filed with the CAT through the CAT's online system, unless the CAT allows for another method.
- 23.2 When an application is filed, the CAT will review it to identify any issues. The CAT will inform the applicant of any issues and what the applicant can do to fix them. The CAT may not process a application if:
  - (a) it is incomplete;
  - (b) it does not identify a party required to be identified under these Rules;
  - (c) It identifies parties other than those permitted by the Act or required by these Rules;
  - (d) it was filed outside of the time limits set out in the *Condominium Act, 1998*; or



- (e) it is about a dispute that the CAT may have no legal power to hear or decide.

23.3 Applicants are required to provide documents related to the issues in dispute so the CAT can determine if it has jurisdiction over the issues raised in the application. The documents required to be provided are:

- (a) a copy of the Request for Records form and a copy of any response provided, for disputes about a request for records.
- (b) a copy of the condominium corporation's governing documents, for disputes about a provision in a condominium corporation's governing documents that prohibits, restricts or otherwise governs pets, vehicles, parking or storage, nuisances, or chargebacks.

The CAT may require additional information or documents to ensure that the CAT has jurisdiction over the issues in dispute

23.4 If the applicant does not respond to or address the issues identified, the CAT, the CAT notify them that the application will not be processed and will explain why. The CAT will also explain what can be done to fix the issues. If the applicant believes the application should be allowed to continue, a CAT Member will decide to either dismiss it or allow it to continue.

## 24. Applications filed by Multiple Applicants

24.1 Two or more applicants may file an application together. All applicants must join the application in the CAT's online system before it can be filed with the CAT.

24.2 The CAT may remove an applicant from an application for failing to participate.

24.3 If an application involves multiple applicants, all applicants must agree to move the application from Stage 1 to Stage 2 and from Stage 2 to Stage 3.

24.4 If an application involves multiple applicants and one, but not all, of the applicants withdraw from the application, the application will remain open with the remaining applicants.

## 25. Closing a Draft Application

25.1 The CAT will close a draft application if the applicant has not updated it, submitted it, or re-submitted it for 30 days or by another deadline specified by the CAT.



## H. JOINING APPLICATIONS

### 26. Notice of Application

- 26.1 When an application is accepted, the CAT's online system will send an email to all respondents and added parties for whom the applicant provided an email address containing instructions to join the application. A party is considered to have been notified if they join the application.
- 26.2 If the applicant does not provide an email address for a respondent or added party, or if a respondent or added party does not join, the applicant will be required to deliver a paper copy of the Notice of Application to each respondent or added party.
- 26.3 The applicant must deliver a paper copy of the Notice of Application to each respondent and added party in accordance with Rule 21.

### 27. Joining an Application

- 27.1 Any respondent or added party that receives a paper Notice of Application must join the Application using the CAT's online system within seven days of receiving the paper notice.

### 28. Process in the Absence of Respondent or Added Parties

- 28.1 If any respondent or added party fails to join the application in the CAT's online system within seven days of receiving a paper notice, the applicant can move the application directly to Stage 3 – Adjudication by paying the applicable fee.
- 28.2 The CAT may require the applicant to confirm that they delivered the paper notice in accordance with these Rules.
- 28.3 If a respondent or added party fails to join an application, it may proceed in their absence and the CAT may accept any uncontested facts supported by the evidence or witness testimony as true.
- 28.4 Respondents and added parties can join active applications at any time, even if it has proceeded to Stage 3.

### 29. Closing an Application – Notify Parties Stage

- 29.1 The CAT will close an application that has not yet progressed to Stage 1 or Stage 3 if:
  - (a) the applicant has not confirmed delivery of a paper notice for 30 days.



- (b) the applicant has not moved the application to Stage 3 within 30 days of being able to do so.

## **I. STAGE 1 – NEGOTIATION**

### **30. Negotiation**

- 30.1 In Stage 1, the Parties will use the CAT's online system to negotiate. If all parties agree, the CAT's online system will automatically create a settlement agreement incorporating the terms they agreed upon and the application will be closed. If the Parties do not agree to settle the issues in dispute, the applicant can choose to pay the fee and move the application to Stage 2 – Mediation.

### **31. Ending Stage 1**

- 31.1 The CAT will end Stage 1 and close the application if:
  - (a) the parties have reached a settlement agreement that resolves all the issues in dispute;
  - (b) the applicant has properly informed the CAT that they are withdrawing their application;
  - (c) the parties notify the CAT that they have resolved the issues in dispute; or
  - (d) no party has posted a message, uploaded a document, or made or voted on a settlement offer in the CAT's online system for 30 days;
  - (e) the application has been in Stage 1 for more than 6 months; or,
  - (f) the application is dismissed for any of the reasons set out in Rule 13.
- 31.2 The applicant may move from Stage 1 to Stage 2 at any time by paying the Stage 2 Fee.

## **J. MEDIATION - ADJUDICATION**

### **32. Mediation-Adjudication**

- 32.1 If the parties agree, the CAT Member may conduct a combined mediation-adjudication. In mediation-adjudication, the CAT Member will work with the parties to try to resolve the issues in dispute. If the parties cannot resolve the issues in dispute, the CAT Member will then decide the remaining issues.
- 32.2 The parties must agree before mediation-adjudication commences.



**Note:** The CAT has developed a Practice Direction to provide additional information on Mediation-Adjudication. Click here to access the [CAT Practice Direction: Mediation-Adjudication](#).

## **K. STAGE 2 – MEDIATION**

### **33. Mediation**

33.1 In Stage 2, a CAT Member works with the parties as a Mediator to try to resolve the issues in dispute.

### **34. Private Communications**

34.1 The Mediator may communicate confidentially with only one party. If the Mediator does this, the Mediator will inform the other parties about the one-on-one communication, without disclosing what was discussed.

### **35. Ending Stage 2**

35.1 The Mediator will decide when to conclude the Mediation. The Mediator may also discuss the parties' readiness for Stage 3, which may include:

- (a) identifying the facts they can agree on;
- (b) identifying what witnesses and evidence they want to use;
- (c) identifying the issues to be decided in Stage 3;
- (d) explaining what to expect and how stage 3 will work; and,
- (e) anything else that may help the Stage 3 - Adjudication process to be fair, focused and efficient.

35.2 The applicant may pay the Stage 3 fee and move the application from Stage 2 to Stage 3 after the Mediator has allowed it.

35.3 The CAT will end Stage 2 and close the application if:

- (a) the parties have agreed to a settlement agreement that resolves the issues in dispute;
- (b) the parties agree to the CAT making a consent order that resolves the issues in dispute;
- (c) the applicant has properly informed the CAT that they are withdrawing their application;
- (d) the applicant has not moved the application from Stage 2 to Stage 3 within 15 days of being able to do so; or,



- (e) the application is dismissed for any of the reasons set out in Rule 13.

### 36. Stage 2 Summary and Order

- 36.1 If the applicant moves the application to Stage 3, the Mediator will prepare a Stage 2 Summary and Order that will be provided to the parties and to the Adjudicator in Stage 3.

## L. STAGE 3 – ADJUDICATION

### 37. Adjudication

- 37.1 In Stage 3, a CAT Member will conduct a hearing as an Adjudicator to decide the application and will issue a final decision that everyone must follow.

**Note:** The CAT has developed a Practice Direction to provide additional information on active adjudication. Click here to access the [CAT Practice Direction: Scheduling Requests and Adjournments](#).

- 37.2 The CAT may accept as true any facts supported by the evidence or witness testimony that the other Parties have not disagreed with.

### 38. Disclosure of Documents, Information and Evidence

- 38.1 All parties are responsible for providing evidence to support their positions.
- 38.2 The CAT will only admit evidence that is relevant to the issues in dispute.
- 38.3 At any time during Stage 3, the CAT may require a party to disclose any documents or other material if the CAT considers it necessary for a better understanding of the issues in dispute, unless the CAT is satisfied the document or material is privileged.
- 38.4 Parties must follow the CAT's orders and directions about what, how and when any documents, information or evidence must be delivered.

### 39. Witnesses

- 39.1 Parties may propose witnesses to provide evidence in Stage 3
- 39.2 The CAT may decline to accept evidence from a witness if it determines that:
- (a) the witness's evidence is not relevant to the issues in dispute;

- (b) the witness's evidence is repetitious; or,
- (c) the witness's evidence relates to matters that are not in dispute.

39.3 The CAT may restrict cross-examination that is repetitive, abusive or otherwise inappropriate, or where the CAT is satisfied that all relevant matters have already been disclosed.

39.4 The Adjudicator assigned to the application will determine how the witness provides their evidence. The CAT will give directions about:

- (a) how and when the witnesses may give evidence;
- (b) how and when parties can make submissions about a witness's evidence or ask a witness questions; and,
- (c) how and when a witness can receive or answer questions from a party or the CAT.

#### 40. Witness Summons

40.1 The CAT may issue a summons to a witness.

40.2 A party who asks for a summons must follow the instructions on the summons form and must deliver a paper copy of the summons to the witness together with the payment for attendance that is required under the Rules of Civil Procedure of the Superior Court of Justice.

#### 41. Ending Stage 3

41.1 The CAT will end Stage 3 and close the application if:

- (a) the Adjudicator has concluded the hearing and issued their decision on the issues in dispute;
- (b) the parties have reached to a Settlement Agreement that resolves the issues in dispute;
- (c) the parties agree to the CAT making a consent order that resolves the issues in dispute;
- (d) the applicant has properly informed the CAT that they are withdrawing their application and the Adjudicator has agreed to allow them to withdraw; or,

- (e) the application is dismissed for any of the reasons set out in Rule 13.

## **N. AFTER APPLICATION CLOSURE**

### **42. Correcting and Clarifying Orders and Decisions**

- 42.1 The CAT may at any time correct a typographical error, a calculation error, or similar error in an order or decision.
- 42.2 The CAT may at any time make minor changes to an order or decision to clarify wording that is unclear or incorrectly stated.
- 42.3 A Party has 30 days after receiving the order or decision to ask the CAT to make this kind of minor correction or clarification. The party must deliver their request to the other parties and to the CAT.
- 42.4 A request for a clarification under this section must:
- be in writing;
  - include the CAT application number;
  - identify the parts of the order or decision that includes a typographical, calculation, or similar error or which are unclear; and,
  - identify the specific change(s) requested.
- 42.5 The CAT may respond to a request for review without hearing from the other parties, and the CAT does not have to give any reasons for its response.
- 42.6 A party may ask the CAT to stay its decision or order (i.e., make it temporarily unenforceable) when making a request for a correction or clarification under this Rule. The request must be in writing and must describe the prejudice the party will experience if the decision or order is not stayed.
- 42.7 This Rule cannot be used to ask a CAT Member to make substantive changes to a decision or order. If a party makes a request for substantive changes, the CAT may refuse without providing any further reasons.

### **43. Reopening an Application After a Party Failed to Participate**

- 43.1 The CAT may reopen all or part of an application if it was closed after a party:
- (a) failed to appear or participate in all or part of the proceeding; or,
  - (b) failed to respond to a request or communication from the CAT.

- 43.2 A party has 15 days after the application is closed to request that it be re-opened. The party must deliver their request to the other parties and to the CAT. The request must include details about:
- (a) why the party failed to appear or participate or failed to respond; and
  - (b) why it would be unfair if the application is not reopened.
- 43.3 The CAT may respond to the request under this Rule without hearing from the other parties, and the CAT does not have to give any reasons for its response.

## O. COSTS

### 44. Recovery of Fees and Expenses

- 44.1 If an application is not resolved by settlement agreement or consent order and a CAT Member makes a final decision, the unsuccessful party will typically be required to reimburse the successful party for their CAT fees unless the CAT member decides otherwise.
- 44.2 The CAT may order a party to pay to another party all or part of their costs, including costs that were directly related to a party's behaviour that was unreasonable, undertaken for an improper purpose, or that caused a delay or additional expense.
- 44.3 A party who fails to pay any amounts ordered to be paid to the CAT may not file a new application or maintaining an existing application until all outstanding amounts have been paid.

**Note:** The CAT has developed a Practice Direction to provide additional clarity on the criteria the CAT may consider when deciding whether to order costs and the amount of costs to be ordered. Click here to access the [CAT Practice Direction: Approach to Ordering Costs](#).