



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 a case 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 applied 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) takes reasonable consideration of CAT participants diverse circumstances;
 - (d) encourages the settlement of disputes;
 - (e) 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
 - (f) 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” (partie jointes) means an individual, legal entity, or a condominium corporation that has a right to (or is permitted to) participate in a case under these Rules.
 - (b) “Applicant” (requérant) means the party who files an application with the CAT.
 - (c) “Application” (requête) means an application filed with the Tribunal 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 complied with. Once accepted, an application is referred to as a case.

- (d) “Case” (dossier) 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.
- (e) “CAT Member” (membre du TASC) means a person who is appointed to the CAT to mediate and adjudicate cases.
- (f) “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.
- (g) “Decision” (décision) means CAT Member’s order issued after the conclusion of a hearing or mediation-adjudication. Decisions are published online and available to the public.
- (h) “Direction” (directive) means an instruction or requirement given by a CAT Member. Parties are required to comply with CAT directions.
- (i) “Document” (document) means a written document, image, audio or video recording, or any file with information recorded or stored by any means.
- (j) “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.
- (k) “Occupant” (occupant) means an individual or legal entity that occupies or resides in a condominium unit that they do not own and includes residential and commercial tenants.
- (l) “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).
- (m) “Order” (ordonnance) means a determination issued by a CAT Member that decides or resolves one or more issues. Orders are published online and available to the public.
- (n) “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.
- (o) “Representative” (représentant) means a person who acts for a party.



- (p) “Respondent” (défendeur) is the party (either a person or a corporation) that has the right to respond to a case.
- (q) “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.
- (r) “Tribunal” (tribunal), or “CAT” (TASC) means the Condominium Authority Tribunal.

3. Calculation of Time

- 3.1 Where a CAT order, decision, settlement agreement or Rule refers to a number of days, it refers to calendar days, including weekends and holidays.
- 3.2 Where the deadline for doing anything under these Rules falls on a holiday, that deadline is extended to fall on the next day that is not a holiday.
- 3.3 When something must be done under a CAT order, decision, a settlement agreement 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.

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; or publicly post them in any form, unless:
 - Authorized by the CAT; and/or
 - The parties agree in writing the communications can be disclosed
- 4.2 Parties will not have access to the messages and settlement offers exchanged in Stage 1 – Negotiation or Stage 2 – Mediation if the case has moved to Stage 3 – Adjudication or if it has closed.
- 4.3 CAT Members assigned to mediate cases or conduct combined mediation-adjudication cannot be compelled to give testimony or produce documents in any civil proceeding relating to matters that come to their attention while exercising those duties.

- 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 information on 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 will 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 case 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 hearing and 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 case 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 case 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 Human Rights Code protected grounds 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 case while it is open. If a Party will be unavailable and requires an adjournment or a delay while a case is in Stage 2 or Stage 3, they must make a request to the CAT Member assigned in advance of their unavailability.

Note: The CAT has developed a [Practice Direction to provide additional information on 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.
- 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 a case 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 party to join a case in the online system and can remove a party's access if they are no longer a party.
- 10.8 The CAT can invite a representative to join a case in the online system on behalf of a party and can remove an individual's access if they are not acting as a representative.
- 10.9 The CAT can require anyone involved in a proceeding to provide proof of identification or authority to act on behalf of a party at any time.
- 10.10 The CAT may decide any question of procedure that is not provided for by these Rules.

11. Combining and Severing

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

12. 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 or regulation.

13. Early Dismissal

- 13.1 The CAT can dismiss an application or case at any time in certain situations, including:
 - (a) where the CAT finds that it is an abuse of process;
 - (b) where it is about issues that are so minor that it would be unfair to make the respondent go through the CAT process;
 - (c) where it has no reasonable prospect of success;
 - (d) where it is about issues in dispute 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 it.
- 13.2 Before dismissing an application or case under this rule, the CAT will provide the applicant with an opportunity to respond to the proposed dismissal within a specified timeframe.
- 13.3 If, after considering the applicant's submissions, the CAT requires more information, the CAT will send a copy of the application, a copy of the Notice of Intent to Dismiss and any submissions received from the applicant to all parties and will give all parties the opportunity to make submissions.

14. Administrative Closure

- 14.1 The CAT can administratively close an application or case 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 application in the future or to continue to participate in a case.
 - (b) that a party 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 for all case-related communications, including to exchange case-related documents and messages.
- 16.3 All parties and representatives must:
 - (a) participate in the way that the CAT directs;



- (b) have enough information and instructions to effectively participate, and have the authority to make agreements or settle any issues in dispute;
- (c) act in good faith and not use the CAT's online system or CAT processes for an improper purpose;
- (d) only use their own CAO account to access the CAT's online system;
- (e) not allow anyone to falsely represent them in the CAT's online system;
- (f) communicate in a way that is timely, courteous and respectful of everyone;
- (g) check the CAT's online system as often as directed by the CAT or by the CAT Member assigned; and,
- (h) follow all directions from CAT Members and CAT staff.

17. Representation

17.1 A party may be represented by:

- (a) a lawyer or paralegal licensed by the Law Society of Ontario;
- (b) a person who is exempt from the Law Society's licensing requirements.

17.2 Representatives must have the authority to act and to agree to 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 as soon as possible 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 case in the CAT's online system. If they fail to do so, the Tribunal may decide not extend deadlines for that party.

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 cases as representatives if they are not acting as representatives. The CAT may remove an individual's access to the case 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.
- 17.9 A party or witness involved in a case may use an interpreter. Interpreters are not representatives.

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. Obligation to Notify

- 19.1 The parties must immediately notify the CAT.
- 1. If a unit owner enters into an agreement to sell their unit or transfers their ownership.
 - 2. If the *Condominium Act, 1998* ceases to apply to the property.
 - 3. If a Party is a residential or commercial tenant and either the landlord or tenant have given notice to terminate the tenancy or if they have agreed to terminate the tenancy.

Notifications must be sent:

- By email to CATinfo@condoauthorityontario.ca if the case 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 must be provided by using the CAT's online system, in the format and within the specified time. The CAT may allow or require another method.

21. Physical Documents

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

- If the recipient is a condominium corporation, by:
 - (a) Physically 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, by:
 - (a) Physically 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, by:
 - (a) Physically giving it to the occupant; or,
 - (b) Sending it by regular mail to the unit's address.

Note: This rule 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 physically 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 it was sent.

21.4 If a Party fails to deliver a paper document as required, the CAT may:

- (a) proceed if satisfied there will be no prejudice to the party entitled to receipt of the document;
- (b) adjourn the case; or,
- (c) dismiss the case.

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 each occupant of that unit as an added party, but only if the occupant is involved in the conduct or issues in dispute 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 all issues or matters that require removal, expansion or amendment. The CAT will inform the applicant of any such issues and what the applicant can do to fix them. The CAT may not process an application if:
- (a) it is incomplete or does not include the documents set out in Rule 23.3;
 - (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; or,
 - (d) it was filed outside of the time limits set out in the *Condominium Act, 1998*.
- 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. 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 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 will notify them that the application will not be processed and will explain why. The CAT will also explain what can be done to address the issues.
- 23.5 If an application is amended within the time specified by the CAT in accordance with a notice pursuant to Rule 23.2, it is deemed to have been properly filed on the day it was first received by the Tribunal.

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 or more, 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 an application that has not been accepted 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 Case

- 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 case. A party is considered to have been notified if they join the case.
- 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 Case to each respondent or added party.
- 26.3 The applicant must deliver a paper copy of the Notice of Case to each respondent and added party in accordance with Rule 21.

27. Joining a Case

- 27.1 Any respondent or added party that receives a paper Notice of Case is required to join the case in the CAT's online system within seven days of receiving it.

28. Process in the Absence of Respondent or Added Parties

- 28.1 If any respondent or added party fails to join the case in the CAT's online system within seven days of receiving a paper copy of a Notice of Case, the applicant can move the case 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 a case, it may proceed in their absence, and the CAT may accept as true any uncontested facts supported by the evidence or witness testimony.
- 28.4 Respondents and added parties may join an active case at any time, even if it has proceeded to Stage 3.

29. Closing a Case – Notify Parties Stage

- 29.1 In the Notify Parties Stage, The CAT will close a case that has not yet progressed to Stage 1 or Stage 3 if:
 - (a) the applicant has not confirmed delivery of a paper Notice of Case within 30 days of the application being accepted.
 - (b) the applicant has not moved the case 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 to, and the case 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 case to Stage 2 – Mediation.

31. Ending Stage 1

- 31.1 The CAT will end Stage 1 and close the case if:
 - (a) the parties have agreed to a settlement agreement that resolves all the issues in dispute;
 - (b) the applicant has properly informed the CAT that they are withdrawing;
 - (c) the parties notify the CAT that they have resolved the issues in dispute;
 - (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 case has been in Stage 1 for more than six months; or,



(f) the case 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 works 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](#).

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 any Party. If the Mediator does so, the Mediator will inform the other Parties of 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 witnesses and evidence;
- (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 case from Stage 2 to Stage 3 after the Mediator has allowed it.
- 35.3 The CAT will end Stage 2 and close the case 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;
 - (d) the applicant has not moved the case from Stage 2 to Stage 3 within 15 days of being able to do so; or,
 - (e) the case 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 case 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 issues in dispute and will issue a final decision that everyone must follow.
- 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.

Note: The CAT has developed a [Practice Direction to provide additional information on active adjudication](#).

38. Disclosure of Documents, Information and Evidence

- 38.1 All parties are responsible for providing evidence to support their positions.
- 38.2 Adjudicators may only admit evidence that is relevant to the issues in dispute.
- 38.3 At any time during Stage 3, the Adjudicator may require a party to disclose and provide 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 Adjudicator 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 issues that are not in dispute.
- 39.3 The Adjudicator may restrict cross-examination that is repetitive, abusive or otherwise inappropriate, or where the Adjudicator is satisfied that all relevant matters have already been disclosed.
- 39.4 The Adjudicator assigned 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 case if:
- (a) the Adjudicator has concluded the hearing and issued a 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 and the Adjudicator has agreed to allow them to withdraw; or,
- (e) the case is dismissed for any of the reasons set out in Rule 13.

N. AFTER 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 a settlement agreement, 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 15 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 or case 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 an order or decision (i.e., make it unenforceable for a specified period or until the stay is lifted) 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 an order or decision. If a party makes a request for substantive changes, the CAT may refuse without providing any further reasons.

43. Reopening a Case After a Party Failed to Participate

- 43.1 The CAT may reopen all or part of a case 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 case 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 case 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 a case 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 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 cannot file a new application and cannot maintain an existing case 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.