



Marsden v. Halton Condominium Corporation No. 41, 2014 HRTO 1332 (CanLII)

Date: 2014-09-10 (Docket: 2011-10005-I)

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HUMAN RIGHTS TRIBUNAL OF ONTARIO

BETWEEN:

Anne Marsden

Applicant

-and-

**Halton Condominium Corporation No. 41 and
The Active Group**

Respondents

INTERIM DECISION

Adjudicator: Jo-Anne Pickel

Date: September 10, 2014

File Number: 2011-10005-I

Citation: 2014 HRTO 1332

Indexed as: Marsden v. Halton Condominium Corporation No. 41

WRITTEN SUBMISSIONS

Anne Marsden, Applicant)	Self-represented
)	
)	
)	
Halton Condominium Corporation No. 41, Respondent)	K.C. Wysynski, Counsel
)	
)	
The Active Group, Respondent)	Robert Dowhan, Counsel
)	
)	

[1] This Interim Decision addresses two issues raised as part of a preliminary hearing in writing in regards to the proper naming and identification of respondents in this case.

Procedural Background to Preliminary Hearing

[2] In this proceeding, the applicant has alleged that she was discriminated against due to the respondents' failure to provide reasonable accommodations for her disabilities.

[3] In her Application, the applicant named the "Board of Directors of Halton Condominium Corporation No. 41" as an organizational respondent. For the sake of simplicity, in this decision, I refer to this respondent below as "the condominium

respondent” when necessary to distinguish it from the property management respondent. By Request for Order During Proceedings (“RFOP”) dated May 1, 2013, the applicant requested that the Tribunal add The Active Group and SimpsonWigle LLP as organizational respondents to her Application. By Interim Decision, 2013 HRTO 1462 (CanLII), the Tribunal granted the applicant’s request to add The Active Group as a respondent. For the sake of simplicity, I refer to this respondent below as “the property management respondent” when necessary to distinguish it from the condominium respondent. In Interim Decision, 2013 HRTO 1462, the Tribunal denied the applicant’s request to add as a respondent SimpsonWigle LLP, the law firm representing the condominium respondent.

[4] The applicant did not name any personal respondents in her Application. She has never filed an RFOP seeking to add any personal respondents to her Application.

[5] By RFOP filed in September 2013, the condominium respondent sought to amend the style of cause from the “Board of Directors of Halton Condominium Corporation No. 41” to “Halton Condominium Corporation No. 41”. For the sake of simplicity, I refer below to this request as “the style of cause issue”. The primary reason the condominium respondent provided for its request was that the Board of Directors of Halton Condominium Corporation No. 41 is not a legal entity. It submitted that the proper identification of the legal entity identified as “Board of Directors of Halton Condominium Corporation No. 41” in the Application was the condominium corporation Halton Condominium Corporation No. 41.

[6] In its RFOP, the condominium respondent also requested permission to amend its Amended Response filed in this proceeding. It sought to correct certain factual inaccuracies contained in its Amended Response. It also sought a right to reply to new allegations of discrimination that the applicant had included in her Reply.

[7] In her Response to the RFOP, the applicant opposed the request to change the style of cause. I discuss the applicant’s submissions further below under the heading “Submissions”.

[8] By Interim Decision, 2013 HRTO 1727 (CanLII), I found that the request to amend the style of cause should be dealt with by the adjudicator assigned to hear this case on its merits. I also found that it was appropriate to grant the request made by the Board of Directors of Halton Condominium Corporation No. 41 to amend its Amended Response. At the time that I issued Interim Decision, 2013 HRTO 1727, I was not seized of this matter.

[9] By Notice of Hearing dated June 11, 2014 the Tribunal scheduled the hearing of this Application to be held on July 28-29, 2014.

[10] I became seized as the adjudicator who would hear this matter.

[11] The applicant filed extensive correspondence with the Tribunal to request accommodations for the hearing and to raise other issues relating to the Tribunal's hearing process. I granted the applicant's accommodation requests by Case Assessment Directions ("CADs") dated June 26 and July 2, 2014. Among the applicant's accommodation requests was a request that any preliminary issues raised by the parties be raised and dealt with more than 21 days prior to the hearing.

[12] None of the parties raised any preliminary issues. None of the parties requested that the Tribunal deal with the style of cause issue as a preliminary issue.

[13] By CAD dated July 10, 2014, I addressed various procedural issues relating to the hearing of this matter scheduled to commence July 28, 2014 and responded to the latest four communications sent by the applicant to the Tribunal. In none of these communications did the applicant request that the Tribunal deal with the style of cause issue as a preliminary issue before the hearing. In my July 10, 2014 CAD, I confirmed that I had granted the applicant's accommodation requests for the hearing. I also confirmed that the applicant was not willing to take part in a mediation-adjudication during the first hearing day. I confirmed that the hearing would proceed on July 28-29, 2014 as proposed by the applicant in her July 6, 2014 correspondence. I set a deadline for the applicant's filing of her affidavit evidence as I had previously granted her request to present her evidence by affidavit. I confirmed the respondents' assertion of their right to seek dismissal of the Application at the conclusion of the applicant's case, in accordance with the Tribunal's case law, on the basis that the Application had no reasonable prospect of success. I stated that I would hear submissions from the parties if and when the respondents did in fact make such a request for dismissal. Finally, I also confirmed that I would hear the parties' submissions on the style of cause issue at the hearing.

[14] In response to the July 10, 2014 CAD, the applicant objected to the style of cause issue being dealt with at the hearing. The applicant appeared to submit that the Tribunal did not have the power to address the respondent's request to change how it is identified in the style of cause at all. In her correspondence, the applicant stated that she would not be in a position to complete her affidavit for the hearing until after the Tribunal addressed the style of cause issue. The e-mail stated in its relevant part as follows:

Prior to any further work being undertaken on Mrs. Marsden's affidavit ... the Tribunal clearly has to establish who the applicant's case is against. If the Tribunal decides to change the respondent from Board of Directors of HCC #41 established in the reply of the Board of Directors of HCC #41 as D. Evans, J. Lawrence, S. Manderson, R. Stratford and S. Morrissey, to HCC #41, the applicant will have to withdraw her case against Halton

Condominium Corporation No. 41 because her evidence does not support such and there is no point in going ahead with a complaint for which there is no evidence.

[15] By letter dated July 17, 2014, the condominium respondent stated that the applicant in her recent correspondence appeared to request that each director on the Board of Directors of Halton Condominium Corporation No. 41 be named as a personal respondent to the Application.

[16] By CAD dated July 21, 2014, the Tribunal adjourned the hearing of this matter and directed that a preliminary hearing be held on the proper identification and naming of respondents in the case in light of the parties' recent correspondence on the issue. In the CAD, I set out the two issues to be addressed in the preliminary hearing as follows:

a. The first legal issue is the proper identification of the organization respondent named as "Board of Directors of Halton Condominium Corporation No. 41" in the Application. This is the style of cause issue raised in the September 2013 RFOP filed by the respondent Board of Directors of Halton Condominium Corporation No. 41. For the sake of clarity, this is a legal issue that centers on whether the organization respondent named in the Application is properly identified as "Board of Directors of Halton Condominium Corporation No. 41" or "Halton Condominium Corporation No. 41".

b. The second legal issue to be addressed is separate and distinct from this first legal issue. The second legal issue is whether the applicant should be entitled to add various personal respondents to her Application at this stage of the Application process.

[17] In the CAD I directed the parties to advise the Tribunal of their positions as to whether the preliminary hearing should be held in writing or by teleconference on July 28, 2014, the first day that had been scheduled for the merits hearing in this case. I directed all parties to advise the Tribunal of their positions by July 23, 2014.

[18] In response to my July 21, 2014 CAD, both respondents advised of their positions that the preliminary hearing should be conducted in writing. The applicant did not respond to the directions set out in my July 21, 2014 CAD but instead resisted the direction set out in the CAD.

[19] By CAD dated July 23, 2014, I provided the applicant with a last chance to advise the Tribunal of her position as to whether the preliminary hearing should be held in writing or by teleconference.

[20] By correspondence dated July 24, 2014, the applicant advised that she had no further submissions to make on the issue.

[21] By CAD dated July 24, 2014, I directed that the preliminary hearing would be held in writing. In light of the applicant's July 24, 2014 correspondence, I found that she had waived her right to make any further oral or written submissions on the two issues to be addressed in the preliminary hearing. I advised that I would consider the applicant's submissions in her RFOP dated July 23, 2014 and her e-mail dated July 24, 2014 when determining the two issues addressed in the preliminary hearing.

[22] By e-mail dated July 30, 2014, the applicant requested that the Tribunal also consider the submissions she made in response to the initial RFOP filed by the condominium respondent in which it raised the style of cause issue. She also requested that I consider the submissions she made in the Request for Reconsideration she filed to seek reconsideration of the Tribunal's October 11, 2013 Interim Decision.

ISSUES

[23] The two issues being addressed in this preliminary hearing are the issues identified in my July 21 and 24, 2014 CADs:

- a. The first legal issue is the proper identification of the organization respondent named as "Board of Directors of Halton Condominium Corporation No. 41" in the Application. This is the style of cause issue raised in the September 2013 RFOP filed by the respondent Board of Directors of Halton Condominium Corporation No. 41. For the sake of clarity, this is a legal issue that centers on whether the organization respondent named in the Application is properly identified as "Board of Directors of Halton Condominium Corporation No. 41" or "Halton Condominium Corporation No. 41".
- b. The second legal issue to be addressed is separate and distinct from this first legal issue. The second legal issue is whether the applicant should be entitled to add various personal respondents to her Application at this stage of the Application process.

SUBMISSIONS

[24] In rendering this decision I have considered the following materials filed by the parties in relation to the two issues set out above:

- a. the submissions made in the September 10, 2013 RFOP filed by the condominium respondent;
- b. the submissions made in the applicant's September 17, 2013 Response to the September 10, 2013 RFOP;
- c. the submissions made by the applicant in her Request for

Reconsideration of my October 11, 2013 Interim Decision;

- d. the submissions made by the applicant in her July 23, 2014 RFOP;
- e. the applicant's July 24, 2014 e-mail;
- f. the submissions filed by the condominium respondent on August 5, 2014; and
- g. the submissions filed by the property management respondent on August 5, 2014.

[25] In its September 10, 2013 RFOP, the condominium respondent submitted that the proper naming of this respondent is Halton Condominium Corporation No. 41. It submitted that the Board of Directors is not a legal entity but that it is simply the governing body of the condominium corporation. It submitted that the Board of Directors is elected to manage the affairs of the corporation as agents of the corporation.

[26] In its August 5, 2014 submissions, the condominium respondent cited statutory law, case law and other legal sources which support the proposition that a board of directors is the body through which a corporation acts but that it is not a legal entity in its own right. See *Business Corporations Act, 1994*, S. O. 1994, c. 32, s. 115(2); *Condominium Act, 1998*, S.O. 1998 c. 19, s. 27(1); *Montreal Trust Co. of Canada v. Scotia Mcleod Inc.* reflex, 1995 Carswell Ont. 1350 (Ont. C.A.) at paras. 26 and 29; *Black's Law Dictionary* (B. Garner 2009); *Greaves v. Niagara South Condominium Corporation No. 54*, 2014 HRTO 1165 (CanLII) at para. 9.

[27] The respondent Board of Directors of Halton Condominium Corporation No. 41 cited the following Tribunal cases in support of its position that the Tribunal has the power to amend the style of cause in this case: *Greene v. Orion Property Management*, 2013 HRTO 2072 (CanLII) and *Selinger v. Icon Property Management Ltd.*, 2013 HRTO 932 (CanLII).

[28] It argued that it would serve no utility for a non-entity to be named as a party for the following reasons: the Board of Directors does not have the capacity to sue and be sued; it does not hold assets upon which a judgment against it could be enforced and the condominium corporation is liable for the acts of its Board of Directors.

[29] For all these reasons, the condominium respondent submitted that the style of cause should be amended from the "Board of Directors of Halton Condominium Corporation No. 41" to "Halton Condominium Corporation No. 41".

[30] With respect to the second question set out above, the Board of Directors of Halton Condominium Corporation No. 41 submitted that the applicant should not be

permitted to add individual Board members as personal respondents to this proceeding. First, it noted that, following the Tribunal's CADs, in her e-mail of July 27, 2014, the applicant indicated that she did not wish to add individual Board members as parties to the Application. The Board of Directors of Halton Condominium Corporation No. 41 submitted that the Tribunal should decline to add any individual Board members as personal respondents on agreement of the parties. It also submitted that the Tribunal should do so with prejudice to the applicant's right to seek to add individual Board members, past or present, as parties to this Application at a later date or to commence a new application against individual Board members, past or present, with respect to matters that are the subject of this Application.

[31] The condominium respondent also submitted that the addition of individual Board members as personal respondents would be inappropriate following the principles set out in applicable Tribunal case law on the naming of personal respondents. In particular, it submitted that the applicant has not particularized what she alleges individual Board members have done to constitute discriminatory conduct. It noted that individual Board members are not identified in the Application, the applicant's Request to amend the Application or the Reply. It also noted that Halton Condominium Corporation No. 41 has acknowledged that it is liable for any violations of the *Code* by members of its Board of Directors.

[32] Finally, the condominium respondent submitted that the only reason the applicant did not wish to name Halton Condominium Corporation No. 41 as a respondent was due to a misplaced belief that by naming Board members she would be able to avoid contributing, in proportion to her ownership interest in the corporation, to satisfy an order against the condominium corporation in this proceeding. According to the condominium respondent, the applicant is an owner of a unit in the condominium corporation. She like other owners is liable in proportion to her ownership interest for any debt or liability of the condominium corporation including any award made against the condominium corporation by the Tribunal.

[33] In its August 5, 2014 submissions, the property management respondent opposed the addition of individual Board members as personal respondents for many of the same reasons as the condominium respondent.

[34] In her September 17, 2013 Response to the RFOP filed by the condominium respondent, the applicant opposed the request to change the style of cause. In her Response to the RFOP, the applicant listed the respondent as "Members of the Board of HCC#41" and took the position that five directors were involved in the acts of discrimination set out in her Application. She submitted that, if Halton Condominium Corporation No. 41 were named as a respondent, she herself would be responsible for any failure to accommodate as a member of the condominium corporation. The applicant submitted that "[t]he style of cause is the correct style of cause and should not be changed."

[35] In her Request for Reconsideration of the Tribunal's October 11, 2013 Interim Decision, the applicant requested, amongst other things, that the Tribunal clarify that the respondents named in the style of cause remained Board of Directors of Halton Condominium Corporation No. 41 and The Active Group. She also asked that references to the respondent Board of Directors of Halton Condominium Corporation No. 41 be amended to include the names of five individuals who she claimed were members of the Board at the time of the events listed in her Application.

[36] In her July 23, 2014 RFOP, the applicant stated that she did not intend to request that the Tribunal add individual Board members as personal respondents to the Application. She stated that she referred to five individual Board members simply to clarify who she believed was responsible for the decisions that led her to file her Application. In her RFOP, the applicant claimed that it was the Tribunal that set the respondent's title as "Board of Directors of Halton Condominium Corporation No. 41". The applicant took issue with Halton Condominium Corporation No. 41 making submissions on behalf of its Board of Directors. According to the applicant, the Tribunal erred in permitting a non-party (Halton Condominium Corporation No. 41) to make submissions in this proceeding.

[37] In her July 24, 2014 e-mail, the applicant stated her belief that she did not have a case against Halton Condominium Corporation No. 41. She stated that she would be forced to withdraw her Application against Halton Condominium Corporation No. 41 if the Tribunal were to find that this entity and not its Board of Directors was the proper organizational respondent to be named in this Application. She also stated that she cannot establish a *prima facie* case of discrimination against the five individual members of the Board. She claimed to only have evidence against "the collective organization Respondent party members of the Board of Directors of HCC no. 41 (D Evans, J. Lawrence, S. Manderson, J. Stratford and S. Morrissey)". Finally, in her e-mail, the applicant also complained that the style of cause issue is being addressed over two years and 10 months after she filed her Application.

FINDINGS

Issue #1 - Proper identification of Condominium Respondent

[38] For the reasons that follow, I grant the condominium respondent's request to change the identification of this respondent from "Board of Directors of Halton Condominium Corporation No. 41" to "Halton Condominium Corporation No. 41".

[39] It is an elementary principle of law that in order to bear legal rights and obligations a person must have what is called legal personality. That is, they must be recognizable at law as a person who can sue or be sued. The types of persons with legal personality include natural persons (that is, human beings) and juridical/artificial persons (such as corporations). Entities or groups of persons that

do not have legal personality cannot sue or be sued at law. A board of directors is one such entity which does not possess legal personality. In some circumstances, the individual members of a board of directors may be liable in their personal capacities. However, a board of directors is not itself a legal entity. Therefore, a board of directors cannot sue or be sued and it cannot be liable in a human rights proceeding. See, for example, *La Boucane and La Boucane v. Klahanie Housing Co-operative (No. 2)*, 2008 BCHRT 8 (CanLII) at para. 2; *Selinger v. Icon Property Management Ltd.*, 2013 HRTO 932 (CanLII) at paras. 3 and 17 and *Greaves v. Niagara South Condominium Corporation No. 54*, 2014 HRTO 1165 (CanLII) at para. 9.

[40] I note that, contrary to the applicant's claims in her July 23, 2014 RFOP, it was not the Tribunal that set the respondent's title as Board of Directors of Halton Condominium Corporation No. 41. It was the applicant in her Application who identified the respondent as "Board of Directors of Halton Condominium Corporation No. 41". In processing applications, the Tribunal refers to parties in the same way as they are named in an application unless a party makes a request to amend the name of a party or to add or remove a party to an application.

[41] The applicant is adamant in her submissions that she does not believe she has a case against Halton Condominium Corporation No. 41. Unfortunately, whether or not that is true, she does not have a legal case against the condominium corporation's Board of Directors as an entity since the Board of Directors is not a legal entity. The appropriate organizational respondent to be named is not the Board of Directors of Halton Condominium Corporation No. 41 but the condominium corporation itself on whose behalf the Board acts. Therefore, the appropriate organizational respondent to be liable for any Code violation by the Board of Directors on behalf of the condominium corporation is Halton Condominium Corporation No. 41.

[42] If the applicant believes, as she has adamantly stated, that she does not have evidence to make out a case against Halton Condominium Corporation No. 41, she may withdraw her Application against this respondent.

Issue #2 – Addition of Personal Respondents

[43] The second legal issue identified in my July CADs arose from what appeared to be a request by the applicant to add individual Board members as personal respondents. Therefore, in my CADs, I asked for the parties' submissions on whether the applicant should be entitled to add various Board members as personal respondents to her Application at this stage of the proceeding.

[44] In her July 23, 2014 RFOP and her July 24, 2014 correspondence, the applicant was adamant that she does not wish to add individual Board members as personal respondents. Therefore, all parties in this case are agreed that no individual Board members should be named as personal respondents. On this

basis alone, I find it is not appropriate to add any past or present individual Board members as personal respondents to this Application.

[45] Additionally, in my view, the parties' agreement on this issue is consistent with the Tribunal's case law on the naming of personal respondents. I find that, under the Tribunal's case law, the addition of individual Board members, past or present, as personal respondents is not appropriate in this case.

[46] The analysis applied by the Tribunal when dealing with requests to add respondents is the analysis set out in *Smyth v. Toronto Police Services Board*, 2009 HRTO 1513 (CanLII) at para. 12 ("*Smyth*"). In *Smyth*, the Tribunal set out the following three considerations for deciding whether to add a respondent:

1. Are there allegations made that could support a finding that the proposed respondent violated the *Code*?
2. If the proposed respondent is an individual and an organization is also named, is there a compelling reason to include him or her as a respondent?
3. Would it be fair, in all the circumstances, to add the proposed respondent?

[47] When considering the second factor set out in *Smyth*, the Tribunal has applied the factors set out in *Persaud v. Toronto District School Board*, 2008 HRTO 31 (CanLII) at para. 5 ("*Persaud*"). These factors focus mainly on whether the corporate respondent is responsible for the conduct of the proposed personal respondent, and whether there is a compelling legal reason for an individual to be named as a personal respondent. A compelling legal reason may exist where the nature of the alleged conduct may make it appropriate to award a remedy specifically against the proposed personal respondent if a *Code* infringement is found. See *Sigrist and Carson v. London District Catholic School Board*, 2008 HRTO 14 (CanLII) at para. 42 and *Persaud* at para. 5.

[48] Applying the factors set out in *Smyth* and *Persaud*, it would not be appropriate to add any individual Board members, past or present, as personal respondents in this case. There is absolutely no information contained in the Application or the Reply that would suggest that any individual Board members were acting outside the scope of their duties as Board members in this case. In the circumstances of this case, I find that there is no basis on which it would be appropriate to award a remedy against individual Board members if a *Code* infringement is found. This conclusion is supported by the applicant's own statement in her correspondence that she does not have evidence to establish a *prima facie* case of discrimination against the five individual members of the Board.

[49] In addition, the allegations set out in the Application and the Reply span a

considerable period of time (over 15 years). In my view, any request to add individuals as personal respondents because they sat on the Board for some portion of that time lacks any principled basis.

[50] Finally, the Halton Condominium Corporation No. 41 has acknowledged that individual Board members were at all material times acting in the course of their mandate as members of the Board of Directors and that they were acting as agents of the condominium corporation. Halton Condominium Corporation No. 41 has accepted that it would be vicariously liable for any violation of the *Code* arising from their actions or inactions. In these circumstances, I see no compelling reason to add individual board members as personal respondents.

[51] For all the reasons set out above, it is not appropriate to add any individual Board members, past or present, as personal respondents to this Application.

[52] I do not think it necessary to make the above findings on a with prejudice basis, as requested by the condominium respondent. The findings above are final rulings on the two issues raised in the preliminary hearing. In particular, my finding that individual Board members, past or present, should not be named as personal respondents is based on the applicant's own submissions in which she made clear that she did not wish to name individual Board members as personal respondents since she does not have a case against them as individuals. My findings on this issue are also based on my conclusion that the naming of any individual Board members in this case would not be appropriate. In the event that, in the future, the applicant should seek to add any individual Board members, past or present, to this Application or file another Application against them, Halton Condominium Corporation No. 41 may rely upon this Interim Decision to seek dismissal of such a request or Application.

OTHER ISSUES

[53] The applicant has raised various other issues in her correspondence with the Tribunal. I do not find it necessary to address these issues as they fall beyond the scope of the issues identified for the preliminary hearing. However, I do find it appropriate to respond to two concerns raised by the applicant at several points in her correspondence.

[54] First, the applicant has taken issue with the fact that I was not seized of this matter at the time of my October 11, 2013 Interim Decision and that I later became seized of the matter. The applicant appears to believe that there is something improper about this scenario. In fact, in a great many cases where Interim Decisions are rendered by this Tribunal, they are rendered by adjudicators who are not seized of the Applications before them. That is, in a great many cases, adjudicators render Interim Decisions when they are not assigned, or yet assigned, to hear the case on its merits. In many cases, adjudicators who have rendered Interim Decisions in cases are subsequently assigned to hear cases on their merits

later in the process. That is what occurred in this case. Although I was not seized at the time that I issued the October 11, 2013 Interim Decision, I became seized upon being assigned to determine the case on its merits sometime thereafter. There is nothing unusual or improper in this scenario. It is in fact a very common scenario for this Tribunal.

[55] Second, the applicant takes issue with the passage of time in this case. In particular, she takes issue with the style of cause issue being raised in my pre-hearing CAD in July 2014. In order to appreciate the amount of time it has taken for this case to progress to a hearing, it is important to take into account that much of this delay has arisen from the applicant's own actions. She filed several requests to amend the Application and raised new issues in her Reply to which the respondents were entitled to respond. She has also filed numerous other requests and voluminous correspondence, all of which has led to considerable expenditures of time and resources by this Tribunal.

[56] The style of cause issue as framed by the condominium respondent appeared to be a simple issue over the appropriate naming of the condominium respondent on which the Tribunal could hear submissions at the hearing. The need for a preliminary hearing only became evident as a result of two factors arising from the applicant's July, 2014 correspondence. First, the applicant asserted that she would be forced to withdraw her Application against the condominium respondent if the Tribunal found that it was properly identified as Halton Condominium Corporation No. 41. Second, by referring to individual Board members, the applicant appeared to wish to add these individual Board members as personal respondents. As a result of both these factors, it became evident that the issue which had previously been characterized as a "style of cause issue" in fact involved a larger issue around the proper naming of respondents and the appropriateness of what appeared to be an intention by the applicant to name Board members as personal respondents.

Communications with the Tribunal

[57] Due to the volume of e-mail correspondence sent by the parties to the Tribunal in this case, the parties are directed to limit their communications relating to the substance of the case to actual Requests for Orders During Proceedings. Any Requests for Orders During Proceedings must be made by using the appropriate procedures for Requests for Orders During Proceedings set out in Rule 19 of the Tribunal's Rules of Procedure. The Tribunal will not review or respond to any communications relating to the substance of this proceeding that are set out in the body of e-mails. As a final matter, if the parties wish to add to their disclosure of documents in this case, they must do so by regular mail and within the time period for disclosure that will be set out in a Notice of Rescheduled Hearing. The Tribunal will not review or address any additional documentary disclosure sent by e-mail.

ORDER

[58] The Tribunal orders as follows:

- a. The condominium respondent's request to amend the name of the condominium respondent from "Board of Directors of Halton Condominium Corporation No. 41" to "Halton Condominium Corporation No. 41" is granted.
- b. For the reasons set out above, it is not appropriate for any individual Board members, past or present, to be named as personal respondents to this Application.
- c. The Applicant must advise the Tribunal within 14 days of the date of this Interim Decision whether she wishes to continue her Application against Halton Condominium Corporation No. 41.
- d. Once the applicant has advised the Tribunal of her intentions with respect to her Application against Halton Condominium Corporation No. 41, the Tribunal will direct next steps in this Application.

Dated at Toronto, this 10th day of September, 2014.

"Signed by"

Jo-Anne Pickel
Vice-chair

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