CAT Practice Direction: Use of Artificial Intelligence in CAT Cases

Effective: December 1, 2024.

Practice directions help parties understand the rules. They provide guidance about what the Tribunal expects of the parties and what the parties can expect of the Tribunal.

1. Introduction

This Practice Direction is about the use of Artificial Intelligence (AI) in Condominium Authority Tribunal (CAT) proceedings.

It guides parties who use AI to help with their research and participation in CAT cases.

The direction is informed by the Canadian Judicial Council Guidelines for the Use of Artificial Intelligence in Canadian Courts[1].

The CAT recognizes that the field is evolving rapidly. The Tribunal will continue to monitor its use and impact, and will adjust this Practice Direction as necessary.

2. What is AI?

"Artificial intelligence" describes technology that enables computers and machines to simulate human learning, comprehension, problem solving, and decision making. One of the forms includes "large language models." These are a type of AI that can understand and generate human-like text by learning from a large amount of data. This direction relates mostly to these "generative AI" models.

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[1] https://cjc-ccm.ca/sites/default/files/documents/2024/AI%20Guidelines%20-%20FINAL%20-%202024-09%20-%20EN.pdf

3. Use of AI by CAT Members

Tribunal Members hear cases and make decisions based on what they are told during the Adjudication. Tribunal Members review evidence, case citations and submissions, to ensure they are accurate and relevant.

Tribunal Members are fully accountable for their decision-making. They do not use AI to analyze evidence, decide cases, or author decisions.

4. AI use by Parties in CAT Cases

AI can be a helpful tool for parties, but it's not perfect. Be careful if you use AI for research or to prepare documents.

Parties should to indicate if they use generative AI to prepare documents, and include a statement of which AI tool was used.

The privacy and confidentiality of information and data provided to a generative AI platform may not be guaranteed and the information may not be secure.

5. Tips for using AI

1. Be Cautious

- AI results can be wrong. Verify information. Double-check the results carefully.

- AI tools can produce inaccurate or outdated information, especially on legal issues.

- AI can struggle with new legal issues or complex cases. In these cases, its responses might be generic or superficial.

2. Use Reliable Sources

- AI might give you incorrect or made-up legal sources.

- The [Tribunal website](#) includes all decisions and orders issued by the Tribunal. When citing a CAT case, make sure that you can find the case on the Tribunal website.

- For other court decisions, use trusted sources, like court websites or [CanLii](#) for case law. Confirm you can find the case.

- Read the decision to make sure it says what you think it is supposed to say.

3. Responsibility

- Parties are responsible for the accuracy of submissions, even if AI helped prepare them.

6. CAT Rules

The following CAT Rules may be relevant to the misuse of AI in submissions.

Early Dismissal

19.1   The CAT can dismiss an Application or Case at any time in certain situations, including:

…

(e)   Where the Applicant(s) has filed documents with the CAT that the Applicant(s) knew or ought to have known contain false or misleading information;

Reimbursement of Legal Costs and Disbursements at any stage

48.2   The CAT generally will not order one Party to reimburse another Party for legal fees or disbursements ("costs") incurred in the course of the proceeding. However, where appropriate, 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.