

Stage 3 – Decision: A User Guide

cat Condominium Authority Tribunal

This guide is for Parties of the Condominium Authority Tribunal’s Online Dispute Resolution System (CAT-ODR). It helps Parties understand what they should do in Stage 3 – Tribunal Decision and provides guidance on how to use the CAT-ODR system.

Note: Images included in this guide may be slightly different than those in the system.

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The Purpose of Stage 3 – Tribunal Decision

In Stage 3 – Tribunal Decision, an Adjudicator of the Condominium Authority Tribunal will join the case and provide the Parties with the opportunity to present their case. Parties present their cases by sending messages, uploading documents or other evidence, and by calling witnesses.

The Adjudicator will then consider the evidence and arguments submitted and make a final order. Once the Adjudicator makes the final order, the case will be closed. The final order is binding, meaning that the Parties must follow it.

Please note that Stage 3 – Tribunal Decision is different from Stage 1 – Negotiation and Stage 2 – Mediation in a few important ways. For example, the Adjudicator assigned to your case will control when the Parties can take actions in the system (including sending messages, posting documents, or proposing witnesses). There will also be deadlines that you and the other Parties must follow. If you miss a deadline, there may be consequences (e.g., the Adjudicator may proceed without giving you another opportunity to participate).

Once your case moves into Stage 3 – Tribunal Decision, your case will be paused while an Adjudicator is assigned. Once they have joined the case, your Adjudicator will provide you with instructions about what you need to do.



Party Tip: Once your case has moved into Stage 3 – Tribunal Decision, you cannot return to Stage 2 - Mediation. That means that you will no longer be able to access the messages or documents uploaded to the system.

Confidentiality in Stage 3 - Tribunal Decision

In Stage 3- Tribunal Decision, any messages, documents or other material posted to the CAT-ODR system are adjudicative records and will form part of the record of the proceeding. That means that they may be provided to the public on demand, in accordance with the [CAO's Access and Privacy Policy](#)


Additionally, at the conclusion of a case in Stage 3 – Tribunal Decision, the assigned Adjudicator will issue a Decision, which will be [posted on the CAT website](#). That Decision will include information about the evidence and arguments made by the Parties during the hearing.


If you are currently involved in a case in Stage 3 -Tribunal Decision and you are concerned about public access to your decision, order or the adjudicative records in the case, you should raise your concerns with the Adjudicator assigned to your case.


For more information, you can access the CAT Confidentiality Party Guide on the [CAT's Rules, Policies and Guides](#) webpage.


The Six Tabs


Once you log-in to the CAO's website and access your case in the CAT-ODR system, you will see six menu tabs along the top of the screen. You can click on each of these options to access that tab. You can find more information on each of the tabs in the different sections of this guide.


 Case Summary

 Schedule

 Written Hearing

 Documents

 Witnesses

 Questions and Requests

Tab 1: Case Summary

Case Summary

What Is It?

This tab provides an overview of your case, including...

- The names and contact information for Parties and their representatives (if any)
- The address of the condominium unit
- Which Stage your case is in
- The name of the Adjudicator assigned to the case
- Whether you have any related cases

Why Do I Use It?

You can use this tab to review the information described above, or to update your contact information or representative.

How Do I Use It?

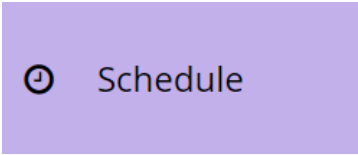
If your contact information or your representative changes, you can update the information on this tab:

- If you want to change your or your Representative's contact information, use the "Update Applicant's Info", "Update Respondent's Info" or "Update Intervenor's Info" button.
- If you want to add or remove a representative, or make a representative your Primary Representative, use the "Manage Representatives" button.
- If you want to know who is representing another party (if anyone), you can view the representative under the party or use the "View representatives" button that appears under that party's name.
 - **Note:** You cannot change the information of another Party or their representative(s).
- For more information on Representatives, please review the [CAT Representatives guide](#).

Update Applicant's info

Manage Representatives

Tab 2: Schedule



Party Tip: Until an Adjudicator is assigned to your case and has reviewed it, this tab will not be available. When it is available the background colour will change to match other active menu options.

What Is It?

The Schedule tab is one of the most important tabs in Stage 3 – Tribunal Decision. On this tab, you will see the schedule of events that will form your hearing.

What is an Event?

An event is a period of time during which Parties can perform actions in the system (e.g., posting messages in the Written Hearing tab, and/or uploading documents in the Documents tab).

Your hearing will typically consist of several separate events – for instance, there will typically be a unique event for each of the following:

- Sending messages to make your arguments in the Written Hearing tab (see Tab 3 for more information);
- Uploading all of your documents and evidence (see Tab 4 below for more information on documents); and,
- Proposing your witnesses (see Tab 5 below for more information on witnesses).

Important Note: You will only be able to perform actions in the CAT’s Online System if the Adjudicator assigned to your case has scheduled an event allowing you to do so. If you are unable to perform an action in the system, please send a message to your Adjudicator.

When creating events, the Adjudicator assigned to your case will:

- Give the event a name;
- Specify the event’s duration; and,
- Give the Parties permission to take actions in the system.

Here’s an example: Your Adjudicator wants the Applicant and Respondent to take turns making opening statements about the case on December 15 and 16. In this case, the Adjudicator in this case would:

- Create an event called “Opening Statements”
- Give both Parties the ability to write messages in the Opening Statements Topic in the Written Hearing on December 12 and 13th

That event would look like this in the Schedule:

Title	Opening Statements	Permissions	Everyone can write messages .
Type	Open Written Hearings Opening Statements	Dates	2019/12/15 07:00 - 2019/12/16 16:00
Instructions	During this event, I would like the Users to take turns making their opening statements. This is a chance for you to provide a high level summary of your evidence and explain how it is relevant to the issues in dispute.	Duration	1 Day 9 Hours 0 Minutes

Why Do I Use It?

The Schedule tab gives you an overview of the important timelines in your case, including when you will be able to submit documents, add witnesses, or send messages. You should check the schedule often to ensure that you know what to do and aren't missing any deadlines.



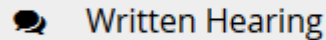
Party Tip: If you have any concerns about the deadlines set by the Adjudicator, you are strongly encouraged to raise them well in advance of the deadline. If you need more time, you can request an extension through the Questions and Requests tab (see Tab 6 for more information). There are no guarantees that requests for extensions will be granted.

How Do I Use It?

Review the Schedule tab and the information available for each event closely to make sure you understand what each of the events is and what you are expected to do.

Each event in Schedule tab includes a link to the tab where you will be able to perform the action you need to perform (for example, if the event allows you to add documents, the event will include a hyperlink to the Documents tab).

Tab 3: Written Hearing



Party Tip: Until an Adjudicator is assigned to your case and has reviewed it, this tab may not yet be available. When it is available the background colour will change to match other active menu options.

What Is It?

This tab is very similar to the Message Centre tab available in Stage 1 – Negotiation and Stage 2 – Mediation, with a few important differences.

Why Do I Use It?

In Stage 3 – Tribunal Decision, you use this tab to make your arguments, present your evidence, and to communicate with the Adjudicator.

How Do I Use It?

Like with the Message Centre tab in the previous stages, messages are posted in threads called Topics. A list of the existing Topics is shown along the left side of the tab, and you can access any of the Topics by clicking on its name.

While it works similarly, the Written Hearing tab is different than the Message Centre in several important ways. Here are some of the key differences:

- While you could write in the Message Centre at any time in Stage 1 and 2, you can only write in the Written Hearing tab when the Adjudicator lets you in Stage 3 – Tribunal Decision.
- There are no private message Topics in Stage 3 – Tribunal Decision. All messages are sent to everyone at the same time.
- Messages posted in the Written Hearing tab are not private or confidential. All messages sent in any Topic will form a part of the record of your case.
- In Stage 3, only the Adjudicator in your case can create new topics.

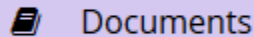


Party Tip: The Adjudicator assigned to your case can also limit the number of messages you can write or can let you post a message only after another Party has posted a message. To determine when you can write messages in the Topics in the Written Hearing tab, you should consult the Schedule tab.

Important Notes:

- After you post a message, you cannot change or delete it.
- There is a 9,000-character limit for each message.

Tab 4: Documents



What Is It?

This tab lets you access the documents or files that have been uploaded to the case. You can also upload your own documents or files here or download the documents or files that other Parties have uploaded.

Important Note: Documents uploaded to this tab can be seen by all Parties and the Adjudicator assigned to your case **only after the event allowing you to add documents has ended.**

Why Do I Use It?

You can use this tab to review documents uploaded by other Parties, or to upload documents that you would like to introduce as evidence in your hearing.

As set out in the [CAT Rules of Practice](#), Parties must follow the CAT's directions about what, how, and when any documents, information or evidence must be delivered.



Party Tip: While waiting for instructions from your Adjudicator, you should take a chance to review the Procedural Order from Stage 2- Mediation. Your Adjudicator will have access to this Order but will not have any access to any other materials from Stages 1 and 2 (including messages).

How Do I Use It?

The Documents tab works the same way as it did in Stages 1 and 2; however, in Stage 3 – Tribunal Decision, you can only upload documents when the Adjudicator assigned to your case lets you. To determine when you can upload documents, check the Schedule tab.

You should only upload documents that are relevant to your case.

Important Note: The documents that were uploaded in Stages 1 and 2 will not be available to the Parties or the Adjudicator in Stage 3. That is because these documents are private and confidential and were uploaded to the system as part of the Negotiation and Mediation stages.

If you want to add a document you uploaded in Stage 1 or 2, you can add it to your case in Stage 3 – Tribunal decision by clicking the “Add Document” button and then selecting “I want to bring forward a document I uploaded during a previous stage.”

Downloading and Uploading Documents

If you want to access (download) a document, simply click on the “Download” button next to any of the documents.

If you want to add (upload) a document:

1. First click on the “Add Document” button located in the lower-left of the screen.
2. Click on “Browse,” and then choose the document you want to upload.
3. Provide a Document Name and Description in the boxes.
4. Click on the “Add Document” button.



Party Tip: You can upload the following file types: PDF, DOC, DOCX, TXT, JPEG, PNG, GIF, TIFF, MP3 or MP4.

If you want to edit a document, you can click on the “Modify” button. This allows you to change the name or description of a document. If you want to change the content of a document, you should delete the document entirely and then add a new document.

The Adjudicator assigned to your case can also rename or delete a document.

Tab 5: Witnesses



What Is It?

This is a new tab for Stage 3 – Tribunal Decision. In this stage, the Parties use this tab to propose witnesses whose testimony they intend to rely on to support their case. You can also use this tab to review the witnesses identified by other Parties.

Why Do I Use It?

You use the Witness tab to propose witnesses that can provide testimony or evidence that is relevant to your case.

Here are a few important points about witnesses:

- You are not required to have any witnesses;
- However, if you want to rely on evidence that comes from other people, you may want to identify them as witnesses;
- The Tribunal may not need to hear from every individual witness you identify, particularly if they are providing the same / similar evidence.

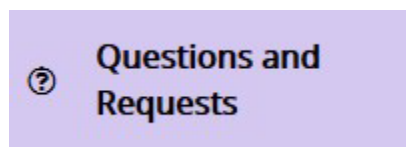
How Do I Use It?

When the Schedule tab allows you to propose witnesses, you will be able to select a link in the Schedule tab that will allow you to propose witnesses.

To add a new witness, first click the “Add Witness” button. When adding your witness, you must provide:

- The proposed witness’s name
- The proposed witness’s address
- A summary of the proposed witness’s evidence
- How you want your proposed witness to provide their testimony (either live by teleconference or by providing recorded testimony such as a witness statement)
- Any dates that your proposed witness will not be available (e.g., if they will be on holiday)

Tab 6: Questions and Requests



What Is It?

This tab allows you to communicate with CAT staff or the Adjudicator conducting Stage 3 – Tribunal Decision.

Why Do I Use It?

You can use the Questions and Requests Tab if you need technical assistance from CAT staff, or to make a request of your Adjudicator.

If you are an Applicant, you can also use this tab to request the Adjudicator to allow you to withdraw and close the case.

In Stage 3 – Tribunal Decision, many of the requests you can submit are to ask for permission to do things late / after your timeline has elapsed. If you’ve missed a deadline to add a document, for instance, you can make a request for permission to add a late document.

How Do I Use It?

Simply click the “Create a new Question or Request” button and then select on one of the options:

1. Ask a Question

- Use this button to send a question to CAT Staff (e.g., if you have a question about how to use the system or about the process). These questions cannot be seen by other Parties or your Adjudicator.

2. Make a Request

- Use this button to make a request to your Adjudicator. All requests are visible to everyone in the case, including the other Parties. There are several types of requests available, including:

- Request an adjournment (if you are unable to participate in the case for a short period of time, for instance)
- Request to add a late document
- Request to add a late witness
- Request to amend a document
- Request to withdraw the case (Applicants only)
- Request to concede (Respondents only)
- Request a consent order (Respondents only)
- Other request

To respond to your request, your Adjudicator may need to ask the other Parties if they have any comments or if they want to object to your request.



Party Tip: Your Adjudicator can refuse to grant your requests, so it is important that you meet all the timeframes set out by your Adjudicator.

Have Questions?

If you have any questions, please contact us directly:

- Phone – Local: 416-901-9356
- Phone – Toll-Free: (844) 880-5341
- Email: CATinfo@condoauthorityontario.ca