

In the Court of Appeal of Alberta

Citation: Shakeri v Condo Corporation Plan No 0524360, 2025 ABCA 135

Date: 20250417
Docket: 2503-0052AC
Registry: Edmonton

Between:

Hooshang Shakeri

Applicant

- and -

Condo Corporation Plan No. 0524360, Series Management Inc. and Gerald Simpson

Respondents

**Reasons for Decision of
The Honourable Justice Frans Slatter**

Application for Permission to Appeal

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[1] The applicant applies for permission to appeal an order granted in morning chambers. The substance of the order can be discerned from the reasons given by the chambers judge:

Direct that this matter go to a half day special application and that parties will collaborate on identifying as early date as possible with the court coordinator. If the parties require relief on PN2 then they are entitled to come back to me. Issues to be dealt with are as follows: Mr. Shakeri's application under section 67 of the Act with regard to whether the condo corporation has acted improperly and if so what relief Mr. Shakeri is entitled to; 2nd issue will be whether the action against Series Management #1 is capable of being dealt with in this action and if so what relief Mr. Shakeri is entitled to; 3rd issue will be, whether or not Mr. Shaker's allegation against Mr. Simpson is capable of being dealt with in this action and if so, what remedy Mr. Shakeri is entitled to.

The order is clearly a "pre-trial decision respecting adjournments, time periods or time limits", and permission to appeal is required under R. 14.5(1)(b).

[2] During oral submissions the applicant acknowledged that the order he proposed to appeal did not decide any of the substantive issues in the action. It just directed that the matter be heard in at half-day special application where there would be sufficient time to examine the substantive issues. On that basis the applicant abandoned this application for permission to appeal.

[3] Even though the application was abandoned, the respondent had to prepare and appear. The respondent Condominium Corp is entitled to costs of \$2,360 plus GST of \$118 for this application: item 22 of Column 3 of Schedule C. Rule 9.4(2)(c) is invoked, and the Court will prepare the resulting order.

Application heard on April 16, 2025

Reasons filed at Edmonton, Alberta
this 17th day of April, 2025

Slatter J.A.

Appearances:

Applicant H. Shakeri

R. Noce, KC

for the Respondents Condo Corporation Plan No. 0524360 and Series Management Inc.

Respondent G. Simpson