

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: November 8, 2018

CASE: 2018-00236R

Citation: David Acheson v Peel Condominium Corporation No. 260, 2018 ONCAT 19

Order under section 1.47 of the *Condominium Act, 1998*.

Mediator: Michael Clifton

The Applicant

David Acheson

Represented by Richard Forster

The Respondent

Peel Condominium Corporation No. 260

Represented by Marian Morrison

CONSENT ORDER

- [1] Using the Condominium Authority's Tribunal online system, the Applicant, David Acheson, and the Respondent, Peel Condominium Corporation 260, have both agreed to settle this case.
- [2] CAT Member Michael Clifton therefore orders that this case has been resolved without a hearing, based on the following terms and conditions:

ORDER

- [3] The Users agree to resolve this matter upon, and are hereby ordered to abide by, the following terms:
1. Within 15 days of any written request from the Applicant from time to time for copies of Shared Facility Committee Minutes the Respondent shall inform the Applicant of the fee, if any, charged for providing the records, and the records shall be provided to the Applicant by ten (10) days of the payment of such fee.
 2. The Respondent shall ensure copies of audited Shared Facility financial statements ("SF Financials"), commencing with the 2017 statements, are distributed to all owners upon being completed.

3. Within 15 days of any written request from the Applicant from time to time for copies of the working documents (excluding any list of payees in arrears) on which audited SF Financials are prepared, the Respondent shall inform the Applicant of the fee, if any, charged for providing the records, and the records shall be provided to the Applicant by fifteen (15) days of the payment of such fee.
4. Requests for records or responses made in accordance with the foregoing paragraphs in this order are not required to use applicable statutory forms and no waiver form is required. Fees charged for such records shall not exceed legislative guidelines relating to non-core records. All other requests for records of the Respondent or relating to the Shared Facility made by or on behalf of the Applicant shall be made, responded to and fulfilled in accordance with the usual statutory requirements, including by use of the proper statutory forms and so forth.
5. The Respondent shall ensure its future Periodic Information Certificates (PIC) are made and distributed in accordance with applicable legislation, and the next such PIC shall be issued by no later than November 29, 2018.
6. The Respondent shall provide a copy of this order to its property manager and instruct the manager to comply with the terms of this order.
7. All references to the Applicant in this order mean the Applicant or Applicant's agent, Richard Forster.
8. Within fifteen (15) days of receiving proof of costs paid by the Applicant, the Respondent shall reimburse \$75 to the Applicant by cheque made out to the said agent or as the Applicant may otherwise direct.

COMPLIANCE

- [4] If either David Acheson or Peel Condominium Corporation 260 fails to comply with any of the terms of this order, it may be enforced by through the Ontario Superior Court of Justice.

Michael Clifton
Member, Condominium Authority Tribunal

Released on: November 8, 2018