

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: July 9, 2019

CASE: 2019-00051R

Citation: Carroll Robinson v. Durham Condominium Corporation No. 139, 2019 ONCAT 19

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

Mediator: Michael Clifton

The Applicant

Carroll Robinson

Self-Represented

The Respondent

Durham Condominium Corporation No. 139

Laura McCarney, Agent

CONSENT ORDER

- [1] The Applicant initiated a case at the Tribunal to resolve a dispute concerning records of the Respondent that indicated there were appointments of two directors of the Respondent on or around September 12, 2018.
- [2] A settlement offer that was proposed by the Respondent on April 18, 2019, is deemed to have expired effective April 25, 2018, and is not in force despite the proposed acceptance by the Applicant thereafter. The Applicant and Respondent have agreed to settle this case by a Consent Order from the Tribunal.
- [3] The board of directors of the Respondent (the "Board") states that in its June 3, 2019 meeting it made resolutions to the effect that:
 - a. The appointments of directors that were in question are ratified as having been made as of the September 12, 2018 meeting of the Board, and a resolution ratifying or affirming such appointments that was made at the said June 3, 2019 meeting of the Board shall be attached to the minutes of its September 12, 2018 meeting; and

- b. The phrase, “as there were two (2) appointed Directors and two (2) elected Directors” that appears in the minutes of the December 13, 2018 meeting of the Board, shall be deleted.
- [4] Upon approval of the minutes of its June 3, 2019 meeting, which is to take place at the Board’s next meeting in July, 2019, the Board shall direct the Respondent’s property manager to send to the Applicant a copy of such minutes or excerpts from those minutes that contain the resolutions described above, along with a copy of the amended minutes of the Board’s meeting on December 13, 2018. The Respondent shall have seven (7) days from the conclusion of the said July 2019 meeting to make such delivery to the Applicant.
- [5] There is no order for costs to be paid by either User.
- [6] If either the Applicant or the Respondent fails to comply with any of the terms of this Order, it may be enforced by the Ontario Superior Court of Justice.

Michael H. Clifton
Member, Condominium Authority Tribunal

Released on: July 9, 2019