

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: October 11, 2019

CASE: 2019-00186R

Citation: Scott Le v Peel Standard Condominium Corporation No. 868, 2019 ONCAT 42

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

Member: Mary Ann Spencer, Member

The Applicant

Scott Le

Self-Represented

The Respondent

Peel Standard Condominium Corporation No. 868

Alex Etkin, Representative

CONSENT ORDER

- [1] The Applicant, Scott Le, and the Respondent, Peel Condominium Corporation No. 868, have reached an agreement to settle this case and have requested that their agreement be incorporated into a Consent Order from the Tribunal.
- [2] In reaching this agreement, the Applicant acknowledges that the Respondent has at all times been in agreement to provide the requested records, as demonstrated by the Board's Response to Request for Records dated August 26, 2019. The Applicant also acknowledges that his Request for Records dated July 19, 2019 did not specify a method of access with respect to the proxies for the AGM. The Respondent acknowledges that the Board's Response to Request for Records was not provided within the required 30 days and did not itemize the method of access and/or the estimated fees for each of the requested records.
- [3] The Tribunal therefore orders that this case has been resolved without a hearing on consent of the parties, based on the following terms and conditions:
 1. The Respondent agrees to provide the Applicant with the records requested in the Applicant's July 19, 2019 Request for Records as set out in the revised Board's Response to Request for Records posted to the Online Dispute Resolution platform on October 2, 2019. Specifically:

- a) the requested Board minutes and the Record of Owners and Mortgagees will be provided by no later than October 15, 2019, and,
 - b) the proxies submitted with respect to the Respondent's AGM will be provided within 7 days of receipt of the fee of \$84.00.
- 2. The Respondent agrees to reimburse the Applicant's filing fees in relation to this case in the amount of \$75.00 within 30 days of the date of this order.
 - 3. The Applicant agrees to submit all future requests for records on a Request for Records form rather than sending e-mails or making inquiries in person to property management about the records.
 - 4. The Respondent agrees to respond to any future Requests for Records forms received from the Applicant using the Board's Response to Request for Records form on which it will provide an itemized response to each requested record. If the Respondent agrees to provide access to the records, the Response will include the method of access and the estimated labour and copying fees, if any. In cases where the Respondent does not agree to allow the Applicant to examine or obtain a copy of the requested record, reasons will be provided.

COMPLIANCE

- [4] If either Scott Le or Peel Standard Condominium Corporation No. 868 fails to comply with any of the terms of this order, it may be enforced by the Ontario Superior Court of Justice.

Mary Ann Spencer
Member, Condominium Authority Tribunal

Released on: October 11, 2019