

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: May 15, 2020

CASE: 2020-00080R

Citation: Suzanne Fishwick v. Stormont Standard Condominium Corporation No. 25, 2020 ONCAT 16

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

Member: Ian Darling, Chair

The Applicant

Suzanne Fishwick

Self-Represented

The Respondent

Stormont Standard Condominium Corporation No. 25

Anne Burgoon, Agent

CONSENT ORDER

- [1] The Applicant, Suzanne Fishwick, and the Respondent, Stormont Standard Condominium Corporation No. 25, have agreed to settle this case and for the terms of their agreement to be incorporated into a consent order. CAT Member Ian Darling therefore orders that this case has been resolved without a hearing.
- [2] The Applicant commenced this Application on March 4, 2020 while the Corporation was still managed by the Declarant, in an attempt to obtain records of the Corporation which had not yet been provided to the Corporation by the Declarant;
- [3] The Corporation is now managed by an independent management company, and the Board of Directors of the Corporation now consists of a majority of Directors unrelated to the Declarant or the Declarant's corporate entities;
- [4] The Applicant and Respondent have agreed that the issues in this Application are resolved for the following reasons:
 - a. All records in the possession of the Respondent have been provided to the Applicant, which include the following:
 - I. Declaration

- II. By laws
- III. Rules
- IV. List of owners and mortgagees
- V. Budget
- VI. Income statements and bank reconciliations
- VII. Management agreement

b. The Respondent has made every effort to obtain all available records from the Declarant;

c. To the extent that records have not been produced by the Corporation, it is because the original Declarant:

- I. has not turned over these records;
- II. has not responded to the Corporation's requests for such request; or
- III. did not prepare these records.

[5] The records which have been requested from the Declarant but have not been produced are as follows:

- I. Information certificates
- II. Financials statements
- III. Audited financials statements
- IV. Reserve fund study
- V. Board meeting minutes 2016 - 2019
- VI. Board meeting minutes 2020
- VII. Maintenance records
- VIII. Status certificates issued to date

[6] The Parties each agree to bear their own costs of this Application.

COMPLIANCE

[7] If either Suzanne Fishwick or Stormont Standard Condominium Corporation No. 25 fails to comply with any of the terms of this order, it may be enforced through the Ontario Superior Court of Justice.

Ian Darling,
Chair, Condominium Authority Tribunal

Released on May 15, 2020.