

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: January 21, 2021

CASE: 2020-00325R

Citation: Abou El Naaj v. Peel Standard Condominium Corporation No. 935, 2021 ONCAT 5

Order under section 1.44 of the *Condominium Act, 1998*.

Member: Mary Ann Spencer, Member

The Applicant,

Mohamad Abou El Naaj
Self-Represented

The Respondent,

Peel Standard Condominium Corporation No. 935
No one appeared.

Hearing: Written Online Hearing – November 30, 2020 to January 7, 2021

REASONS FOR DECISION

A. INTRODUCTION

[1] Mohamad Abou El Naaj (the “Applicant”) is an owner of a unit of Peel Standard Condominium Corporation No. 935 (the “Respondent”). He alleges that the Respondent failed to respond to Requests for Records in the prescribed manner; unreasonably delayed the provision of some of the requested records; and, refused to provide other records which he is entitled to receive. He also alleges that the fees the Respondent estimated for the provision of some of the records are unreasonable.

[2] The Applicant requests the Tribunal order the Respondent to provide properly completed Board Response to Request for Records forms and, at no cost, the requested records and prescribed accompanying statements. He also requests that the Tribunal assess a penalty to the Respondent for refusing to provide records. Finally, he requests his costs in this matter.

[3] The Respondent did not participate in the Tribunal’s Stage 3 hearing.

[4] For the reasons set out below, I find that the Respondent refused to provide records to the Applicant without reasonable excuse and order the Respondent to provide the outstanding records to the Applicant at no cost. I also order the Respondent to pay the Applicant a penalty of \$2,500 and \$300 in costs.

B. BACKGROUND

[5] The Applicant filed two applications with the Tribunal in respect of four Requests for Records dated September 1 (2 requests), 9 and 29, 2020. The September 29, 2020 Request was the subject of Case 2020-00363R which the parties agreed to settle during the mediation in this matter by adding the September 29 request to the case before me.

[6] The four Requests for Records at issue in this matter were signed by the Applicant's spouse, Reem Jubain, who co-owns the condominium unit. Ms Jubain provided the Tribunal with an affirmed statement confirming she had authorized the Applicant to file the Tribunal applications on her behalf and to represent her in this proceeding.

[7] The hearing in this matter began on November 30, 2020. When a representative of the Respondent did not join the proceeding, I asked Tribunal staff to contact Salahuddin Saeed, the representative on record in this application. Staff confirmed they spoke to Mr. Saeed on December 2, 2020 and strongly advised him to join the proceeding. He failed to do so and did not respond to my messages. Therefore, the hearing proceeded without the participation of the Respondent.

C. ISSUES & ANALYSIS

[8] The Applicant confirmed the issues to be addressed in this hearing are:

1. Is the Applicant entitled to receive copies of the requested records?
2. Is the Respondent entitled to charge a fee to produce the records?
3. Should the Respondent be required to pay a penalty under s.1.44 (6) of the Act for failure to provide the Applicant with the records requested without reasonable excuse, and if so, in what amount?
4. Should the Applicant be awarded any costs?

[9] The Applicant requested that I also address an issue related to a status certificate he had received which he indicated was inadequate. However, I refused this

request. The Applicant confirmed he had not asked for a previously issued status certificate in a Request for Records but had requested one for his unit which he received on October 26, 2020. The Tribunal does not have jurisdiction over requests for status certificates made under s. 76 (1) of the Act.

Issues No. 1 and 2: Is the Applicant entitled to receive copies of the requested records and is the Respondent entitled to charge a fee to produce them?

[10] The records at issue are set out below by the date of the Request for Records. My analysis is based on the documents submitted and the testimony of the Applicant and Ms Jubain. Only the evidence most relevant to the issues to be decided is set out in this decision.

September 1, 2020 Request 1: Electronic copies of the most recent approved financial statements and board meeting minutes (August 2020-Sept 2020)

[11] The Applicant testified that he received no response to the September 1, 2020 request. He also testified that he reminded the Respondent about this request when he submitted a further Request for Records.

[12] I find that the Applicant is entitled to receive the records requested in the September 1, 2020 request. Section 55 (1) of the *Condominium Act, 1998* (the “Act”) requires a corporation to keep adequate records and sets out a list of records which must be maintained. The financial records of the corporation and the minutes of owners’ and board meetings are included in the listed records. Section 55 (3) of the Act sets out an owner’s entitlement to access a corporation’s records:

The corporation shall permit an owner, a purchaser or a mortgagee of a unit or an agent of one of them duly authorized in writing, to examine or obtain copies of the records of the corporation in accordance with the regulations, except those records described in subsection (4).

I note that the requested minutes of board meetings may require redaction in order to comply with the exceptions to an owner’s right to examine records set out in s. 55 (4) of the Act. Those exceptions include records relating to employees, to actual or current litigation or insurance investigations involving the corporation, and to specific units and owners.

[13] I also note that in its decision in *Mellon v Halton Condominium Corporation No. 70, 2019 ONCAT 2* (CanLII), the Tribunal determined that the “most recent

approved financial statements” referred to on the statutory Request for Records form are the most recent audited financial statements:

Item 4 in the list of core records and the corresponding phrase, “most recent approved financial statements,” under the heading “Request for core records” in the statutory Request for Records form, clearly references the financial statements approved by the board under subsection 66(3) of the Act;

Those are the financial statements that a condominium corporation is required to submit to the unit owners at the annual general meeting along with the auditor’s report (item 5 in the list) under subsection 69(1) of the Act;

[14] This is the second matter between these parties to be heard by this Tribunal. In its decision in *Abou El Naaj v. Peel Standard Condominium Corporation No. 935, 2021 ONCAT 4* (CanLII) the Tribunal addressed the Applicant’s July 16, 2020 request for the most recent approved financial statements; the evidence was that the Applicant was in possession of the audited financial statements for the Respondent’s fiscal year ending August 31, 2019. Given the request currently at issue is dated September 1, 2020, it is very unlikely that audited statements for the fiscal year ending August 31, 2020 would have been available when the request was submitted to the Respondent. Therefore, I am not ordering the provision of a further copy of the financial statements.

[15] I will order the Respondent to provide the requested board meeting minutes. Section 1. (1) of Ontario Regulation 48/01 (“O. Reg. 48/01”) defines the minutes of board meetings held within the 12 months preceding the date of receipt of a request as core records. Section 13. 3 (8) of O. Reg. 48/01 sets out that no fee is payable for core records requested in to be delivered in electronic form, as the Applicant requested.

September 1, 2020 Request 2:

[16] The Applicant requested electronic copies of the following records in a second request dated September 1, 2020:

- Minutes of Owner’s Meetings held within the last 12 months. (Aug 2019-Sept 2020)
- Board Meeting minutes and owners meeting minutes (Jan 2018-June 2019)
- Cleaning services invoices, charges & debit notes booked on cleaning line (contract services) (Sept 2018-Sept 2020)
- Shared facilities committee meeting minutes Jan 2018-Sept 2020

- RFP or Requests for Quotes for security and concierge contract services 2017-2020

[17] The evidence is that Mr. Saeed, the Respondent's property manager, responded to the Applicant on October 9, 2020 by e-mail and attached the Board Response to Request for Records form. The Response indicated that, for the estimated fee of \$200, the Respondent would provide the requested minutes of board and owners meetings, the cleaning services invoices and the requests for RFP or Requests for Quotes for the security and concierge contract services. The Response did not address the request for the minutes of owners' meetings held within the last 12 months. The Respondent refused to provide the minutes of the shared facilities committee meetings.

[18] The requested board meeting minutes, cleaning service invoices and RFP documents are not defined as core records and the corporation is entitled to charge a fee for their provision. Section 13.3 (8) of O. Reg. 48/01 states:

The fee payable for the request shall be calculated in accordance with the manner set out in the board's response, subject to the following conditions:

1. The fee shall be a reasonable estimate of the amount required to reimburse the corporation for the actual labour and delivery costs that the corporation incurs for making the record requested available for examination or for delivering a copy of the record, which costs shall include the printing and photocopying charges established under paragraph 3 and the actual labour costs that the corporation incurs during the examination.

[19] The Applicant disputes the \$200 fee for the provision of the non-core records. He submitted that "charging \$200 for such simple and straightforward records rises to the level of denial." I note that while the Applicant categorized the requested board meeting minutes as core records, they are in fact non-core records. Section 1.(1) of O. Reg. 48/01 defines only the minutes of board meetings held within the 12 months preceding the date of receipt of a request as core records.

[20] The Board Response form sets out the manner in which a corporation is required to estimate a fee. This includes providing the estimated number of pages to be printed or copied, the estimated hours of labour required and the hourly rate charged to access the records. The fee is only an estimate; O. Reg. 48/01 requires a corporation to provide its actual incurred cost to a requester in the statements that accompany the records it provides and to refund the difference if the actual cost is less than the fee which was paid.

13.8 (1) Each copy of a record that the corporation makes available for examination or delivers under any of sections 13.4 to 13.7 shall be accompanied by,

(c) a separate written document that is addressed to the requester and that indicates,

(i) the actual cost that the corporation has incurred for making the copy available or for delivering it, as the case may be, subject to the limits that subsections 13.3 (8) and (9) place on the fee payable for the request, and

(ii) the difference, if any, between the actual cost described in subclause (i) and the fee that the requester paid for the request; and

(d) if the actual cost described in subclause (c) (i) is less than the fee that the requester paid for the request, payment from the corporation to the requester of the amount of the difference.

[21] In this case, while the \$200 fee may in fact be reasonable, I have no basis on which to make this determination. The Response form provided to the Applicant does not set out any detail to indicate how the Respondent calculated the fee. And, because the Respondent did not participate in this proceeding, I have no information with respect to the extent of the records or the labour costs the Respondent might incur to provide them. Therefore, I will order that the records be provided to the Applicant at no cost.

[22] The Applicant received no response to his request for electronic copies of the minutes of owners' meetings held within the last 12 months. These are records which s. 55 (1) of the Act requires a corporation to keep. And, the minutes of meetings held within 12 months of the date of request is defined as a core record in s. 1. (1) of O. Reg. 48/01. Therefore, I find that the Applicant is entitled to receive these records at no cost and will order the Respondent to provide them. I note that the records may require redaction to comply with the exceptions set out in s. 55 (4) of the Act.

[23] The Respondent refused to provide the requested minutes of the shared facilities committee meetings for the period January 2018 to September 2020. The Board's Response form states:

The document belongs to the shared include two other corporations PSCC938 & Retails (DANIELS CCW). We, as in charge of Shared have no authority to release such documents involve other corporations information [sic].

[24] In *McKay v. Waterloo North Condominium Corp. No. 23*, 1992 CanLII 7501 (ON SC) ("McKay"), a case which addressed the entitlement of owners to access

corporation records, Cavarzan J. set out the principle that the affairs of a condominium corporation are an “open book”:

The Act embodies a legislative scheme of individual rights and mutual obligations whereby condominium units are separately owned and the common elements of the condominium complex are co-operatively owned, managed and financed. In the interest of administrative efficiency an elected board of directors is authorized to make decisions on behalf of the collectively organized as a condominium corporation, on condition that the affairs and dealings of the corporation and its board of directors are an open book to the members of the corporation, the unit owners.

It would be inconsistent with the open book principle if records relating to some of the facilities managed by a corporation on behalf of its owners were not available to the members of the corporation.

[25] There is nothing in the Act which excludes records related to shared facilities from the records an owner is entitled to access. I note that mutual use agreements are one of the records which s. 55 (1) of the Act requires a corporation to keep and are also listed as a core record in s. 1. (1) of O. Reg. 48/01. It is reasonable that records related to the management of the facilities governed by a mutual use agreement also form part of the records of the corporation.

[26] I find that the Applicant is entitled to receive copies of the minutes of the shared facilities committee. Because these records are not listed as core records in s. 1. (1) of O. Reg. 48/01, the Respondent is entitled to charge a fee for their access. However, as noted above, I have no basis on which to calculate a reasonable fee and therefore I will order the Respondent to provide the records at no cost to the Applicant. I note that the records may require redaction in order to comply with the exceptions set out in s. 55 (4) of the Act.

September 9, 2020 Request

[27] The Applicant requested electronic copies of the following records on September 9, 2020:

- Electronic copies of the record of notices related to lease of units
- Periodic Information Certificates from the past 12 months
- Notice of AGM meeting (full package including all forms) 2015-2019

[28] The Applicant testified that he received the Board's Response to the September 9, 2020 Request on October 2, 2020. The Response indicated the Respondent would provide all of the requested records within 48 hours of its receipt of the fee of \$100. Although he disagreed with the amount of the fee, the Applicant paid it by bank draft on November 17, 2020. However, he has not received any of the records. He requests that the Tribunal order the Respondent to provide the records and to refund the \$100 he paid.

[29] A copy of the bank draft dated November 5, 2020 was entered into evidence. Asked if he could verify the draft had been received by the Respondent, the Applicant testified "the \$100 check was delivered from my legal representative to the corporation lawyer by both mail and a copy of check by email for confirmation to ensure that they receive it. My legal rep followed up again with the corporation lawyer on Dec 1 for the status of the requested records with no response."

[30] There is no dispute about the Applicant's entitlement to access the requested records and I will order the Respondent to provide them. There is no evidence before me to indicate that the Respondent did not receive the \$100 fee paid by the Applicant. However, notwithstanding that the Applicant now challenges the quantum of the fee, he chose to pay it and I will not order the Respondent to refund it.

[31] I note the Board Response form indicates that the \$100 fee was for the provision of all of the requested records. The Respondent may not charge a fee for the record of notices of leased units and the periodic information certificates issued in the last 12 months, both of which are defined as core records in s. 1. (1) of O. Reg. 48/01 and both of which the Applicant requested be provided in electronic format. The Respondent is only entitled to charge a fee for accessing the requested notices of AGM meetings held in the period 2015 to 2019. Therefore, I will order that the AGM notice packages be accompanied by a statement which sets out not only the actual cost of providing these records but also the hours spent and the labour rate charged. The Respondent shall refund the difference if its actual cost is less than the \$100 paid by the Applicant but shall not charge any additional fee if its actual cost exceeds \$100.

September 29, 2020 Request for Records

[32] The Applicant requested electronic copies of the following records in the request dated September 29, 2020:

- Mutual use agreements
- Fire Department Ontario inspection/Audit report with deficiencies (2018-2020)
- Fire inspection records for the building and units completed by fire protection contractors (2017-2020)
- Fire inspection contractors' contracts (2015-2020)
- Owners' and mortgagees' email addresses
- Dated emails received by management or security from owners and residents complaining about knocking at their doors (September, 2020)

[33] The Applicant testified and the documentary evidence is that the Respondent replied to the Applicant's September 29, 2020 Request for Records by e-mail on December 11, 2020 and attached two Board Response to Request for Records forms. In one Response form, the Respondent quoted an estimated fee of \$200 for the provision of the fire inspection reports and contracts. The other Response refused the requests for owners' and mortgagees' e-mail addresses and copies of the complaint e-mails received by management or security. Neither Response addressed the request for copies of the mutual use agreements.

[34] The Applicant is entitled to receive a copy of the requested mutual use agreements. As noted above, mutual use agreements are one of the records which s. 55 (1) of the Act requires a corporation to keep and are also defined as a core record in s. 1. (1) of O. Reg. 48/01. Therefore, I will order the Respondent to provide these records at no cost to the Applicant.

[35] There is no dispute that the Applicant is entitled to receive copies of the requested Fire Department Ontario inspection/audit report with deficiencies, the fire inspection records for the building and units completed by fire protection contractors (2017-2020) and the fire inspection contractors' contracts (2015-2020). Rather, the Applicant disputes the \$200 fee the Respondent quoted for their provision. I will address the fee below.

[36] With respect to the requested record of e-mail addresses of owners and mortgagees, the Respondent's Response states "owners and mortgagees electronic contact information can not be released due to the privacy breach, we do not release owners and mortgagee's information without their consents." The Applicant testified that he requested these records because he and Ms Jubain were attempting to gather the required support needed to call an owners' meeting. He submitted that "the board could have requested owners to provide consent for the sake of owner's communication regarding the owners meeting."

[37] I find that the Applicant is not entitled to receive copies of the record of e-mail addresses of owners' and mortgagees'. Section 55 (4) of the Act excludes records relating to specific units or owners from those which an owner is entitled to access. An owner is entitled to access the record of owners and mortgagees which a corporation is required to keep. However, in its decision in *Margaret Samuel v. Metropolitan Toronto Condominium Corporation No. 979 and Metropolitan Toronto Condominium Corporation No. 989, 2019 ONCAT 9*, the Tribunal found that the "record of method of electronic communication" which forms part of the record of owners and mortgagees does not include e-mail addresses:

I have determined that the "statement of that method" of electronic communication section 46.1 of the Act requires be maintained as part of the Record of Owners and Mortgagees does not include electronic addresses. However, I note that even if I had not made this determination, the Applicant would not be entitled to receive copies of those addresses. The exclusion set out in section 13.11(2) of O. Reg. 48/01 is very clear. Owners are not entitled to examine or receive copies of the record of the method of electronic communication.

[38] The Applicant and Ms Jubain both testified that they went door to door in order to gather signatures to support a request for an owners' meeting. They testified that police were called and that the Respondent's lawyer subsequently informed them that the Respondent had received almost 30 complaints. They have requested copies of the e-mail complaints to verify this allegation. The Respondent refused to provide the e-mails stating: "We do not disclose details of the complainants to anyone, we are obligated to keep their information and concerns protected, release of such information may cause conflict between residents."

[39] There is no requirement set out in s. 55 (1) of the Act for a corporation to maintain records of the e-mails it receives from owners. However, the testimony of the Applicant and Ms Jubain with respect to the letter they received from the Respondent's lawyer indicates that the corporation appears to have maintained a record of these particular e-mails. While the exceptions to an owner's right to examine or obtain copies of records set out in s. 55 (4) of the Act include records relating to "specific units or owners", these records can be delivered in redacted format provided the redaction removes any information which could potentially identify either the unit or the unit's owner. Therefore, I will order the Respondent to provide the records to the Applicant or to provide written confirmation that they do not exist.

[40] The Respondent is entitled to charge a fee for provision of the fire inspection-related records and the complaint e-mails. However, I cannot assess the reasonableness of the \$200 fee quoted for the delivery of the fire inspection-related records as the Response form sets out no detail with respect to its calculation. And, because the Respondent did not participate in this proceeding, I have no information before me to verify the number of records involved or with respect to the Respondent's labour cost or the amount of time which would be required for the records' redaction. Because I cannot determine a reasonable fee, I will order the records be provided at no cost to the Applicant.

Issue No. 3: Should the Respondent be required to pay a penalty under s.1.44 (6) of the Act for failure to provide the Applicant with the records requested without reasonable excuse, and if so, in what amount?

[41] Section 1.44 (1) 6 of the Act provides that the Tribunal may order a penalty to be paid if it finds that the corporation has, without reasonable excuse, refused to permit a person to examine or obtain records. The Applicant requests that a penalty of \$3,000 be assessed to the Respondent for delays in providing its responses to Requests for Records, for denying access to records and for its lack of participation in the Tribunal's proceedings. However, I note that the Act does not provide for the assessment of a penalty for failure to participate in a Tribunal proceeding.

[42] The Tribunal has found that a delay in the provision of records can equate to a refusal to provide records. In this case, the evidence is that the Respondent replied to only one of the four Requests for Records at issue within the prescribed 30 day period, failed to address all of the requested records in two of the Requests and failed to reply in any form to one of the Requests. While the Applicant disputes the fees which were requested for provision of non-core records requested in two of the Requests, he has not received any of the core records he requested, for which no fee may be charged, or the non-core records for which he paid the requested fee.

[43] The Respondent did respond to the Applicant's September 9, 2020 request on October 1, 2020, within the prescribed 30 day period. However, while Applicant paid the requested \$100 fee on November 17, 2020, he has yet to receive the records notwithstanding that the Response form indicates they will be delivered within 48 hours of the receipt of the fee. There is no evidence that the Respondent did not receive the fee and I have no reason to question the Applicant's credibility

with respect to his testimony about how it was delivered or to the efforts made to confirm that delivery.

- [44] The Respondent replied to one of the Applicant's September 1, 2020 requests on October 9, 2020, quoted a fee for the non-core records but failed to address the requested core records in its response. No response was sent with respect to the second September 1, 2020 Request. The Respondent replied to the September 29, 2020 request on December 11, 2020, well outside of the prescribed 30 day period for response. It quoted a fee for non-core records but again failed to address the requested core records.
- [45] I find the Respondent's delay in providing both the core records requested in the Applicant's four Requests for Records and the non-core records for which the Respondent paid the \$100 fee on November 17, 2020 to be, in effect, a refusal to provide records. The question before me is whether these refusals were without reasonable excuse. Because the Respondent did not participate in this hearing, there is no explanation for the delays before me. Therefore I find that the refusals were without reasonable excuse.
- [46] In addition to finding that delay in providing some of the records constitutes a refusal, I also find that the Respondent refused to provide certain of the requested records without reasonable excuse. I have found the reasons set out in the Board Response to Request for Records in respect of its refusal to provide copies of the minutes of its shared facilities committee requested on September 1, 2020 and the copies of complaint e-mails requested on September 29, 2020 to be unreasonable.
- [47] With respect to the amount of penalty, the Applicant referred me to a number of cases which I have reviewed. I note that while the Tribunal may refer to its previous decisions for guidance, each case before it is decided on its own merits. One of the purposes of a penalty is to deter future similar action. A requester should not have to apply to the Tribunal in order to receive requested records for which there is clear entitlement. A penalty also serves to remind corporations of their responsibility to fulfill their obligations under the Act.
- [48] In this case, the Respondent appears not to fully understand its obligations with respect to records. This is evident in its failure to set out estimated fees properly in its responses to Requests for Records, to respond to those requests within the prescribed time and, in the case of the September 1, 2020 Request for Records, to provide any response. Further, no reasons have been provided for the Respondent's failure to provide either the core records the Applicant requested,

none of which required the payment of a fee, or the non-core records for which the Applicant submitted the requested fee on November 17, 2020. In these circumstances, a consequential penalty is warranted and I assess \$2,500 to be appropriate.

Issue No. 4: Should the Applicant be awarded any costs?

[49] Rule 45.1 of the Tribunal's Rules of Practices states that the Tribunal may order a User to pay to another User or the CAT any reasonable expenses or other costs related to the use of the CAT. Rule 45.2 states that if a case is not resolved by Settlement Agreement or Consent Order and a CAT Member makes a final Decision, the unsuccessful User will be required to pay the successful User's CAT fees and reasonable dispute-related expenses, unless the CAT member decides otherwise.

[50] The Applicant requests costs of \$300 in respect of Tribunal fees for the two cases he filed and associated delivery costs and \$500 for the time he spent on this matter. The Applicant was successful in this application and I award him \$300 in costs. I note that the Applicant should reasonably expect to spend some time participating in a hearing process.

D. ORDER

[51] The Tribunal Orders that:

1. Within 30 days of the date of this decision, the Respondent shall provide the Applicant with electronic copies of the records listed below. If the records are not kept in electronic form, the Respondent shall provide paper copies. The records shall be redacted as required in accordance with the provisions of s. 55 (4) of the Act and are to be provided at no cost to the Applicant:
 - a. Board meeting minutes for the period August 1 to September 1, 2020;
 - b. Minutes of owner's meetings held within the last 12 months. (September 1, 2019-September 1, 2020);
 - c. Board meeting minutes and owners' meeting minutes (January 2018-June 2019);
 - d. Cleaning services invoices, charges & debit notes booked on cleaning line (contract services) (September 2018 - September 1, 2020);
 - e. Shared facilities committee meeting minutes (January 2018 - September 1, 2020);

- f. RFP or Requests for Quotes for security and concierge contract services (2017-2020);
 - g. The record of notices related to lease of units;
 - h. Periodic Information Certificates from the past 12 months;
 - i. Mutual use agreements;
 - j. Fire Department Ontario inspection/Audit report with deficiencies (2018 – September 29, 2020);
 - k. Fire inspection records for the building and units completed by fire protection contractors (2017-September 29, 2020);
 - l. Fire inspection contractors' contracts (2015-2020);
 - m. Either the emails received by management or security from owners and residents complaining about knocking at their doors (September 2020) or written confirmation that the records do not exist.
2. Within 30 days of the date of this decision, the Respondent shall provide the Applicant with electronic copies of the Notice of AGM meeting (full package including all forms) for the period 2015-2019. These records are to be accompanied by a statement setting out the actual cost the Respondent incurred to produce them including the number of pages, the hours spent and the hourly rate charged. The Respondent shall refund the difference to the Applicant if the actual cost is less than \$100 but shall not charge any additional fee if the actual cost exceeds \$100.
 3. Within 30 days of the date of this decision, the Respondent shall pay a penalty of \$2,500 to the Applicant.
 4. Within 30 days of the date of this decision, the Respondent shall pay costs of \$300 to the Applicant.
 5. To ensure the Applicant does not pay any portion of the penalty or costs awards, the Applicant shall be given a credit towards the common expenses attributable to his unit in the amount equivalent to his unit's proportionate share of the above penalty and costs.

Mary Ann Spencer
Member, Condominium Authority Tribunal

Released on: January 21, 2021