

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: November 5, 2021

CASE: 2021-00309R

Citation: Emerald PG Holdings Ltd. v. Toronto Standard Condominium Corporation No. 2519, 2021 ONCAT 104

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

Member: Emile Ramlochan, Member

The Applicant,

Emerald PG Holdings Ltd.

Represented by Cameron Thomson, Agent

The Respondent,

Toronto Standard Condominium Corporation No. 2519

Represented by David Barkin, Agent

CONSENT ORDER

- [1] In the Condominium Authority Tribunal's (CAT) online dispute resolution system, the Parties agreed to settle this case in Stage 2 - Mediation.
- [2] Under Rule 32.1 of the CAT's Rules of Practice, the CAT can close a case in Stage 2 - Mediation if the Parties agree to the CAT making a consent order that resolves the dispute.
- [3] With the consent of the Parties, the CAT orders that this case has been resolved, based upon the terms and conditions set out in this consent order.

ORDER

- [4] The Applicant and Respondent agree to bring this case before the CAT to a close based on the following terms:

a) "In Camera" Board Meeting Minutes (the "Minutes")

- 1. Within 30 days of the date of this Order, the Corporation will provide the Applicant with the "In Camera" Board Meeting Minutes and those Board Meeting Minutes identified as "the private and confidential minutes" created from July 23, 2020, through to July 23, 2021.

2. The Minutes will include the information that was replaced by the words “Management provided a list [etc.]” in its entirety, subject to provisions (3) – (6) below.
3. The Minutes to be provided shall be the original minutes produced by the InaMinute Ltd. Recording secretary retained by the Board of Directors to record the content of the meetings.
4. Pursuant to section 55(5) of the *Condominium Act*, 1998 (the “Act”), information and references to the Applicant captured within the Minutes will be included in the Minutes, subject to any exceptions outlined by section 55 (4) of the Act.
5. These records will be provided to the Applicant redacted in compliance with the *Act*. For administrative purposes and easy identification, redactions made under subsection 55(4)(b) will be made using a “red” color, and redactions made under subsections 55(4)(a), (b) and (d) will be made using a “black” color.
6. These records will be provided to the Applicant with accompanying statements in compliance with section 13.8 of Ontario Regulation 48/01 explaining each redaction made, specifying the sections of s. 55(4) of the *Act* the Board relies on for each redaction contained in the Minutes.
7. These records will be provided to the Applicant in an electronic format.
8. These records will be provided to the Applicant no later than December 5, 2021.

b) Non-Core Records

1. Within 30 days of the date this Order, the Corporation will provide the Applicant with the following Non-Core Records:
 - a) General Ledger, exclusive of categories:
 - *Gnrl, Ldgr., exclusive of categories:*
 - *Bank-Operating*
 - *Ban-Reserve Fund*
 - *Receivable Control*
 - *Misc. Receivable*
 - *Prepaid Receivable Control*
 - *Admin Fee Payable/Withdrawal*

- *LMR/Estoppel Clearing*
 - *HST-Collected*
 - *Common Assessment*
 - *Card/Key/Remote/Locker Rental*
- b) All instruments appointing a proxy or ballots for the June 29, 2021, AGM, together with all records and communications from CondoVoter relating to the voting and the results
- c) Miller Thomson LLP Invoices
- d) Deacon, Spears, Fedson + Montizambert LLP invoices
- e) Shibley Righton LLP Invoices
- f) TSCC2519 shall provide the applicant with a statement that all correspondence, memos, notes, reports, or other documentation sent or received by TSCC 2519 and/or their agents in relation to Sedgewick Canada Inc.'s file no. 911760353802 are not corporate records, are litigation privileged, and cannot be provided, as they are not in the control or power of TSCC 2519.

[5] Redactions and accompanying statements, if any, will be applied to the records in compliance with the *Act*.

[6] These records will be provided no later than December 5, 2021.

c) Cost

[7] All records will be provided at no-cost to the Applicant.

d) Case Closure

[8] The Applicant and Respondent have each consented to the closing of this file, as there are no further actions required to be taken in this matter in relation to the *Request for Records* dated July 23, 2021.

[9] This case has been fully resolved in Stage 2 Mediation. This application and the issues raised therein are hereby resolved and cannot be re-opened.

COMPLIANCE

[10] If any of the Parties fails to comply with any of the terms of this order, it may be enforced through the Ontario Superior Court of Justice.

Emile Ramlochan
Member, Condominium Authority Tribunal

Released on: November 5, 2021