

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** November 29, 2021

**CASE:** 2021-00343R

**Citation:** Altilia v. York Region Condominium Corporation No. 755, 2021 ONCAT 113

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

**Member:** Marc Bhalla, Member

**The Applicant,**

Paul Altilia

Self-Represented

**The Respondent,**

York Region Condominium Corporation No. 755

Represented by Leza Blair, Agent

### **DISMISSAL ORDER**

- [1] The Applicant filed an application with the Condominium Authority Tribunal (CAT) against the Respondent condominium corporation for records. The Respondent did not join the case, so the case went to Stage 3 – Tribunal Decision as a default proceeding on November 9, 2021.
- [2] Before joining the case, the Respondent provided the Applicant with records. The parties stated that a recent change in management led to the resolution of the records issue. There is no dispute before me about records.
- [3] The Applicant and the Respondent agree on the reimbursement of the Applicant's \$150 of filing fees. There is no dispute before me about filing fees.
- [4] The only issue remaining surrounds legal fees. The Applicant received legal advice about this case and wanted the Respondent to pay for it. Rule 46.1 of the CAT's Rules of Practice states: "The CAT will not order a User to pay to another User any fees charged by that User's lawyer or paralegal, unless there are exceptional reasons to do so."
- [5] I considered both the Respondent's conduct and the nature and complexity of the issues in this case. The Respondent satisfied the Applicant. It provided the records the Applicant sought and agreed to pay the Applicant's filing fees. The only issue in dispute is the recovery of the Applicant's legal fees. There is nothing before me

to suggest that the Respondent's conduct or the complexity of the remaining issue in this case warrants the recovery of legal fees. I am not willing to consider ordering the recovery of legal fees in view of both the circumstances and the very purpose of this tribunal.

- [6] I commend the parties for working together in the spirit of community despite the adversarial nature of Stage 3.

**ORDER**

- [7] The Tribunal orders that:

1. The Respondent reimburse the Applicant their \$150 of filing fees for this case. If this full amount is not provided to the Applicant within 30 days, the Applicant is entitled to set-off the amount against the common expenses attributable to the Applicant's unit(s) as set out in Section 1.45(3) of the Act.
2. This case is dismissed.

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Marc Bhalla  
Member, Condominium Authority Tribunal

Released on: November 29, 2021