

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** March 22, 2022

**CASE:** 2022-00037N

**Citation:** Ferreira v. Simcoe Condominium Corporation No. 45, 2022 ONCAT 24

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

**Member:** Marc Bhalla, Member

**The Applicant,**  
Miguel Ferreira  
Self-Represented

**The Respondent,**  
Simcoe Condominium Corporation No. 45  
Represented by Brian Schryver, Agent

**Hearing:** Written Online Hearing – March 10, 2022 to March 17, 2022

### **REASONS FOR DECISION**

#### **A. INTRODUCTION**

- [1] I was assigned to the Stage 2 – Mediation of this case. The parties worked together to resolve all but one issue between them. Pursuant to Rule 44 of this Tribunal's Rules of Practice, the parties agreed to have me decide the remaining issue. The remaining issue is whether the Applicant should recover their \$75 Tribunal filing fee from the Respondent.
- [2] An aim of Stage 2 – Mediation is for the parties to try to find an agreeable outcome. They did here and reached a Settlement Agreement. I applaud the parties for their efforts; they saved time, expense and resources. The cost of going to a Stage 3 – Tribunal Decision hearing would have been more than the amount in dispute in this case.

#### **B. ISSUES & ANALYSIS**

**Should the Applicant recover the \$75 Tribunal filing fee from the Respondent?**

- [3] My authority to decide this issue is based in a Mediation-Adjudication Agreement between the parties. The Agreement authorizes me to select one party's preferred

outcome to decide the issue. The Applicant and the Respondent each had the chance to make submissions of up to two pages.

- [4] The Applicant stated they should recover their \$75 Tribunal filing fee. They claim the Respondent did not address their issues until they paid a total of \$75 in filing fees to move the case to Stage 2 – Mediation.
- [5] The Respondent did not make submissions, or request an extension, by the deadline to do so.
- [6] I accept that the Applicant felt they needed to bring this case to this Tribunal for mediation to address this matter. It is appropriate for the Applicant to recover their filing fees.

**C. ORDER**

- [7] The Tribunal Orders that:
  - 1. The Respondent is to pay the Applicant's filing fees of \$75.
  - 2. If the full amount is not provided to the Applicant within 30 days of this Order, the Applicant can set-off the amount against the common expenses attributable to their unit(s) as set out in Section 1.45(3) of the Act.

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Marc Bhalla  
Member, Condominium Authority Tribunal

Released on: March 22, 2022