

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: March 24, 2022

CASE: 2022-00060R

Citation: Emerald PG Holdings Ltd. v. Toronto Standard Condominium Corporation No. 2519, 2022 ONCAT 26

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 34.3 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) Board Meeting Minutes (the "Minutes")

- 1. Within 30 days of the date of this Order, the Corporation shall provide the Applicant with copies of "public" Board Meeting Minutes created during the period from October 26, 2016, to July 23, 2020, and during the period from July 23, 2021, to December 1, 2021.

2. Within 30 days of the date of this Order, the Corporation shall provide the Applicant with copies of “in camera,” and/or “private and confidential,” Board Meeting Minutes created during the period from October 26, 2016, to July 23, 2020, and during the period from July 23, 2021, to December 1, 2021.
3. The “private and confidential” minutes to be provided shall include minutes for Board Meetings that were formerly withheld, including minutes for meetings held on Oct. 26, 2016, Nov. 29, 2016, Mar. 20, 2017, May 25, 2018, Jun. 15, 2018, Aug. 9, 2019, Nov. 27, 2019, Jan. 8, 2020, Feb. 5, 2020, Mar. 17, 2020, Apr. 15, 2020, May 14, 2020, Aug. 10, 2021, Sep. 14, 2021, Oct. 12, 2021, Nov. 9, 2021.
4. The Minutes to be provided shall be the original minutes produced by the Minute Solutions Inc. and InaMinute Ltd. Recording Secretaries, or by any other recording secretary retained by the Board of Directors to record the content of their meetings.

b) Miller Thomson Invoices

1. Within 30 days of the date of this Order, the Corporation shall provide the Applicant with copies of all Miller Thomson Invoices created during the period from December 16, 2020, to December 1, 2021.

c) Bank Statements

1. Within 30 days of the date of this Order, the Corporation shall provide the Applicant with:
 - i. Full bank statements pertaining to the corporations’ Operating Bank Account for the period of January 1, 2019, through to December 10, 2021, including all pages containing images of cancelled cheques; and
 - ii. Full bank statements pertaining to any bank account which holds or held Reserve Fund monies for the period of January 1, 2019, through to December 10, 2021, including all pages containing images of cancelled cheques.

d) Agro Zaffiro LLP Invoices

1. Within 30 days of the date of this Order, the Corporation will provide the Applicant with all Agro Zaffiro LLP invoices from December 1, 2020, through to December 10, 2021.

Processing of Records

- [5] Pursuant to section 55 (5) of the Condominium Act, 1998 (the “Act”), information and references to the Applicant captured within the records listed in (a) through to (d) above will be included in the records, subject to any exceptions outlined by

section 55 (4) of the Act.

- [6] These records shall 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.
- [7] These records shall 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. Redactions are to be made in compliance with the Act, past judicial and Tribunal decisions and are to be non-arbitrary in nature.
- [8] In instances where copies of these records were provided to the Applicant prior to the time that they initiated the CAT case resolved herein, fresh copies shall be provided to the Applicant. The form in which the fresh copies are produced shall not be identical to the form in which the earlier copies were produced, but instead substantively modified. The “public” Board meeting minutes, in particular, shall be redacted in compliance with the Act.
- [9] These records will be provided to the Applicant in an electronic format.
- [10] The aforementioned records described in this order shall be provided to the Applicant no later than April 24, 2022.

Cost of Records

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

Case Closure

- [12] 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 two Request for Records dated December 1, 2021, and December 10, 2021.
- [13] 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

- [14] 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: March 24, 2022