

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: June 30, 2022

CASE: 2022-00292SA

Citation: Larocque v. Metropolitan Toronto Condominium Corporation No. 986, 2022 ONCAT 70

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

Member: Marc Bhalla, Member

The Applicant,
Ginette Larocque
Self-Represented

The Respondent,
Metropolitan Toronto Condominium Corporation No. 986
Represented by Harry Derry, Agent

Hearing: Written Online Hearing – May 20, 2022 to June 20, 2022

REASONS FOR DECISION

A. INTRODUCTION

[1] The Applicant and the Respondent entered into a Settlement Agreement on April 11, 2022 (the “Settlement Agreement”). The Applicant claims the Respondent has not complied with the Settlement Agreement. I find that to be the case. I will award the Applicant their filing costs.

[2] There are three settlement terms at issue:

1. A payment the Respondent agreed to make to the Applicant;
2. The manner in which the Respondent agreed to record the payment; and
3. Minutes the Respondent agreed to provide to the Applicant.

B. ISSUES & ANALYSIS

Did the Respondent comply with its agreement to reimburse the Applicant?

“The Respondent, Metropolitan Toronto Condominium Corporation No. 986 agrees to pay the Applicant, Ginette Larocque, the amount of \$75 as a reimbursement for the Tribunal fee within 14 days of the finalization of this Settlement Agreement.”

- [3] The Applicant received a cheque for \$75 from the Respondent during the hearing. The cheque is dated May 25, 2022. The Settlement Agreement is dated April 11, 2022. The Respondent did not provide the Applicant with \$75 within 14 days of the finalization of the Settlement Agreement.

Did the Respondent comply with its agreement to record the Applicant’s reimbursement in its financial records?

“The Respondent, Metropolitan Toronto Condominium Corporation No. 986, will record the payment to the Applicant, Ginette Larocque in its financial records as “CAT settlement fee.””

- [4] There is no evidence before me that this has been done. There is also no deadline set out in the Settlement Agreement. I cannot find that the Respondent has failed to comply.
- [5] During the hearing, the Respondent said this “will be completed in the last week of June 2022”. Between the parties, varying language was used to describe how the payment would be recorded. I encourage the Respondent to record the payment as it agreed to in the Settlement Agreement.

Did the Respondent comply with its agreement to provide approved meeting minutes?

“The Respondent, Metropolitan Toronto Condominium Corporation No. 986 agrees that they will provide the Applicant, Ginette Larocque, with a copy of the November 18, 2021 Board Meeting Minutes within 7 days after its approval at the next regular monthly board meeting.”

- [6] The Respondent provided unapproved minutes to the Applicant on May 17, 2022. These minutes were later approved at a Board meeting on June 1, 2022. The Respondent did not provide the Applicant with the minutes within seven days of their approval. Instead, the Respondent provided the Applicant with draft minutes that had not yet been approved by the Board.
- [7] The Respondent gave draft minutes to the Applicant. The Respondent failed to follow the specific term of the Settlement Agreement.

Are costs or other relief warranted?

- [8] The Applicant sought relief beyond financial compensation from the Respondent. This included a fine against condominium management, the condominium manager reimbursing the Respondent and the imposition of a policy upon the Respondent surrounding its process for approving meeting minutes. These remedies are not within my jurisdiction.
- [9] The Applicant also sought reimbursement of their \$125 Tribunal filing fees. As they were successful in proving the Respondent failed to follow the Settlement Agreement, this is appropriate under Rule 48.1 of the Tribunal's Rules of Practice.

C. ORDER

[10] The Tribunal orders:

1. The Respondent to pay the Applicant's filing fees of \$125. If the Applicant does not receive \$125 from the Respondent within 30 days of this Order, the Applicant can set-off the full amount against the common expenses attributable to their unit(s) under Section 1.45(3) of the Act.
2. The Respondent to provide the Applicant with approved minutes of the November 18, 2021 Board meeting within 30 days of the date of this Order.
3. The Respondent to confirm that it has recorded the reimbursement of the Applicant in its financial records as set out in the Settlement Agreement within 30 days of the date of this Order.

Marc Bhalla
Member, Condominium Authority Tribunal

Released on: June 30, 2022