

### **Corrected Decision**

Paragraph 5 of this decision was amended to correct the date that the Applicant commenced an application with the CAT.

### **CONDOMINIUM AUTHORITY TRIBUNAL**

**DATE:** June 6, 2023

**CASE:** 2023-00059R

**Citation:** McCoy v. Simcoe Condominium Corporation No. 119, 2023 ONCAT 76

Order under section 1.41 of the *Condominium Act, 1998*.

**Member:** Ian Darling, Chair

**The Applicant,**  
Margo McCoy  
Self-Represented

**The Respondent,**  
Simcoe Condominium Corporation No. 119  
Represented by Robert Bosshard, Agent

**Submission Dates:** April 19, 2023 – May 10, 2023

### **DISMISSAL ORDER**

- [1] The dismissal order deals with the timelines for records requests as outlined in Section 13.10 of Ontario Regulation 48/01 (“the Regulation”). The Respondent submitted a motion to dismiss the case in Stage 1 – Negotiation because the Applicant did not start a CAT case arising from the Response within the time limits prescribed in accordance with the Regulation.
- [2] The Respondent requested the case be dismissed according to Rule 19.1 of the CAT’s Rules of Practice, which states that the CAT can close a case in Stage 1 - Negotiation if the CAT determines that that it has no legal power to hear or decide upon the dispute.
- [3] The CAT gave both parties an opportunity to respond to the Motion. I also requested additional information from the Applicant to understand what records had been received. I also sought to understand what records were requested under a subsequent records request.
- [4] Following my review of the submissions, I have determined that the Respondent

has successfully demonstrated that the CAT case was filed after the request had been deemed abandoned. The Applicant had 60 days from receiving the Board's Response to Request for Records (the "Response") on October 14, 2022, to complete the confirmation portion of the Response and pay the amount specified in connection with the Applicant's request for various non-core records. The Applicant completed the confirmation portion of the Response confirming that she did not object to the amount specified, or the condo's explanations in the Response form. However, the Applicant did not pay the amount specified in the Response within the 60-day deadline. The 60-day deadline expired on December 13, 2022.

- [5] The Applicant commenced the CAT case on February 26, 2023. Under the regulation, the request is deemed abandoned if the Owner requesting the records does not meet the specific timelines.
- [6] Therefore, I have determined that the CAT does not have the authority to determine this case. In making this decision, I am also aware that the Applicant made a subsequent request for the same records. I anticipate that the parties will be able to resolve this request without needing to refer to the tribunal.

## **ORDER**

- [7] The Tribunal orders this case is closed in Stage 1 - Negotiation under Rule 19.1 of the CAT's Rules of Practice.

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Ian Darling  
Chair, Condominium Authority Tribunal

Released on: June 6, 2023