

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: July 28, 2023

CASE: 2022-00624R

Citation: Majoo v. York Condominium Corporation No. 43, 2023 ONCAT 103

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

Member: Marc Bhalla, Member

The Applicant,
Zaid Majoo
Self-Represented

The Respondent,
York Condominium Corporation No. 43
Represented by Matthew Varao, Paralegal

Hearing: Written Online Hearing – October 24, 2022 to July 19, 2023
Adjourned – November 22, 2022 to March 22, 2023
Video Hearing – May 3, 2023

REASONS FOR DECISION

- [1] The Applicant unit owner made a Request for Records to the Respondent condominium corporation on July 5, 2022. The Respondent replied on July 31, 2022. This case came to the Tribunal as records requested were outstanding.
- [2] This case was one of many filed against the same Respondent condominium corporation around the same time and about similar records. By order of Tribunal Chair Darling, this case was to be heard after my decision in *Verjee v. York Condominium Corporation No. 43*. 2023 ONCAT 45 (“Verjee”) was released.
- [3] My decision in Verjee was released on March 21, 2023. There were then delays due to the Respondent changing legal representatives and in accommodating both parties’ schedules. A case scheduling conference took place on May 3, 2023.
- [4] Both parties participated in the case scheduling conference. They were involved in selecting the method of submissions for the hearing, and related deadlines. The Applicant’s preferences for a written hearing and extended deadlines were accepted.
- [5] In letting the parties participate in process and deadline selection, I made it clear that any extensions would need to be requested before any deadline passed. The Applicant confirmed understanding this.

- [6] The Respondent expressed interest in working with the Applicant. During disclosure, the Respondent provided the Applicant with requested records but not those it had refused in its July 31, 2022 reply (draft minutes from and an audio recording of the 2022 Annual General Meeting).
- [7] The Applicant did not make submissions by either deadline to do so. The Respondent did. It stated the Applicant had now been provided all records requested that they were entitled to.
- [8] Based on the evidence and the submission before me, I dismiss this case.
- [9] This Tribunal's Rules of Practice grant me discretion to order costs. Like in *Nurmi v. York Condominium Corporation No. 43*, 2023 ONCAT 99, the Applicant did not receive records they had requested until Stage 3. A unit owner should not feel required to pay \$200 in filing fees and advance to a hearing to receive records there is no dispute they are entitled to.

ORDER

[10] The Tribunal Orders:

1. The Respondent to pay the Applicant their filing fees of \$200. 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 in section 1.45 (3) of the *Condominium Act, 1998*; and
2. The dismissal of this case.

Marc Bhalla
Member, Condominium Authority Tribunal

Released on: July 28, 2023