

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** October 19, 2023

**CASE:** 2023-00142N

**Citation:** Mishibinijima v. Simcoe Condominium Corporation No. 60 et al., 2023 ONCAT 151

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

**Member:** Jennifer Webster, Member

**The Applicant,**  
Steve Mishibinijima  
Self-Represented

**The Respondent,**  
Simcoe Condominium Corporation No. 60  
Represented by Sonja Hodis, Counsel

Cynthia Norman  
Self-Represented

**The Intervenor,**  
Christine Sapsford  
Self-Represented

### **CONSENT ORDER**

- [1] In the Condominium Authority Tribunal's (CAT) online dispute resolution system, the Parties agreed to settle this case in Stage 3 - Tribunal Decision.
- [2] Under Rule 43.1 of the CAT's Rules of Practice, the CAT can close a case in Stage 3 - Tribunal Decision 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 Tribunal makes the following Order:

1. The Parties are no longer required to comply with paragraph 12, section 4 of the Motion Order dated October 16, 2023.

2. SCC60 shall retain Michael Colalillo, P. Eng., from Aspire Engineering to complete his investigation which he started for the Applicant in October 2022 in relation to the noise complaints raised by the Applicant and SCC60 shall pay the costs associated with Mr. Colalilio re-attending the property and preparing a follow-up report;
3. The Applicant shall provide access to his unit for the purpose of this investigation;
4. Christine Sapsford shall provide access to her unit for the purpose of this investigation;
5. All parties shall cooperate with Mr. Colalillo in his investigation, provide any information or documents requested by his provided the information is within the party's knowledge and /or the documentation is within their possession. No party shall interfere with his investigation
6. A copy of Michael Colalillo's report shall be provided to all parties that have provided the property manager for SCC60 with the email address that they wish the report to be sent to
7. There will no order for costs in this Application

### **COMPLIANCE**

- [5] 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.

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Jennifer Webster  
Member, Condominium Authority Tribunal

Released on: October 19, 2023