

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: October 23, 2023

CASE: 2023-00488R

Citation: Smith v. Peterborough Condominium Corporation No. 38, 2023 ONCAT 153

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

Member: Sancia Pinto, Member

The Applicant,

Robert Smith

Self-Represented

The Respondent,

Peterborough Condominium Corporation No. 38

Represented by Margaret Rea, 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 agreed upon terms of this consent order are as follows:
 - 1. The Respondent will provide the Applicant with the following within 30 days of the date of this Consent Order:
 - i. A letter in writing confirming that the Board Meeting Minutes ("the Minutes") from July 7, 2022, to April 23, 2023, were redacted without meeting all the requirements of the Act and its Regulations;
 - ii. An accompanying statement in compliance with section 13.8 of Ontario

Regulation 48/01 explaining each redaction made, in the Minutes from July 22, 2022, to April 23, 2023, specifying the sections of s. 55(4) of the *Condominium Act, 1998* (the “Act”) the Board relies on for each redaction contained in the Minutes; and,

- iii. A letter confirming that the Minutes provided from July 7, 2022, to April 23, 2023, are the only minutes available for this time period.
2. The Respondent will require all current Board Members to review the following documents within 60 days of the date of this Consent Order:
 - i. CAO Best Practices Guide: Overseeing Condo Managers;
 - ii. CAO Best Practices Guide: Finance;
 - iii. CAO Best Practices Guide: Governance;
 - iv. Guide to Condominium Corporation Records; and,
 - v. Annual Requirements Guide.
 3. Within 30 days of the date of this Consent Order, the Respondent shall provide the Applicant with the following:
 - i. A cheque in the amount of \$75.00 payable to the Applicant representing Tribunal filing fees.

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.
- [6] The terms of the settlement as set out in this Consent Order shall not be treated as confidential.

Sancia Pinto
Member, Condominium Authority Tribunal

Released on: October 23, 2023