

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: October 27, 2023

CASE: 2023-00157R

Citation: Procwat v. Wentworth Condominium Corporation No. 96, 2023 ONCAT 157

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

Member: Roger Bilodeau, Member

The Applicant,

Anna Procwat

Self-Represented

The Respondent,

Wentworth Condominium Corporation No. 96

Represented by Inderpreet Suri, Counsel

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] Wentworth Condominium Corporation No. 96 ("WCC 96") has provided to Anna Procwat ("Ms. Procwat") the following core records:
 - 1. the periodic information certificates (PIC) from the past 12 months;
 - 2. the most recent approved financial statements;
 - 3. the most recent auditor's report; and
 - 4. the current plan for future funding of the reserve fund.
- [5] Although the financial statements and auditor's report for the fiscal year 2022 were not due at the time of Ms. Procwat's initial request and were not part of the records request which is the subject of this CAT proceeding, Ms. Procwat did request them during the course of this proceeding and WCC 96 has agreed to provide them to her on or before November 7, 2023.

- [6] WCC 96 shall pay to Ms. Procwat the amount of \$150.00 for Tribunal filing fees and a penalty of \$5,000.00, within 30 days of the date of this Consent Order.
- [7] In order to ensure that Ms. Procwat does not have to pay any portion of the abovementioned penalty and filing fees, nor of any legal fees incurred by WCC 96 for the purposes of this proceeding, WCC 96 will give her a credit toward the common expenses attributable to her unit(s) in the amount equivalent to her proportionate share(s) of the abovementioned penalty, filing fees and legal fees. For the proper implementation of this provision, WCC 96 will advise Ms. Procwat in writing of the total amount of the legal fees which it has incurred in this proceeding at least 15 days before any common expenses related to this matter are attributed to all unit owners.

COMPLIANCE

- [8] 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.

Roger Bilodeau
Member, Condominium Authority Tribunal

Released on: October 27, 2023