

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** January 15, 2024

**CASE:** 2023-00597R

**Citation:** Hotte v. Ottawa Carleton Standard Condominium Corporation No.1008, 2024 ONCAT 12

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

**Member:** Ian Darling, Chair

**The Applicant,**  
Francine Hotte  
Self-Represented

**The Respondent,**  
Ottawa Carleton Standard Condominium Corporation No.1008  
Represented Gerry Boudreau, Agent

**Submission Dates:** January 8, 2024 to January 12, 2024

### DISMISSAL ORDER

- [1] The Applicant filed an application with the Condominium Authority Tribunal (CAT). The case proceeded to Stage 2 - Mediation on December 14, 2023.
- [2] Under Rule 34.3 of the CAT's Rules of Practice, the CAT can close a case in Stage 2 - Mediation if the CAT determines that that it has no legal power to hear or decide upon the dispute.
- [3] In this case, the Applicant is a board member of Ottawa Carleton Standard Condominium Corporation No. 1005 (OCSCC #1005). OCSCC #1005 shares facilities with the Respondent, Ottawa Carleton Standard Condominium Corporation No.1008 (OCSCC #1008. OSCC #1005 and OSCC #1008 are involved in a dispute.
- [4] The Applicant has requested records on behalf of the condominium corporation where she is a director, from a condominium corporation where she is not an owner.
- [5] Before commencing the Mediation, I identified a jurisdictional issue. I explained the

issue and provided the parties with an opportunity to informally discuss how they would like to proceed. I issued a Notice of Intent to Dismiss the Case on January 8, 2024. Neither of the parties responded to the Motion.

- [6] Section 1.36 (2) of the *Condominium Act, 1998* (the “Act”) establishes who can bring a case to the tribunal. It states that “an owner or a mortgagee of a unit may apply to the Tribunal for the resolution of a prescribed dispute with the corporation, another owner or an occupier or a mortgagee of a unit.” This is a dispute between two condominium corporations. Further, although the case relates to records, it does not fall under section 55 of the Act, which establishes the requirements for corporations to keep adequate records, and further establishes the right for owners to access the records. Therefore, the issues in dispute are not within the jurisdiction of the CAT. Accordingly, I order that this case be dismissed.
- [7] In dismissing this case, I acknowledge that there is a dispute that impacts owners in both condominiums. I recognize the need to resolve the issues. This decision does not comment on the merits of the dispute but confirms that the CAT is not the appropriate forum to decide a dispute between two corporations.

## **ORDER**

- [8] The Tribunal orders that:
1. This case is closed in Stage 2 - Mediation under Rule 34.3 of the CAT’s Rules of Practice.

---

Ian Darling  
Chair, Condominium Authority Tribunal

Released on: January 15, 2024