

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: February 23, 2024

CASE: 2024-00001R

Citation: Pyette v. Wentworth Condominium Corporation No. 121, 2024 ONCAT 27

Order under section 1.44 of the Condominium Act, 1998.

Member: Laurie Sanford, Member

The Applicant,
Nancy Pyette
Self-Represented

The Respondent,
Wentworth Condominium Corporation No. 121
Represented by Jen Dias, Agent

WITHDRAWAL ORDER

- [1] Ms. Pyette is a unit owner in Wentworth Condominium Corporation No. 121 (“WCC 121”). She brought this application seeking certain records of WCC 121. She received most of the records she was seeking during the Stage 2 - Mediation stage of the Tribunal’s process. The remaining record outstanding at the commencement of this Stage 3 - hearing was the owner-approved minutes of the Annual General Meeting (“AGM”) for the 2020-2021 fiscal year. Ms. Pyette also requested an order declaring that WCC 121 was keeping inadequate records by not producing these minutes.
- [2] WCC 121 responds that it postponed the AGM for the 2020-2021 fiscal year until January 30, 2024 and that it had legitimate reasons for the postponement. WCC 121 asserts that during the January 30, 2024 meeting it combined the AGMs for the 2020-2021 fiscal year with those for the 2022-2023 fiscal year, including a review of the auditor’s reports for both fiscal years. During the preliminary stages of this hearing, WCC 121 provided Ms. Pyette with draft minutes of that meeting.
- [3] WCC 121 brought a motion to dismiss Ms. Pyette’s application on the grounds that Ms. Pyette now has all the records that she requested and to which she is entitled. WCC 121 submitted that the issue of whether it is keeping inadequate records is, in the circumstances of this case, outside the current jurisdiction of the Tribunal. It sought a dismissal of this application without costs or penalty.
- [4] In response, Ms. Pyette decided to withdraw her application. Under the circumstances, no order as to costs or penalty will issue.

ORDER

[5] Ms. Pyette has withdrawn her application and this concludes the matter.

Laurie Sanford
Member, Condominium Authority Tribunal

Released on: February 23, 2024