

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: April 22, 2024

CASE: 2024-00131R

Citation: Royal v. Middlesex Standard Condominium Corporation No. 759, 2024 ONCAT 59

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

Member: Susan Sapin, Member

The Applicant,

Ron Royal

Self-Represented

The Respondent,

Middlesex Standard Condominium Corporation No. 759

Represented by Jamie Cockburn, Counsel

DISMISSAL ORDER

- [1] The Applicant filed an application with the Condominium Authority Tribunal (CAT). The case proceeded to Stage 2 – Mediation on March 7, 2024.
- [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 it has no legal power to hear or decide upon the dispute. The parties agree that this is the case and consented to the dismissal of the case during the mediation process.

A. REASONS

- [3] On January 16, 2024, Mr. Royal submitted a Request for Records to Middlesex Standard Condominium Corporation No. 759 (“MSCC 759”) for several core and non-core records. MSCC 759 responded to the request on March 7, 2024, and refused to provide the records on the basis that Mr. Royal is not entitled to the records under the *Condominium Act, 1998* (the “Act”) because he is not the registered owner of the condominium unit.
- [4] Mr. Royal disputed this and filed an application with the Tribunal.
- [5] Subsection 1 (1) of the Act defines an “owner” as “...a person who is shown as the

owner of a freehold interest in a unit and its appurtenant common interest, according to the records of the land registry office in which the description of the corporation is registered...”

[6] The parcel register excerpt from The Ontario Land Titles Parcel Registry for the condominium unit, submitted by MSCC 759, indicates that the owner of the unit is Christine Marie Poysor, Mr. Royal’s wife, who now goes by the name Christine Royal.

[7] Section 1.36 (2) of the Act stipulates that only an owner or a mortgagee of a unit may apply to the Tribunal for relief:

1.36 (2) Subject to subsection (4), 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.

[8] The Act further provides that only owners, purchasers, or mortgagees are permitted to request and receive records:

55 (3) The corporation shall permit an owner, a purchaser or a mortgagee of a unit or an agent of one of them duly authorized in writing, to examine or obtain copies of the records of the corporation in accordance with the regulations...

[9] However, given that Mr. Royal’s wife, Ms. Royal, is a unit owner, MSCC 759 will agree to deem that Ms. Royal submitted a Request for Records as of the date of this Order, in the same form as the Request for Records submitted by Mr. Royal on January 16, 2024.

[10] MSCC 759 will then process Ms. Royal’s deemed Request for Records in the manner required by Ontario Regulation 48/01 (“O. Reg 48/01”), and will provide records, or a quote for the production of records, in the timelines set out therein.

[11] For the reasons outlined above, I find that the issues that make up this dispute are not within the jurisdiction of the CAT. Accordingly, I order that this case be dismissed.

B. ORDER

[12] The Tribunal orders that:

1. This case is closed in Stage 2 – Mediation under Rule 34.3 of the CAT’s Rules of Practice.

2. Any documents and messages that have been shared for this Case in Stage 1 – Negotiation and / or Stage 2 – Mediation are private and confidential. That means that the Users cannot share, or tell anyone about, messages or documents they received from other Users during these stages without the permission of the other User.
3. The Users may share a copy of any document they received during the course of this case if required by law, such as to a government organization or a court.

Susan Sapin
Member, Condominium Authority Tribunal

Released on: April 22, 2024