

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** May 15, 2024

**CASE:** 2023-00668R

**Citation:** Leroy v. London Condominium Corporation No. 24, 2024 ONCAT 66

Order under s. 1.44 of the *Condominium Act, 1998*

**Member:** Patricia McQuaid, Vice-Chair

### **The Applicant**

Rosemary Leroy

Self-Represented

### **The Respondent**

London Condominium Corporation No. 24

Represented by Anita Abdullah, Agent

## **CONSENT ORDER**

- [1] The Applicant, Rosemary Leroy, is a unit owner in London Condominium Corporation No. 24 (“LCC 24”). The Applicant submitted a Request for Records to LCC 24 on October 12, 2023, for both core and non-core records. LCC 24 did not respond on the prescribed Board Response form, but stated on or about November 9, 2023, that the request for records was denied, without explanation for that denial. Shortly thereafter, the Applicant filed a case with the Tribunal.
- [2] LCC 24 participated in the Stage 2 - Mediation process; however, during that process, on March 5, 2024, the three members of LCC 24’s board of directors resigned. The Applicant then moved the case to Stage 3 – Tribunal Decision.
- [3] The Applicant advised that a new board of directors was elected on April 11, 2024. She also advised that she is one of the new five members on the board but would be recusing herself from any discussions related to this case, all of which was confirmed by Anita Abdullah when she joined the case on LCC 24’s behalf. Ms. Abdullah is also a new board member.
- [4] At the outset of this Stage 3 process, the parties agreed to the following.

1. The current board of LCC 24 does not dispute the Applicant's entitlement to the requested records.
  2. One of the requested records, the record of owners and mortgagees, was provided to the Applicant on February 24, 2024, but was not complete.
  3. The requested Periodic Information Certificates for the previous 12 months were not received by the Applicant.
  4. On March 5, 2024, the day that the previous LCC 24 board resigned, the Applicant received the 'most recent approved' financial statements requested by her; however, the Applicant alleges that these are inadequate. On that date, the Applicant was also provided with the requested minutes of meetings for the last 12 months. The Applicant alleges that these are incomplete in that the minutes for July and August 2023 are missing and other minutes are excessively redacted.
  5. The Applicant's request for non-core records – invoices related to tree removals for the 2023 season and invoices for work done on the south side of the condominium building related to wall removal, parging, stone blocks relocation and sol removal during the 2023 season - was satisfied on March 5, 2024.
- [5] Ms. Abdullah advised that LCC 24 has now requested additional records from the corporation's auditor and believes that these may be more responsive to the Applicant's records request. The current board of LCC 24 has undertaken to provide the Applicant with the outstanding records and to investigate and correct any inadequacies in the records provided to the Applicant in February and March 2024.
- [6] The parties agree that LCC 24's refusal and/or delay in providing the requested records to the Applicant was due to the action and/or inaction by LCC 24's previous board which resigned on March 5, 2024. Further the parties acknowledge that the Tribunal does not have the authority to sanction those board members for their apparent noncompliance with their obligations under the *Condominium Act, 1998* (the "Act").
- [7] Given these circumstances, the Applicant confirms that she will not seek a penalty pursuant to s. 1.44(1)6 of the Act for LCC 24's refusal to provide the records without a reasonable excuse.

- [8] The parties also agree that the current board of LCC 24 is in good faith taking steps to ensure that the records it is required to keep under the Act are adequate and will be accessible to owners in accordance with their entitlement under the Act.
- [9] On the basis of the foregoing, and in acknowledgement of the previous board's noncompliance with the Act that led to this application being filed with the Tribunal, LCC 24 agrees to reimburse the Applicant her filing fees of \$200 and her out of pocket expenses of \$25.
- [10] Under Rule 43.1 of the Tribunal'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.
- [11] Therefore, at the request of and with the consent of the parties, the CAT orders that this case has been resolved based upon the terms set out in this Order.
- [12] Rosemary Leroy and LCC 24 acknowledge that with the issuance of this Consent Order, the case before the Tribunal will be closed.

### **ORDER**

[13] Therefore, the Tribunal Orders:

1. LCC 24 shall reimburse to the Applicant \$200 being the Tribunal filing fees paid by her and her out of pocket costs of \$25, pursuant to s. 1.44(1)4 of the Act, within 30 days of the issuance of this Consent Order.

### **COMPLIANCE**

[14] If any party fails to comply with any terms of this order, it may be enforced by the Ontario Superior Court of Justice.

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Patricia McQuaid  
Vice-Chair, Condominium Authority Tribunal

Released on: May 15, 2024