

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: May 24 2024

CASE: 2024-00027R

Citation: Cernova-Cerrato v. Simcoe Condominium Corporation No. 8, 2024 ONCAT 70

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

Member: Anne Gottlieb, Member

The Applicant,

Lenka Cernova-Cerrato

Self-represented

The Respondent,

Simcoe Condominium Corporation No. 8

Represented by Sonja Hodis, Counsel

CONSENT ORDER

- [1] The Applicant, Ms. Cerrato, made a Request for Records in November 2023 (the “November Request”), and another Request for Records in December 2023 (the “December Request”). Simcoe Condominium Corporation No. 8 (“SCC 8”) provided a Board Response to each of the November and December Requests. Applications were commenced with the Condominium Authority Tribunal (the “CAT”), being files 2024-00027R & 2024-00101R. By an Order dated February 28, 2024, these 2 files were merged and became file 2024-00027R.
- [2] During Stage 2 - Mediation (“Stage 2”) both parties participated co-operatively to clarify which records had been provided by SCC 8 and what was still at issue. The parties worked to share information. During Stage 2, both parties agreed that the November Request was satisfied and that some of the December Request had also been satisfied.
- [3] Non-core records relating to 4 line items in the audited financial statements identified in the December Request remained outstanding. These related to patio rebuilds in 2021 and 2022 and balcony rebuilds in 2021 and 2022. A Teams video conference call was held on May 23, 2024 to resolve the outstanding issues.
- [4] Under Rule 34.3 of the CAT’s Rules of Practice, the CAT can close a case in

Stage 2 if the Parties agree to a consent order that resolves the dispute. The parties agree that the fulfilment of these terms will satisfy the balance of the December Request and agree to close this case upon the following terms:

1. Ms. Cerrato will pay \$100 to SCC 8 as a fee for the non-core records. This amount will be paid by cheque delivered to the condominium management company and payable to SCC 8. Ms. Cerrato will advise Counsel for SCC 8, via email, when she has delivered the cheque.
2. Within 5 days of payment of the \$100 fee, SCC 8 will send a copy of the following records, by email, to Ms. Cerrato:
 - a. Records relating to the \$16,072 patio rebuild (2021)
 - i. Four invoices totaling \$16,072.
 - b. Records relating to the \$6,724 balcony rebuild (2021)
 - i. An invoice totalling \$6,723.50.
 - c. Records relating to the \$16,611 balcony rebuild (2022)
 - i. An invoice for \$678 (which added to the invoice already produced, totalling \$16,611).
 - d. Records relating to the \$65,664 patio rebuild (2022)
 - i. Thirteen invoices (which added to the four invoices already produced, totalling \$59,845.08 for all seventeen invoices).
 - ii. An email from SCC 8's auditor, dated May 23, 2024, explaining the balance of \$5,819.50 (under the category of patio and deck adjustments).
3. The parties have agreed that condominium unit numbers will be redacted from the invoices provided.
4. Neither party seeks costs or further fees with regards to this application.

ORDER

[7] The Tribunal makes the following order:

1. To obtain a copy of the non-core records referred to above, Ms. Cerrato will

provide a cheque to SCC 8 in the amount of \$100 as a fee for production.

2. Within 5 days of payment of the \$100 fee, SCC 8 will provide Ms. Cerrato, via email, with copies of the non-core records identified above. The parties acknowledge and agree that condominium unit numbers will be redacted from these invoices.
3. There is no order respecting any other costs or fees related to this application.
4. This case is closed in Stage 2 - Mediation under Rule 34.3 of the CAT's Rules of Practice.

Anne Gottlieb
Member, Condominium Authority Tribunal

Released on: May 24, 2024