

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: June 26, 2024

CASE: 2024-00319R

Citation: Pannier v. Metropolitan Toronto Condominium Corporation No. 1168, 2024 ONCAT 91

Order under Rule 4 of the Condominium Authority Tribunal's Rules of Practice.

Member: Ian Darling, Chair

The Applicant,

Ann Pannier

Self-represented

The Respondent,

Metropolitan Toronto Condominium Corporation No. 1168

Represented by Natalia Polis, Counsel

Submission Dates: June 12, 2024 to June 20, 2024

MOTION ORDER

[1] The parties are involved in a Records case that is in Stage 1 – Negotiation. When the case was filed the only issue was getting access to records. The Respondent provided the requested records during Stage 1. After reviewing the records, the Applicant submitted a motion to add an issue related to the adequacy of the records. The Tribunal requested submissions from the Respondent. This order explains why the Tribunal is denying the request to add additional issues.

[2] The Applicant gave the following reasons to expand the issues in the case:

I have received the Request for Records re The Proxy details of owners who have filed their proxy for the AGM Meeting on April 8, 2024, On reviewing this information I have noticed that 5 Proxies were wrongly dated, WHEREIN 3 NEW Board Members were due to be elected at the meeting.

These proxies should have been disqualified but the scrutineer seems to have overlooked this very important information. Thus, making the proxies NULL AND VOID, and the election continued disregarding the discrepancies submitted by the Proxy owners in question.

This definitely is an unfair and illegal practice jeopardizing the chances for new members to be elected. A revised election meeting should therefore be summoned by the Board of Directors to rectify this grave mistake and a fair election of members be carried out again.

I would therefore request the CONDOMINIUM AUTHORITY OF ONTARIO review my request to proceed further.

- [3] The Respondent opposed the motion. They stated that the records had been provided, and the remaining dispute was not actually about the adequacy of the record but about procedures related to the election.
- [4] I accept the Respondent's position. I find that the core issue in dispute is not about the adequacy of the records, but about the election procedures where the records were created. The Tribunal does not have jurisdiction to deal with disputes about meetings or elections.
- [5] The Respondent requested that the case be dismissed with costs payable to the Respondent. I decline to make this order, because it is clear on its face that there was a valid dispute about access to records when the case was filed.
- [6] The Motion to add issues is denied.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: June 26, 2024