

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: December 10, 2024

CASE: 2024-00662SA

Citation: Morassut v. Middlesex Standard Condominium Corporation No. 922, 2024 ONCAT 181

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

Member: Ian Darling, Chair

The Applicant,
Edward Morassut,
Self-Represented

The Respondent,
Middlesex Standard Condominium Corporation No. 9

Submission Dates: November 14, 2024 to November 21, 2024

DISMISSAL ORDER

- [1] Edward Morassut filed an application with the Condominium Authority Tribunal (CAT) stating that the Respondent had contravened a settlement agreement.
- [2] The parties resolved a prior records case by Settlement Agreement ("SA"). In that case, the Applicant felt that the meeting minutes were inadequate because they contained errors.
- [3] The SA contained the following term:

[8] The Respondent will add a provision to the next board meeting minutes, clarifying item 8.4 of the February 26, 2024, board meeting minutes, indicating: (i) Edison attended the January 2024 Board Meeting, not the February 26, 2024 Board Meeting; (ii) the engineers which were in attendance [stating their names]; (iii) what decision was made – being that the Board determined, that in the opinion of the Board of Directors, the make up air unit is not an issue, and will not be replaced, as not all floors are having humidity issues and that a further review of the Callidus report was not conducted.

REVISION/CORRECTION TO MINUTES DATED FEBRUARY 26, 2024

The Board of Directors desires to amend/revise/correct section 8.4 of the meeting minutes dated February 26, 2024, which presently reads:

"8.4 Humidity & Condensation – Edison provided a flyer for review and distribution, attached. Edison provided the Board with next steps related to the rooftop Make up air unit and interior humidity concerns. The Board reviewed Edison's next steps and discussed that the make up air unit is not an issue and will not be replaced, as not all floors are having humidity issues."

And Replacing such with the following:

8.4 Humidity and Condensation:

On January 24, 2024, engineers Greg Corbiere and Ahsan Bhatti from Edison Engineering Inc. ("Edison") conducted a walk-through of the Condominium and thereafter attended the Board of Directors meeting. Edison outlined oral next steps, including developing a proposal to update their previous HVAC and humidity report. The Board decided to request this proposal from Edison.

At the February 26, 2024, Board meeting, Edison was not present, and no proposal from Edison had yet been submitted to the Board. Additionally, Edison had not reviewed the Callidus Humidity report as of February 26, 2024. The Board discussed the January meeting's next steps and, through quorum, concluded that in the opinion of the Board, the make-up air unit was not an issue and will not be replaced, as not all floors experienced humidity issues. The Board will review the updated proposal from Edison once it is provided and determine a course of action.

- [4] The Respondent made the correction. The minutes included the exact text as agreed upon by the parties. However, the Respondent added text that provided context and explained that the agreed text was inaccurate. The addition states:

The Board noted that it was directed to make this amendment under the direction of legal advice. After further investigation, it was determined that Edison did a preliminary review of the Callidus report and provided feedback to the Board. There was no formal peer review done on the Callidus report."

"The board requested the phrase Edison had not reviewed the Callidus Humidity report as of February 26, 2024, be confirmed.

- [5] The Applicant submitted this case because he believes that the inserted text violates the agreement.
- [6] The CAT reviewed the application and issued a Notice of Intent to Dismiss the case because it did not relate to compliance with a provision of the SA. The

Applicant was given a chance to respond to the Notice and objected to the proposed dismissal. This order explains the Tribunal's reasons for dismissing the case.

- [7] The Applicant confirmed that the specific text required by the SA was included in the minutes. The Applicant objects to the commentary because it undermines the intent of the agreement.
- [8] The additional language is significant to the Applicant because he asserts that the corporation has not been transparent with owners about defects in the building and engineering reports associated with determining the problem. He asserts that the change undermines the intent of the SA.
- [9] Based on submissions, it is clear that there is a dispute about defects in the building, and whether the board is providing accurate information about the engineer's involvement. The Tribunal's jurisdiction related to compliance with settlement agreements is restricted to the specific terms of the agreement.
- [10] This application appears to be the Applicant is asking the Tribunal to review the content of the minutes in support of his assertion that the board is seeking to downplay defects and misrepresent the involvement of the engineer.
- [11] The Applicant asserts that the Respondent complied with what the SA requires, but that they "undermined" its intent by adding an addendum. Can actions that undermine the intentions of the Agreement be considered to contravene it? This is an interesting question, but in the current circumstances it does not amount to a contravention of the terms of the agreement. Though the Applicant argues that the intent of the agreement has been undermined, that is not obvious; it may be that the outcome he desired is frustrated, but that does not mean that the parties' intentions when entering into the agreement have not been met.
- [12] The added language reflects the board's efforts to provide transparency, clarity, and accuracy; while the Applicant, in bringing this case, appears interested only in promoting his own point of view.
- [13] The Applicant confirmed that the Respondent met the terms of the SA. The concerns about the additional text identified in the minutes do not relate to compliance with provisions of the SA.

ORDER

1. The Tribunal orders the application dismissed.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: December 10, 2024