

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** January 30, 2025

**CASE:** 2024-00420R

**Citation:** CAN Properties Inc. v. Middlesex Condominium Corporation No. 193, 2025 ONCAT 14

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

**Member:** Nasser Chahbar, Member

**The Applicant,**

CAN Properties Inc.

Represented by Annick Nutting, Agent

**The Respondent,**

Middlesex Condominium Corporation No. 193

Represented by Joseph Mazzotta, Agent

### **CONSENT ORDER**

- [1] The Applicant, CAN Properties Inc., is a unit owner in Middlesex Condominium Corporation No. 193 (“MCC 193”). The Applicant submitted a request for records to MCC 193 on April 25, 2024, for both core and non-core records. MCC 193 confirmed receipt of the request on April 26, 2024, but they did not respond to the Applicant’s request until July 26, 2024. The condominium manager at the time emailed some of the records to the Applicant, but they did not use the mandatory Board Response form. In addition, the condominium manager did not explain why the remaining records were not provided. The Applicant continued to inquire about the outstanding records to which they received no response. Shortly afterwards, the Applicant filed a case with the Tribunal.
- [2] Despite being given repeated opportunities to do so, the Respondent failed to participate in Stage 2 – Mediation. As a result, the parties were unable to resolve this matter during Stage 2. The Applicant then moved the case to Stage 3 – Tribunal Decision.
- [3] At the outset of Stage 3, the Respondent was still not responding to my messages or the messages of Tribunal staff when prompted to participate in the hearing. On November 11, 2024, a new condominium manager by the name of Teresa Girardin

responded to my messages and explained that they would be representing MCC 193 going forward as the previous condominium manager was on a leave of absence.

- [4] Ms. Girardin expressed that she had only recently become aware of this case and acknowledged that MCC 193 did not comply with their obligations under the *Condominium Act, 1998* (the “Act”) due to their refusal and/or delay in providing the requested records to the Applicant. Ms. Girardin further committed to attempt to satisfy the Applicant’s request by uploading the requested records. Ms. Girardin proceeded to upload some of the remaining records under the documents section of the Condominium Authority Tribunal’s (CAT) online dispute resolution system (“CAT-ODR system”).
- [5] On the basis of the foregoing and in acknowledgement of MCC 193’s non-compliance with the Act that led to this application being filed with the Tribunal, MCC 193 agreed to reimburse the Applicant its filing fees of \$200, which was sent to the Applicant on January 28, 2025, by the Respondent’s new condominium manager and current representative, Joseph Mazzotta.
- [6] In the CAT-ODR system, the Parties agreed to settle this case in Stage 3 – Tribunal Decision.
- [7] Under Rule 43.1 of the CAT’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.
- [8] Therefore, with the consent of the Parties, the CAT orders that this case has been resolved, based upon the terms and conditions set out in this consent order.

## **ORDER**

- [9] Therefore, the Tribunal orders that:
  - 1. MCC 193 agrees to comply with its obligations under the Act, while 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.

## **COMPLIANCE**

- [10] If any of the Parties fails to comply with any of the terms of this order, it may be enforced through the Ontario Superior Court of Justice.

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Nasser Chahbar  
Member, Condominium Authority Tribunal

Released on: January 30, 2025