

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: May 28, 2025

CASE: 2025-00303R

Citation: Smith v. Peterborough Condominium Corporation No. 38, 2025 ONCAT 86

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

Member: Ian Darling, Chair.

The Applicant,

Robert Smith,
Self-Represented

The Respondent,

Peterborough Condominium Corporation No. 38

Submission Dates: April 30, 2025, to May 6, 2025

DISMISSAL ORDER

[1] This application is dismissed under [Rule 19.1 of the CAT's Rules of Practice](#) for the following reasons:

1. The dispute is about a \$15.00 estimated cost for half an hour of work to prepare a non-core record. The Respondent is entitled to charge a fee. The Applicant acknowledges this but feels the work could be completed in less than 30 minutes.
2. Rule 19.1 (a) allows the CAT to dismiss a Case when the “issues that are so minor that it would be unfair to make the Respondent(s) go through the CAT process to respond to the applicant(s)’s concerns.”
3. The CAT proposed to dismiss this application because the issues are so minor that it would be unfair to make the Respondent go through the CAT process to respond to the Applicant’s concerns.
4. The Applicant responded to the Notice. The response enumerated a series of

concerns with respect to the record keeping practices of the Condominium corporation, but did not respond to the substance of the issue.

5. In the Notice of Intent to Dismiss, the Tribunal also advised the parties that since the dispute is over a proposed fee to produce the record. It may be premature since Section 13.5 of Ontario Regulation 48/01 describes the process to estimate the cost and provides a mechanism to reconcile the actual cost to produce the record and refund the difference to the Applicant. If it takes less than 30 minutes to produce the record, there is a clear process to reconcile the actual costs. It is disproportionate to file a CAT application in this circumstance.

[2] I find that the issues that make up this dispute are not within the jurisdiction of the CAT. Accordingly, I order that this case be dismissed.

ORDER

1. The Tribunal orders the Application dismissed.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: May 28, 2025