

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: March 9, 2026

CASE: 2025-00728R

Citation: Perez v. Wellington Condominium Corporation No. 68, 2026 ONCAT 41

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

Member: Eleanor White, Member

The Applicant,

Jose Perez

Represented by Michelle Perez, Agent

The Respondent,

Wellington Condominium Corporation No. 68

Represented by Robin Macina, Paralegal

Submission Dates: March 4, 2026

DISMISSAL ORDER

- [1] The Applicant filed an application with the Condominium Authority Tribunal (CAT). The case proceeded to Stage 2 – Mediation on February 3, 2026. The application was filed under the name of Jose Perez, however the Applicant changed representation to his daughter, Michelle Perez, during Stage 2 – Mediation due to scheduling issues.
- [2] Under Rule 34.3 of the CAT’s Rules of Practice, the CAT can close a case in Stage 2 – Mediation if the CAT determines that a case is about issues that are so minor that it would be unfair to make the Respondent go through the CAT process to respond to the Applicant’s concerns. This file concerns records issues, however the underlying issue in dispute is a repair and maintenance issue, which falls outside of the scope of this Tribunal.
- [3] I brought the Motion to Dismiss as the Respondent responded to the Applicant’s August 17, 2025, Request for Records form with the provision of two of the six records requested and also provided “reasonable excuses” for the inability to provide the remaining four requested documents.
- [4] The reasons for denying the provision of certain records requested included the

following:

1. The request for details and credentials of individuals within a contracted company (Winmar) were not the property of the corporation and did not constitute a record as per the *Condominium Act, 1998* (the “Act”),
2. Two requests for insurance records and for communications with insurers (regarding a repair and maintenance issue) did not exist, as no insurance claim had been made by the corporation relevant to the issue, and
3. A request for results from Winmar’s “mold testing” was denied as the company was not contracted to perform such testing after initial inspection.

[5] I find that the issues that make up this dispute are largely resolved due to provision of available records and the reasonableness of any denials of other requests. The underlying issue predicated the records requests is one concerning a repair and maintenance issue, which falls outside of this Tribunal’s jurisdiction. Accordingly, I order that this case be dismissed.

ORDER

[6] The Tribunal orders that:

1. This case is closed in Stage 2 – Mediation under Rule 34.3 of the CAT’s Rules of Practice.
2. Any documents and messages that have been shared for this Case in Stage 1 – Negotiation and/or Stage 2 – Mediation are private and confidential. That means that the Users cannot share, or tell anyone about, messages or documents they received from other Users during these stages without the permission of the other User.

3. The Users may share a copy of any document they received during the course of this case if required by law, such as to a government organization or a court.

Eleanor White
Member, Condominium Authority Tribunal

Released on: March 9, 2026