

2011 CarswellOnt 8180
Ontario Superior Court of Justice

York Condo v. All Unit Owners

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York Condo v. All Unit

Price J.

Judgment: July 14, 2011

Docket: CU-71-2306-W

Counsel: Douglas H. Levitt, for Applicant
Jacqueline Grahame, for Unit Owners

Subject: Property

Related Abridgment Classifications

For all relevant Canadian Abridgment Classifications refer to highest level of case via History.

Real property

X Condominiums

X.6 Condominium corporation

X.6.i Interim administrators

Headnote

Real property --- Condominiums — Condominium corporation — Interim administrators

Price J.:

1 I am advised by Mr. Levitt that in the service of the Motion Record, the Property Manager and Superintendent knocked on the doors of all 317 units, provided to those who answered the letter contained in the Affidavits of Service filed and posted the letter on the doors of those who did not, inviting all unit owners who might be interested to attend at the management office for further information. 10 attended, 9 requested a copy of the material and all of those who requested the material were given a copy. I am satisfied with the method of service and validate it.

2 I am satisfied by the evidence before me that (a) there is not now a reasonable prospect for the orderly self-governance of YCC 446; and (b) that the New Board has not formulated an operating and project expenditure plan that presents a reasonable prospect of achieving the orderly management of the affairs of the corporation insofar as the July 14 elections have not yet taken place and that it is not in the best interests of YCC 446's unit owners or the creditors of the corporation to return to self-governance on the terms contemplated in the appointment ordered. In particular,

(a) significant work is still needed to pursue the collection of common expense arrears; including by the use, if necessary, of liens;

(b) arrangements need to be made to ensure that the repair work is carried out properly by an arm's length service provider;

(c) without the assistance of the administrator, the well-being of YCC 446 and the owners' investments and homes, could be in the hands of a group of newly elected volunteer Board members with an agenda not to collect common expenses and to award significant contacts to non-arm's length service providers.

3 Based on the foregoing, an order will issue in the terms of the draft order filed, extending the term of the administrator for two months, with the related directions set out in the Order, which I have signed.

4 As noted in the Order, the relief sought in para. 2 of the Notice of Motion is adjourned to a date to be fixed by the Trial Office after December 31, 2011.

5 Costs of the administrator shall be paid by YCC 446.

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