

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** May 19, 2023

**CASE:** 2022-00740R

**Citation:** Persaud v. Peel Condominium Corporation No. 449, 2023 ONCAT 70

Order under section 1.44 of the *Condominium Act, 1998*.

**Member:** Mary Ann Spencer, Member

**The Applicant,**

Norma Persaud

Represented by Dawn Persaud, Agent

**The Respondent,**

Peel Condominium Corporation No. 449

Represented by Darryl Fulton, Agent

**Hearing:** Written Online Hearing – March 14, 2023 to May 15, 2023

### **REASONS FOR DECISION**

#### **A. INTRODUCTION**

- [1] Norma Persaud (the “Applicant”) alleges that the Respondent, Peel Condominium Corporation No. 449 (“PCC 449”), has refused to provide the core records requested in her July 18, 2022, Request for Records without reasonable excuse and asks the Tribunal to order their provision. She also requests that the Tribunal order PCC 449 to pay a penalty and to reimburse her costs in this matter.
- [2] PCC 449 does not dispute that an owner is entitled to receive copies of the requested core records. Its position is that it did not refuse to provide the records without reasonable excuse; rather, it had reason to doubt that the Request for Records was made by the Applicant and it will provide the records upon receipt of proof that she submitted the request. PCC 449 made no request for costs.
- [3] For the reasons set out below, I order PCC 449 to provide the Applicant with copies of the minutes of the meetings of its board of directors for the 12-month period ending July 18, 2022. I find that PCC 449 refused to provide the records without reasonable excuse and I order it to pay a penalty of \$1,000. I also order PCC 449 to reimburse the Applicant \$200 in respect of the Tribunal filing fees she paid.

## **B. BACKGROUND**

- [4] Norma Persaud is the non-resident owner of a unit of PCC 449. The unit is occupied by Dawn Persaud who is Norma's daughter and her representative in this proceeding.
- [5] There is a history of friction between Dawn Persaud and PCC 449 which has undoubtedly contributed to the issues in this case. PCC 449 indicated that Dawn has a history of harassment of condominium staff which it has taken steps to curtail. Dawn denies the alleged behaviour. Although documents relating to this history were uploaded to the CAT-ODR system, the alleged behaviour is relevant to this proceeding only as far as it has influenced the parties' positions on the issues to be decided.
- [6] This case concerns Norma Persaud's Request for Records dated July 18, 2022. However, the background relating to a previous request provides relevant context for the issues now before me.
- [7] On January 8, 2022, a Request for Records was submitted to PCC 449. The request form identified Norma Persaud as the unit owner and Dawn Persaud as her authorized agent. The request asked for electronic copies of core records to be sent to Dawn's e-mail address.
- [8] PCC 449 did not send a Board Response to Request for Records form in response to the January 8, 2022 request. On March 17, 2022, Dawn Persaud sent an e-mail to Gil Brenner, PCC 449's on-site condominium manager, asking about the request's status. She sent a further follow-up e-mail on April 1, 2022. In his e-mail response dated April 4, 2022, Mr. Brenner advised that PCC 449 could not complete the request "because you are a non-owner" but offered to provide copies of the requested declaration, by-laws and rules which he indicated were available to all residents. There is evidence indicating that these documents were then provided.
- [9] On April 5, 2022, Mr. Brenner e-mailed Dawn Persaud again, asked her to provide a Power of Attorney ("POA") from Norma Persaud to establish that Norma authorized Dawn as her agent, and indicated that upon its receipt, the corporation would process the January 8, 2022 request. An e-mail exchange then followed; Dawn Persaud wrote that the Request for Records form indicated she was an authorized agent and Mr. Brenner replied that there was no authorization on file.
- [10] On May 11, 2022, Dawn Persaud again followed up with Mr. Brenner by e-mail and asked what issue was preventing the processing of the January 8, 2022

request. Mr. Brenner replied that he had responded on April 5, 2022 and that a POA was required. Another e-mail exchange followed with Dawn Persaud stating she had provided a POA and Mr. Brenner again stating none was on file. There is no evidence that there was any further follow-up on the January 8, 2022 request.

[11] The July 18, 2022, Request for Records at issue in this matter was delivered to PCC 449's management office on July 26, 2022, by Samara Maharaj who is Norma Persaud's granddaughter and Dawn Persaud's daughter. The form identifies Norma Persaud as the individual making the request and was delivered with a cover letter she signed. The "authorized agent" section of the form is blank. The e-mail address to which the records are to be sent is Ms. Maharaj's.

[12] The July 18, 2022 request is for electronic copies of PCC 449's declaration, by-laws, and rules, and the minutes of the meetings of its board of directors held within the past 12 months. The requested records were not provided and Norma Persaud's application was submitted to the Tribunal on December 3, 2022. PCC 449's declaration, by-laws and rules were provided during the Stage 2 – Mediation process; the requested minutes of board meetings were not.

[13] Darryl Fulton is Mr. Brenner's manager and PCC 449's representative and sole witness in this matter. I note that in an addendum to PCC 449's submission, Mr. Fulton questioned that Dawn Persaud was authorized to act as Norma Persaud's representative at the Tribunal. He wrote:

CAO has not obtained any legal representation documentation that allows for Dawn to act on Norma's behalf.

Is the CAO able, comfortable or has the CAO contemplated in its mandate the severity of loosely enabling anyone to represent an owner.

A letter dated January 28, 2023, signed by Norma Persaud and authorizing Dawn to act as her representative, was provided to the Tribunal during the Stage 2 - Mediation process and was uploaded to the CAT-ODR system in the Stage 3 – Tribunal Decision process. Mr. Fulton also wrote that he disputed "the position taken by the mediator" that Dawn was fully authorized. I accept that Dawn is authorized to act on behalf of Norma at the Tribunal. In this regard, I note that no issue about authorization was set out in the Stage 2 Summary and Order prepared by the mediator.

### **C. ISSUES & ANALYSIS**

[14] The parties confirmed that the issues to be addressed in this matter are:

1. Is the Applicant entitled to receive copies of the minutes of PCC 449's board meetings for the 12-month period ending July 18, 2022 and, if so, what fee, if any, is PCC 449 entitled to charge for their provision?
2. Was PCC 449's response to the Applicant's July 28, 2022 Request for Records in compliance with the provisions of the Act and regulations?
3. Did PCC 449 refuse to provide records without reasonable excuse and if so, should a penalty be assessed?
4. Should an order of costs be assessed?

**Issue 1: Is the Applicant entitled to receive copies of the minutes of PCC 449's board meetings for the 12-month ending July 18, 2022 and, if so, what fee, if any, is PCC 449 entitled to charge for their provision?**

[15] The records at issue in this matter are the minutes of board meetings for the 12-month period ending July 18, 2022. There is no dispute between the parties that a unit owner is entitled to receive these records in accordance with s. 55 (3) of the *Condominium Act, 1998* (the "Act") which states:

The corporation shall permit an owner, a purchaser or a mortgagee of a unit or an agent of one of them duly authorized in writing, to examine or obtain copies of the records of the corporation in accordance with the regulations, except those records described in subsection (4).

[16] There is also no dispute that the requested minutes are defined as core records in section 1 (1) of Ontario Regulation 48/01 ("O. Reg. 48/01"). Section 13.3 (8) 5. of O. Reg. 48/01 states that there shall be no charge for provision of a core record if it is delivered electronically. Electronic delivery is requested in the July 18, 2022, Request for Records and therefore no fee would apply.

[17] PCC 449 has not provided the requested minutes because it disputes that the Request for Records was submitted by a unit owner. Its position is that it will provide the records once it receives verification that Norma Persaud submitted the request. Mr. Fulton explained PCC 449's position in the corporation's submission:

PCC449 has not been provided with an acceptable legal document in their view and as per the Condominium Act that would either prove reasonably that the owner has requested the documents and is the applicant or allow an individual to act as a duly authorized agent. It is also PCC 449's view that the owner may not realize what is currently happening or being represented to be happening at this time, specifically regarding unduly authorized representation.

[18] Much of PCC 449's submission refers to its requests for documentation to verify

that Dawn Persaud was duly authorized to act for Norma Persaud with respect to the January 8, 2022 request which is not the request at issue in this matter. However, it is evident that PCC 449 regards the July 18, 2022 request as a continuation of that earlier request, which I note also requested PCC 449's declaration, its by-laws, its rules and the minutes of its board meetings held in the last 12 months.

- [19] On February 1, 2023, during the Stage 2 - Mediation in this matter, PCC 449 provided a Board Response to Request for Records form which sets out its reason for refusing to provide the requested minutes of board meetings to Norma Persaud:

The individual resides in the unit but is not listed as an owner. The Corporation cannot provide Minutes to non-owners.

In a February 1, 2023 e-mail to Dawn Persaud, which enclosed a copy of the Board Response form, Mr. Brenner states that to obtain the minutes, Norma Persaud must attend at PCC 449's office to enable PCC 449's management staff to verify her identity. The Board Response form names "Dawn Persaud" as the requester notwithstanding that the requester was in fact Norma and the authorized agent section of the Request for Records form is blank. However, I acknowledge that it is possible that Dawn was named because the mediation in this matter was in process in February and Dawn was acting as Norma's representative. As noted above in paragraph 13, PCC 449 questions that Dawn is authorized to represent Norma in these proceedings.

- [20] On March 3, 2023, Mr. Brenner sent a registered letter to Norma Persaud. I note that this letter was sent after the mediation had ended on February 28, 2023. Given the July 18, 2022, Request for Records does not include an authorized agent, Mr. Brenner inaccurately wrote that PCC 449 had received a request from Dawn Persaud "to release confidential information (to Dawn) on your behalf." The letter stated, in part:

In order to protect you as the owner, we need to confirm the legitimacy of this request. This will require a government issued picture ID verification either in-person or over a quick video call, in order to visually verify your identity as the owner of the unit, and to verify that you requested and consent to the release of these documents to your tenant.

This issue can be easily resolved if we can talk to you directly to arrange this request. Alternatively, you may provide your daughter with a POA that authorizes her to act on your behalf in this matter.

Due to the complex issues surrounding owner confidentiality, fraud prevention and Dawn's history and subsequent escalation of this matter to the Condominium Authority, the Corporation reserves the right to seek legal counsel and representation in this matter and any other matter involving unauthorized requests by your tenant, the costs of which and legal implications the unit owner is ultimately responsible for.

The request for some form of visual verification of identity or a POA appears to stem from PCC 449's suspicion that both the January 8, 2022, and July 18, 2022, Requests for Records were submitted by Dawn Persaud without Norma Persaud's knowledge.

[21] Mr. Fulton testified about the corporation's concerns about Dawn Persaud. He wrote:

[PCC 449 acted] in accordance with the act (within its rights) to require/request a POA given Dawn's turbulent history and her continued interference in the corporation's attempts to contact, speak, meet with the owner, Norma.

Mr. Fulton confirmed that it was PCC 449's policy to require owners who wish to be represented by a third party to either provide a POA, a legal representation letter (verified by a lawyer) or to meet in person. However, I note that section 55 (3) of the Act only states that an agent be "duly authorized in writing"; it does not require a POA. In response to my question asking him to clarify what he meant by Dawn's "continued interference", he stated that she "appears not to be facilitating a resolution while maintaining she is acting on behalf of the owner" and indicated PCC 449 has a standing offer to resolve the matter in a video call with Norma Persaud. I note that the registered letter sent on March 3, 2023 letter does refer to a video call. And, both parties referred to an earlier attempt to organize such a call which I conclude was likely part of the mediation efforts and therefore should not have been brought to my attention given the confidentiality of that process.

[22] PCC 449 uploaded documents which it submits support that Dawn Persaud had "attempted to fraudulently misrepresent herself as the unit owner which confirms a history of her falsifying documents to claim ownership of the unit she does not own." The documents are an e-mail dated February 13, 2013 in which Dawn identifies herself as the "resident/owner" of the unit, an e-mail dated May 6, 2018 in which she asks that no maintenance work be done in "her unit" if she is not present, and an Agreement to Receive Notices Electronically dated November 1, 2020 in which she identifies herself as the owner and provides her e-mail address.

[23] I find Mr. Fulton's characterization of the documents as "fraudulent

misrepresentation” to be overdrawn. The evidence submitted in this matter includes a letter dated February 20, 2015, addressed to PCC 449 and signed by both Norma Persaud and her late husband Ramkhelawan Persaud, which “fully authorizes” Dawn to act on their behalf on matters relating to their unit. While PCC 449’s current board of directors and/or its condominium managers may not find this letter to be adequate, and Mr. Brenner’s April e-mail exchange with Dawn Persaud appears to indicate that the letter may no longer be in the corporation’s files, it offers an explanation for why Dawn may have completed the documents as she did. Further, Dawn advised that she completed the Agreement to Receive Notices Electronically on the advice of PCC 449’s previous condominium manager, which would not have been unreasonable if her parents’ authorization letter was then on the corporation’s files.

[24] PCC 449 also entered copies of Norma Persaud’s signatures from the July 18, 2022 cover letter to the Request for Records and the Canada Post verification of receipt of the March 3, 2023 registered letter as evidence in this matter. Mr. Fulton submitted that PCC 449 noted a variance in the signatures and suggested this supports its position that it needs further verification that Norma submitted the July 18, 2022, Request for Records. I also find this submission to be overdrawn; PCC 449 appears not to have considered the fact that Canada Post uses an electronic device to obtain signatures which could account for the minor differences.

[25] I find that PCC 449’s concerns about proof of identity are rooted in its history of friction with Dawn Persaud. In his closing submission, Mr. Fulton wrote:

Verification is a simple and necessary process to prevent trending fraudulent activities such as Title Fraud, Credit Fraud and Identity theft, all of which are on the rise, and all of which pose a serious risk to all condominium owners. PCC 449 takes these threats seriously and will continue to perform its due diligence to protect the owner.

He then submitted that Dawn has a history of “continuous harassment with the corporation and its staff”, that she has fraudulently represented herself as the owner and she refuses to cooperate with reasonable requests to meet with the owner. Setting aside the difficulty in drawing a connection between the provision of copies of the board minutes at issue in this case and potential title fraud or identity theft, PCC 449 appears to be submitting that it is Dawn’s responsibility to organize a meeting with Norma Persaud to enable PCC 449 to verify that Norma made the July 18, 2022 request for records. This may have had some merit with respect to the January 8, 2022, Request for Records when PCC 449 was requesting proof that Dawn was authorized to act as Norma’s agent or when Dawn was acting as Norma’s representative in earlier stages of the Tribunal’s proceedings. However,

Norma named no agent in the July 18, 2022 request; PCC 449's apparent suspicion that it was submitted by Dawn does not make Dawn responsible for its authentication.

- [26] The cover letter signed by Norma Persaud which Samara Maharaj delivered to PCC 449 with the July 18, 2022, Request for Records includes Norma's telephone number and the address which Mr. Fulton confirmed was the one PCC 449 had on their records. Notwithstanding that the Request for Records form indicates Norma's preference is to be contacted by e-mail, the cover letter ends with the statement "If you have any questions or concerns, please feel free to contact me at the above-noted number."
- [27] On July 27, 2022, Ms. Maharaj e-mailed Mr. Brenner to confirm that he had received the request. Mr. Brenner replied by e-mail and inquired whether Ms. Maharaj, who had identified herself as a lawyer in her e-mail, was acting for Norma Persaud. Ms. Maharaj confirmed that she was only delivering the request on behalf of her grandmother. Mr. Brenner then advised that he would be contacting Norma directly.
- [28] I asked Mr. Fulton to specify the dates when PCC 449 contacted Norma Persaud. His response was that Mr. Brenner first attempted to call her in April, 2022, which I note is well before the corporation received the July 18, 2022, Request for Records but coincides with the e-mail exchange Mr. Brenner and Dawn Persaud had about obtaining a POA with respect to the January 8, 2022, request. The next contacts were two unsuccessful phone calls Mr. Brenner made on January 25, 2023, and a further two unsuccessful calls on January 26, 2023, by which time this matter was already before the Tribunal. The final contact specified was the March 3, 2023 registered letter.
- [29] In response to my question asking why she submitted the July 18, 2022, Request for Records herself but had named Dawn Persaud as her authorized agent in the January 8, 2022, request, Norma Persaud described herself as an "83-year-old retiree" and stated that she did not want to incur the expense of obtaining the POA which she understood PCC 449 required to accept Dawn as her agent. In her affirmed testimony, she explained that she had named Dawn as her authorized agent on her January 8, 2022, request believing she was entitled to do so because she had provided a letter to PCC 449's previous condominium manager authorizing Dawn to act on her behalf. To explain why she included her granddaughter Samara Maharaj's e-mail address on the July 18, 2022, request, she stated that she speaks to Ms. Maharaj daily, that Ms. Maharaj visits her weekly and that she relies on Ms. Maharaj to obtain her electronic communications. She



further stated that she was not aware that she needed an authorization to use Ms. Maharaj's e-mail address.

[30] Mr. Fulton confirmed that PCC 449 has no e-mail address for Norma Persaud on its records. I note that Ms. Maharaj's July 27, 2022, e-mail to Mr. Brenner was sent from the address to which the Request for Records indicated the records were to be delivered. Thus, the corporation became aware that the e-mail address was not Norma Persaud's.

[31] Norma Persaud's testimony makes it clear that she did not intend to have Ms. Maharaj act as her representative; rather, Ms. Maharaj's e-mail was used as a convenience. While inclusion of Ms. Maharaj's e-mail on the July 18, 2022, Request for Records and Ms. Maharaj's e-mails on July 27, 2022 may have contributed to PCC 449's suspicions that Norma was not the requester, section 13.3 (10) of O. Reg. 48/01 states:

The board shall deliver its response to the requester at the address for service or alternative method of communication given in the request for records.

Norma is not required to provide authorization to use Ms. Maharaj's e-mail address for delivery of the requested records. PCC 449 is required to deliver them as she requested on her Request for Records.

[32] I find Norma's testimony to be credible. It is supported by the February 20, 2015, letter which she and her husband signed to authorize Dawn Persaud to act on their behalf and by a number of documents entered into evidence to demonstrate that Ms. Maharaj's e-mail is used for various purposes on Norma's behalf. The corporation has submitted no convincing evidence that Norma did not make the July 18, 2022, Request for Records. Further, I have found that PCC 449's submissions with respect to potential fraud on the part of Dawn Persaud to be overstated.

[33] I find that the unit owner, Norma Persaud, did make the July 18, 2022 Request for Records and therefore she is entitled to receive the requested copies of its board meetings for the 12-month period ending July 18, 2022. I am ordering that PCC 449 send the records as electronic copies to the e-mail address included on the request. As set out above in paragraph 16, the records are to be provided at no cost to Norma.

**Issue 2: Was PCC 449's response to the Applicant's Request for Records dated July 18, 2022 in compliance with the Act and regulations?**

[34] Section 13.3 (6) of O. Reg. 48/01 states that a corporation must reply to a Request

for Records within 30 days of its receipt:

When the corporation receives a request for records in accordance with this section, the board shall determine whether the corporation will allow the requester to examine or obtain a copy of the record that the requester has requested and shall respond to the requester within 30 days in a form specified in the Table to section 16.1.

The form specified in the Table to section 16.1 is the Board Response to Request for Records form.

I find that PCC 449 did not comply with this requirement. The evidence is that it did not provide the required Board Response to Request for Records form until February 1, 2023, over six months after the Request for Records was delivered by Samara Maharaj on July 26, 2022. While PCC 449 may have had reservations about sending this to Ms. Maharaj's e-mail address, it had Norma Persaud's address for service and the cover letter submitted with her request invited the corporation to contact her by telephone if there were questions.

**Issue 3: Did PCC 449 refuse to provide records without reasonable excuse and if so, should a penalty be assessed?**

- [35] PCC 449 submits that it has not refused to provide the minutes of its board meetings to Norma Persaud without reasonable excuse; its position is that it will provide these records upon receipt of proof that Norma herself made the request. However, the evidence is that PCC 449 made no attempt to contact Norma upon receipt of her July 18, 2022, Request for Records. The first direct contact was not until January 25, 2023, when Mr. Brenner attempted to telephone her, which I note is well after Norma made application to the Tribunal on December 3, 2022. I find that this lengthy delay comprises an effective refusal to provide records.
- [36] Further, PCC 449 offered no reason for the delay other than its suspicions that the request had been submitted by Dawn Persaud who had been named as Norma Persaud's authorized agent on a previous request. Having suspicions about a requester's identity is not a reasonable excuse to refuse to provide records when no attempt to authenticate the request is made. Any suspicion PCC 449 had that Dawn Persaud was the actual requester, and/or any concerns it may have had about communicating using Ms. Maharaj's e-mail address, could have been addressed by contacting Norma directly, as Mr. Brenner's July 27, 2022, e-mail to Ms. Maharaj indicated he intended to do.
- [37] In his final submission, Mr. Fulton wrote:

All things considered, and the truth of the matter, is that all of this could have been avoided if PCC 449 was allowed to speak with Norma (The Owner) and verify her request.

Mr. Fulton's statement suggests that PCC 449 was prevented from contacting Norma Persaud. However, as set out in paragraph 28, the evidence is that no one from the corporation attempted to contact Norma directly before she made application to the Tribunal. That the corporation knew how to reach her is evident given the cover letter sent with her Request for Records invited PCC 449, if they had questions, to contact her at the telephone number which Mr. Fulton confirmed PCC 449 had on its records. Yet it was not until January 25, 2023, that Mr. Brenner attempted to call her and not until March 3, 2023, that PCC sent a registered letter to her. Had this letter been sent a year earlier in response to the January 8, 2022, Request for Records, the second Request for Records might not have been necessary and the issues now before me likely would not have arisen.

- [38] I also note that, other than Ms. Maharaj's e-mail exchange with Mr. Brenner on July 26, 2022, there is no evidence before me of any attempt by Norma Persaud to pursue the status of her request before she made application to the Tribunal. This lack of follow-up by Norma may well have served to increase PCC 449's suspicions that she was not the requester. Had she herself contacted PCC 449 when she received no response to the request, the issues may well have been resolved. However, her lack of follow-up does not obviate the responsibility of the corporation to respond to a Request for Records.
- [39] Section 1.44 (1) 6 of the Act provides that the Tribunal may order a penalty be paid if it finds that a corporation has, without reasonable excuse, refused to permit a person to examine or obtain copies of records. The maximum penalty payable is \$5,000.
- [40] One of the purposes of a penalty is to act as an incentive to deter future similar action. Norma Persaud's submission is that the Tribunal should award a penalty "on the upper end of the scale." The circumstances of this case are unique and I have no reason to believe that there is any systemic lack of understanding by PCC 449 of its responsibilities with respect to requests for records. In this regard, I note that the Applicant requested I order the directors of PCC 449 to take the Condominium Authority of Ontario's directors' training related to records. I find no reason to do so.
- [41] I have found that PCC 449's lengthy delay in responding to Norma Persaud's July 18, 2022 Request for Records coupled with its failure to take timely action to

address its suspicions that she herself had not requested the records constitutes an effective refusal to provide records. However, I also acknowledge that PCC 449 was prepared to provide the requested records on receipt of confirmation that Norma submitted the request. In these circumstances, I find a penalty of \$1,000 is warranted.

#### **Issue 4: Should an order of costs be assessed?**

[42] The authority of the Tribunal to make orders is set out in section 1.44 of the Act. Section 1.44 (2) of the Act states that an order for costs “shall be determined...in accordance with the rules of the Tribunal.” The cost-related rules of the Tribunal’s Rules of Practice relevant to this case are:

48.1 If a Case is not resolved by Settlement Agreement or Consent Order and a CAT Member makes a final Decision, the unsuccessful Party will be required to pay the successful Party’s CAT fees unless the CAT member decides otherwise.

49.1 The CAT generally will not order one Party to pay another Party compensation for time spent related to the CAT proceeding.

[43] Norma Persaud requests reimbursement of the \$200 fees she paid to the Tribunal, \$200 as compensation for three days Dawn Persaud was required to take off work with respect to this proceeding, and \$40 in disbursements. PCC 449 requests no costs.

[44] Norma Persaud was successful in this matter and in accordance with Rule 48.1 of the Rules of Practice I will order PCC 449 to reimburse the \$200 in fees she paid to the Tribunal.

[45] With respect to the request for \$200 compensation for time the Applicant’s representative was required to take off work, I necessarily have no knowledge of how much time was required to participate in the previous stages of the Tribunal’s process. However, no time off work should have been required during Stage 3 – Tribunal Decision. I requested that the parties present their case, including witness statements, as one submission and the time allocated for preparation of that submission spanned two weekends. I requested that reply submissions be concise and adequate time was provided for their submission.

[46] The Applicant submitted that, notwithstanding Rule 49.1, a cost award was justified due to the conduct of the Respondent’s representative. She submitted that the Respondent’s representative did not follow my instructions and that this was

unacceptable because he had participated in previous Tribunal proceedings. With respect to the \$40 in disbursements requested, she indicated this was an estimate of the cost she incurred to photocopy, scan and print documents, many of which she assessed to be irrelevant documents posted by the Respondent's representative. Neither party in this matter was represented by a legal professional and that did result in some unnecessary documents being submitted by both parties which required additional time to review. However, that time was nominal. The Applicant also suggested that the Respondent's representative made what she characterized as uncivil submissions. As I have noted, there is a history of friction between the parties which resulted in some occasional intemperate remarks being posted. However, I found the parties' overall conduct to be reasonable. For these reasons, I award no other costs in this matter.

#### **D. ORDER**

[47] The Tribunal Orders that:

1. Under s. 1.44 (1) 1 of the Act, within 30 days of the date of this decision, PCC 449, at no cost to Norma Persaud, shall provide her with electronic copies of the minutes of the meetings of its board of directors for the 12-month period ending July 18, 2022, redacted as required by s. 55 (4) of the Act. The records are to be sent to the e-mail address set out in the July 18, 2022, Request for Records.
2. Under s. 1.44 (1) 4 of the Act, within 30 days of the date of this decision, PCC 449 shall pay \$200 to Norma Persaud in respect of the fees she paid to the Tribunal.
3. Under s. 1.44 (1) 6 of the Act, within 30 days of the date of this decision, PCC 449 shall pay a penalty of \$1,000 to Norma Persaud.

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Mary Ann Spencer  
Member, Condominium Authority Tribunal

Released on: May 19, 2023