

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** July 5, 2024

**CASE:** 2023-00709R

**CITATION:** Lou v. Toronto Standard Condominium Corporation No. 2036, 2024 ONCAT 100

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

**Member:** Anne Gottlieb, Member

**The Applicant,**

Wing Lou

Self-Represented

**The Respondent,**

Toronto Standard Condominium Corporation No. 2036

Represented by Natalia Polis, Counsel

**Hearing:** Written Online Hearing – March 27 to June 21, 2024

Video Conference – June 20, 2024

### **REASONS FOR DECISION**

#### **A. INTRODUCTION**

- [1] Mr. Lou is a unit owner who submitted a Request for Records (the “Request”) on October 24, 2023. He requested invoices relating to plumbing work that took place between October 2022 and October 2023. The Respondent, Toronto Standard Condominium Corporation No. 2036 (“TSCC 2036”) provided Mr. Lou with a Board Response to Request for Records, and provided him with redacted plumbing invoices. No statement explaining the redactions was provided, as required by the *Condominium Act 1998* (the “Act”).
- [2] Mr. Lou is seeking an explanation of the redactions made to the invoices provided. He questions whether the invoices have been ‘over redacted’. He also questions why an invoice relating to work performed in his own unit, was redacted.
- [3] I find that Mr. Lou is entitled to an explanation for the redactions made to the invoices provided to him. He is also entitled to a copy of an unredacted invoice for

work done to his own unit. Mr. Lou seeks reimbursement of Tribunal filing fees, in the amount of \$200, which I award to him.

## **B. BACKGROUND**

[4] On October 24, 2023 Mr. Lou made a Request for the following records in electronic form:

- all plumbing invoices and all invoices with Gary Maule and his business – October 25, 2022 to October 24, 2023.

[5] Redacted plumbing invoices were provided to Mr. Lou. In some instances, the descriptions of the work on the invoices clearly have a short space between the words, which likely relate to a unit number. There is varying amounts of ‘white space’ on each invoice and the columns are not uniform from invoice to invoice, leading to questions regarding the redactions. There was no accompanying statement, explaining the reasons for the redactions.

## **C. ISSUES & ANALYSIS**

[6] The issues that relate to the Applicant’s Request in this case are as follows:

1. Did TSCC 2036 provide the requested records in accordance with the Act?
2. Did TSCC 2036 redact the records in excess of the requirements of s. 55(4) of the Act? If so, what is the appropriate remedy in the circumstances?
3. Should there be an award of costs in this case?

### **Issue #1: Did TSCC 2036 provide the requested records in accordance with the Act?**

[7] The right of an owner to examine or obtain copies of the corporation’s records is set out in Section 55(3) of the Act. Records are sometimes redacted or not provided, pursuant to exceptions set out in s. 55(4) of the Act. This section provides exceptions where there is information regarding employees; actual or contemplated litigation; or references to specific units or owners.

[8] When a record is redacted, there is a requirement per s.13.8 (1) (b) of Ontario Regulation 48/01 (O. Reg 48/01) that a copy of each record include a statement explaining the reason for each redaction and the statutory exclusion that is being

relied upon for the redaction (ie: which exception under s.55 (4) of the Act). TSCC 2036 did not provide such written statements for the reacted invoices to Mr Lou. This was contrary to the Act.

- [9] Section 55 (5) (a) of the Act specifies that the exceptions in s. 55 (4) do not prevent a unit owner from obtaining copies of records pertaining to their own unit. Mr. Lou asks for an unredacted invoice for the plumbing work done to his own unit. He is entitled to the unredacted invoice for his own unit, being invoice 6242 dated February 10, 2023. I order TSCC 2036 to provide him with an unredacted copy of that invoice.

**Issue #2: Did TSCC 2036 redact the records in excess of the requirements of s. 55(4) of the Act? If so, what is the appropriate remedy in the circumstances?**

- [10] In advance of the video hearing, I asked Mr. Lou to provide a chart of the issues he had with each redacted invoice. He identified that the invoice for his own unit was redacted, and identified several other invoices as having “more than unit numbers redacted”. During the videoconference, Mr. Lou reviewed the examples from his chart and explained where it appeared that more than just unit numbers were redacted. However, it became apparent that the issues were the same for all the invoices provided.
- [11] Shirley Lok, the former condominium manager provided witness testimony. She testified that to the best of her recollection, only unit numbers were redacted from the invoices. However, due to the fact that she no longer serves as condominium manager for TSCC 2036, she did not have the unredacted invoices in front of her, and could not speak to specific invoice redactions.
- [12] I find that Mr. Lou is entitled to a written explanation for the redactions to all the invoices he received. I order TSCC 2036 to provide a written statement for each redacted invoice, explaining the reason for each redaction and which provision of s. 55 (4) of the Act is being relied upon.

**Issue #3: Should there be an award of costs in this case?**

- [13] Mr. Lou was successful in his application before this Tribunal. He seeks reimbursement for filing fees for this Tribunal process, in the amount of \$200. I award this fee to Mr. Lou.

**D. ORDER**

[14] The Tribunal orders that:

1. Within thirty days of the date of this decision, TSCC 2036 shall deliver to Mr. Lou a cheque in the amount of \$200 (two hundred dollars) for the filing fees associated with this application.
2. Within thirty days of the date of this decision, TSCC 2036 shall, at no cost to Mr. Lou, provide him with an electronic unredacted copy of the invoice for plumbing work to his own unit, being invoice 6242 dated February 10, 2023.
3. Within thirty days of the date of this decision, TSCC 2036 shall provide to Mr. Lou, a written statement that explains the reasons for each redaction in the plumbing invoices, with an indication of which provision of s. 55 (4) of the Act is being relied upon, as the basis for the redaction. For greater clarity those plumbing invoices are:
  - 6517 October 3, 2023
  - 6516 October 3, 2023
  - 6513 September 29, 2023
  - 6473 August 31, 2023
  - 6445 August 11, 2023
  - 6432 July 27, 2023
  - 6428 July 25, 2023
  - 6419 July 24, 2023
  - 6408 July 13, 2023
  - 6404 June 29, 2023
  - 6391 June 22, 2023
  - 6387 June 20, 2023

- 6321 April 25, 2023
- 6314 April 17, 2023
- 6315 April 15, 2023
- 6306 April 3 2023
- 6305 March 31, 2023
- 6254 February 16, 2023
- 6228 January 31, 2023

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Anne Gottlieb  
Member, Condominium Authority Tribunal

Released on: July 5, 2024