

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: March 6, 2025

CASE: 2025-00049R

Citation: Tanel v. York Condominium Corporation No. 247, 2025 ONCAT 39

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

Member: Ian Darling, Chair

The Applicant

Joseph Tanel,
Self-Represented

The Respondent

York Condominium Corporation No. 247
Represented by Natalia Polis, Counsel

Submission Dates: February 20, 2025 to February 21, 2025

DISMISSAL ORDER

- [1] The Respondent filed a motion to dismiss this case. They provided two reasons – stating that the issues in dispute are outside of the Tribunal’s jurisdiction, and that there is no reasonable prospect of success. This order explains why the motion is granted.
- [2] The case was filed as a records case. The Applicant sought election-related records but the core of the dispute relates to an allegation of election manipulation. The Applicant feels that the election was conducted unfairly and alleges that the proxy forms were altered. The Applicant has requested relief from the Tribunal related to conduct of the elections.
- [3] The Respondent requested the Tribunal dismiss the case under Rule 19.1 of the CAT’s Rules of Practice for two substantive reasons. The first is that the CAT has no legal power to hear or decide the issues related to the election. The second is that the only record-related issues have no prospect of success.
- [4] In their Motion, the Respondent stated that the CAT had no legal power to decide the case because issues related to meetings and elections are not included in the

regulation¹ that establishes the Tribunal's jurisdiction.

- [5] The Applicant requested unredacted election proxies. The Applicant wants to review the records as part of the effort to address concerns with the election. The Respondent stated that there was no reasonable prospect of success related to that request. The Respondent cited *Janet Cangiano v. Metropolitan Toronto Condominium Corporation No. 962*, 2018 ONCAT 7 ("Cangiano"), which states:

[17] Section 55(4) of the Act sets out exclusions to an owner's right to examine or obtain copies of records:

(4) The right to examine or obtain copies of records under subsection (3) does not apply to,

(d) any prescribed records.

[18] The records prescribed for purposes of s. 55(4) of the Act are listed in s.13.11(2) of O. Reg. 48/01:

(2) The following are prescribed records for the purpose of clause 55(4)(d) of the Act:

4. Any portion of a ballot or proxy form that identifies specific units in a corporation or owners in a corporation, unless a by-law of the corporation provides otherwise.

[19] The provisions of the Act and O. Reg. 48/01 set out above are very clear. An owner is not entitled to receive the information contained on proxy forms which identifies specific units or owners unless a by-law of the corporation permits this. There is no evidence before me that the Respondent has such a by-law. Therefore, I find that the Applicant is not entitled to receive un-redacted copies of the proxy forms submitted at the Respondent's November 16, 2017 AGM. The proxy forms must be redacted for information which identifies specific units or owners of the Respondent corporation.

- [6] The Respondent submits that the cases is substantially similar to Cangiano and therefore has no reasonable prospect of success. In his response to the Motion, the Applicant did not provide any compelling reasons to vary from the previous decision.
- [7] In response to the motion to dismiss, the Applicant reiterated concerns with the election process and explained why the unredacted proxy forms were necessary

¹ [Ontario Regulation 179/17](#) under the *Condominium Act, 1998*

as parts of an objective to identify and implement improvements that benefit future elections.

- [8] The Applicant has explained concerns with the elections, and the impact of the governance of the condominium. This decision makes no findings on the accuracy of the allegations – but does confirm that the case should be dismissed because the CAT does not have the jurisdiction to decide disputes related to meetings and elections.

ORDER

- [9] The Tribunal orders the case dismissed.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: March 6, 2025