

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: April 21, 2025

CASE: 2024-00755R

Citation: Akash v. York Condominium Corporation No. 78, 2025 ONCAT 59

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

Member: Anna Boudria, Member

The Applicant,

Ahmed Akash

Self-represented

The Respondent,

York Condominium Corporation No. 78

Represented by Michael Spears, Counsel

Submission Dates: April 2, 2025 to April 11, 2025

DISMISSAL ORDER

- [1] The Applicant filed an application with the Condominium Authority Tribunal (the “CAT”). The matter proceeded to Stage 2 – Mediation on January 21, 2025.
- [2] This order explains why the case is dismissed under Rule 34.3 of the CAT’s Rules of Practice, after the Mediator determined the case was filed for an improper purpose for the following reasons:
1. Despite clear instructions, the Applicant continued to email Board members, and engage other unit owners, sharing his opinions and speculations about the Board and the way it is being run.
 2. The Applicant persistently focused on condominium governance issues, made defamatory allegations against the Board, including claims of dysfunction.
 3. The Applicant continued to seek the removal of specific Board members and counsel after being warned that this was beyond the scope of this case.
 4. Continued objections against the President, Board members, and the corporation’s counsel, alleging negligence, conflicts of interest, misspending

the reserve fund, collusion, and illegal Board elections.

- [3] On April 2, 2025, the Tribunal issued a Notice of Intent to Dismiss (NOID), giving the parties an opportunity to give reasons for or against the dismissal of the application.
- [4] I have reviewed the submissions from both the Applicant and Respondent's counsel and will refer only to those relevant to making my decision.
- [5] The Applicant's submissions highlight that the Respondent exploited restrictions placed on him, a self-represented party, selectively disclosed records, and inconsistently applied Section 55 (4) of the *Condominium Act, 1998* (the "Act").
- [6] He contends the Respondent acted in bad faith, using intimidation, harassment, unethical financial actions, and targeted mistreatment, leading to legal violations and obstructing productive discussions and resolutions, causing him anguish and distraction.
- [7] The Respondent's counsel's submission notes that the current situation mirrors the May 2, 2023, decision by CAT Member Roger Bilodeau (*Akash v. York Condominium Corporation No. 78*, 2023 ONCAT 63). It highlights similar issues, particularly the Applicant's refusal to accept that he is not entitled to certain records, that some records require redaction or that a fee must be paid before accessing non-core records.
- [8] Counsel submits that the Applicant's records request is primarily intended to advance his grievances against the Board. Despite clear warning issued on February 25, 2025, the Applicant has continued to ignore them, raising baseless accusations of wrongdoing that have been repeatedly addressed.
- [9] Section 1.41 (1) of the Act states that:

The Tribunal may refuse to allow a person to make an application or may dismiss an application without holding a hearing if the Tribunal is of the opinion that the subject matter of the application is frivolous or vexatious or that the application has not been initiated in good faith or discloses no reasonable cause of action.
- [10] The CAT's Rules of Practice require genuine effort and good faith from parties, prohibiting misuse of the process to bypass established procedures. It ensures a fair, focused, and efficient process, disallowing proceedings initiated to harass or oppress.

[11] Despite efforts to maintain the Applicant focused on the application, and encourage collaboration, no progress had been made in weeks of good faith to resolve the issue.

[12] Owners are entitled to request records, and the CAT is to deal with disputes about records request process, rather than the consequences of the records or any governance issues that might arise from them. This application was filed solely for an improper purpose or that the CAT does not have jurisdiction to deal with the issues in dispute.

ORDER

[13] The Tribunal orders that:

1. This case is dismissed in Stage 2 – Mediation under Rule 34.3 of the CAT's Rules of Practice.

Anna Boudria
Member, Condominium Authority Tribunal

Released on: April 21, 2025