

## **CONDOMINIUM AUTHORITY TRIBUNAL**

**DATE:** June 16, 2025

**CASE:** 2025-00352R

**Citation:** Dato v. Durham Standard Condominium Corporation No. 324, 2025 ONCAT 100

Order under section 1.44 of the Condominium Act, 1998.

**Member:** Anna Boudria, Member

**The Applicant,**

Zain Dato

Self-Represented

**The Respondent,**

Durham Standard Condominium Corporation No. 324

Represented by Bradley Chaplick, Counsel

**Submissions Dates:** June 4, 2025 to June 12, 2025

### **DISMISSAL ORDER**

- [1] On June 4, 2025, the Tribunal issued a Notice of Intent to Dismiss (the “NOID”) under Rule 34.3 of the CAT’s Rules of Practice (the “Rules”). According to Rule 34.3 (f), the CAT can end Stage 2 – Mediation and close the case if the mediator dismisses the matter due to improper filing or lack of jurisdiction.
- [2] The Applicant filed an application with the Condominium Authority Tribunal (the “CAT”), which proceeded to Stage 2 – Mediation. During the mediation all the records listed on the Request for Records were provided.
- [3] Several attempts were made to clarify what remained outstanding from the records request. However, the Applicant focused on condominium governance. He sought corrections based on his review for completeness and accuracy, extending beyond the initial request. The Applicant did not provide further details when those records were requested and if the proper form was used. The mediation ended with the Respondent asserting that all records available had been provided as per the records request.
- [4] The NOID was issued because all requested records had been provided, and the

Applicant sought to amend records beyond the initial request, which falls outside the CAT's jurisdiction.

- [5] The parties were given an opportunity to respond to the NOID. The Applicant expressed concern that his request was not satisfied, citing unresolved discrepancies in the 2023 AGM material involving voting materials and director form, despite these records not being requested or involved the Corporation in any litigation.
- [6] The Respondent's counsel supported dismissal, stating that all records listed in the January 2025 Records Request had been provided. Additionally, the Tribunal lacks jurisdiction over disputes concerning meeting procedures, election results, or alleged errors in records. Furthermore, the Corporation is required to provide records in their original form, not modify them to align with the preferences or perspectives of the requesting owner.
- [7] Section 1.41 (1) of the *Condominium Act, 1998* (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.
- [8] Upon review of the submissions, I find that it would be unjust to allow the case to proceed to Stage 3 – because there is no outstanding record from the January 2025 request.
- [9] The CAT's jurisdiction is limited to disputes concerning access to records and does not extend to governance or operational issues. I am satisfied that the Applicant has received all requested records outlined in the January 22, 2025, request.
- [10] Accordingly, I order that this matter be dismissed.

## **ORDER**

- [11] The Tribunal orders that:

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

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Anna Boudria  
Member, Condominium Authority Tribunal

Released on: June 16, 2025