

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** July 3, 2025

**CASE:** 2025-00197R

**Citation:** Ward v. Peel Standard Condominium Corporation No. 1008, 2025 ONCAT 113

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

**Member:** Nicole Aylwin, Member

**The Applicant,**

Shawn Robert Ward

Self-Represented

**The Respondent,**

Peel Standard Condominium Corporation No. 1008

Represented by Carol Dirks, Counsel

**Hearing:** Written Online Hearing – April 23, 2025 to June 24, 2025

### **REASONS FOR DECISION**

#### **A. INTRODUCTION**

- [1] Shawn Robert Ward is a unit owner of the Respondent, Peel Standard Condominium Corporation No. 1008 (“PSCC 1008”). On February 12, 2025, Mr. Ward submitted two separate requests for records to PSCC 1008. In one of the requests (“R1”), Mr. Ward requested the minutes of an Owners Requisition Meeting held on October 10, 2024 and all the unit numbers of those registered to vote at the October 15, 2024 Owners Requisition Meeting, and whether these were owner-occupied or non-owner-occupied units. In the second request (“R2”), he make an identical request for the unit owner numbers registered to vote at the October 15<sup>th</sup> meeting, although he identifies the October 15<sup>th</sup> meeting as the AGM, rather than an Owners Requisition Meeting, as it was listed in the R1 request.
- [2] When Mr. Ward did not receive a response to his requests, he filed two separate cases with the Tribunal (2025-00198R and 2025-00197R) – one addressing each request. These cases are the third and fourth recent Tribunal cases filed by Mr.

Ward against PSCC 1008, each of which have addressed records requests made by Mr. Ward between October 2024 (the month Mr. Ward's time on PSCC 1008's board of directors ended) and February 2025<sup>1</sup>.

- [3] Both case 2025-00198R and 2025-00197R proceed directly to Stage 3 – Tribunal decision in default because PSCC 1008 did not initially join the Tribunal proceeding. However, counsel for PSCC 1008 did join the case at the initiation of the Stage 3 hearing and participated fully from that point.
- [4] Given that the records requests at issue in each case were filed on the same day and appeared to make a request for some of the same records, this meant there was likely to be significant overlap in the evidence and submissions. I proposed to the parties that the cases be merged. Neither party objected, and the cases were merged.
- [5] This hearing addresses the following issues in relation to R1 and R2. These issues were confirmed with the parties at the outset of this hearing:
  - 1. Has the Applicant received all records to which he is entitled?
  - 2. Has the Respondent failed to provide records to which the Applicant is entitled without a reasonable excuse?
  - 3. If so, should a penalty be assessed and in what amount?
  - 4. Is any party entitled to costs? If so, in what amount?
- [6] Mr. Ward submits that PSCC 1008 failed to respond to his requests within the timelines set out in s. 13.3 (6) of Ontario Regulation 48/01 ("O. Reg 48/01") of the *Condominium Act, 1998* ("the Act"), that he has not been provided with the records requested, and that PSCC 1008 has refused to provide these records without a reasonable excuse. As such, he believes PSCC 1008 should be assessed a penalty under s. 1.44(1) (6) of the Act and ordered to mail a copy of this decision to all owners.
- [7] PSCC 1008 submits that it did not respond to Mr. Ward's R1 and R2 requests because it had already provided him with all the records he was entitled to in November 2024, when it responded to a nearly identical request for these records made by Mr. Ward in October 2024. It further submits that Mr. Ward's R1 and R2

---

<sup>1</sup> See: *Ward v. Peel Standard Condominium Corporation No. 1008*, 2025 ONCAT 89; *Ward v. Peel Standard Condominium Corporation No. 1008*, 2025 ONCAT 99

requests are not simply accidental duplicate requests, but rather requests made for an improper purpose; that is, to cast doubt on the board decision making and harass the directors and management.

- [8] For the reasons set out below I find that Mr. Ward has received all the records to which he is entitled. No records have been refused and there is no basis for a penalty. I also find that the facts do lend some weight to PSCC 1008's argument that Mr. Ward is pursuing governance issues and his own personal dissatisfaction with the board via records requests. I caution Mr. Ward that this is inappropriate. That said, I also direct a caution to PSCC 1008 insofar as failing to join the Tribunal proceedings in a timely way is not condoned, and not responding to an owner's request for records is not appropriate. I have factored this non-participation into my decision on costs, awarding costs to Mr. Ward in the amount of \$150 to partially cover his Tribunal fees. Going forward, both parties may wish to assess their approach to records requests and work to find a more productive way to address the underlying issues between them.
- [9] Finally, I note that despite not identifying the issue of adequacy as an issue to be decided at the outset of the hearing, Mr. Ward did make some submissions pertaining to adequacy. However, these submissions appeared to relate to a set of minutes that were the subject of a previous Tribunal decision in which the minutes were found to be adequate.<sup>2</sup> I have not addressed these submissions in this decision. In this decision, I refer only to the arguments and evidence necessary and relevant to making my decision regarding the issues in this case.

## **B. ISSUES & ANALYSIS**

**Issues No. 1 & No. 2: Has the Applicant received all records to which he is entitled? Has the Respondent failed to provide records to which the Applicant is entitled without a reasonable excuse?**

[10] Together R1 and R2 make a request for the following:

1. Minutes for the Owners Requisition Meeting held on October 10, 2024, and all unit numbers of those registered to vote at this meeting and whether these are owner occupied or non-owner-occupied units.
2. All the unit numbers of those registered to vote at the October 15, 2024, Owners Requisition Meeting and whether these were owner occupied or non-

---

<sup>2</sup> See: *Ward v. Peel Standard Condominium Corporation No. 1008*, 2025 ONCAT 99

owner-occupied units.

- [11] I note that there was no Owners Requisition Meeting held on October 15, 2024. At the outset of the hearing, Mr. Ward clarified that there was a mistake in his request form(s), and that what he was seeking were the unit numbers, etc. from the Annual General Meeting (“AGM”) which was held on October 15, 2024, in addition to the same information for the October 10<sup>th</sup> Owners Requisition Meeting (which was correctly identified as an owner’s meeting in his request form).
- [12] According to PSCC 1008, it has already provided Mr. Ward with all the records to which he is entitled pertaining to these requests. It submits they provided these in response to two previous records requests made by Mr. Ward, wherein the same records were requested: one dated October 16, 2024, and one dated November 13, 2024. According to the testimony of Melanie Matthews, a director on PSCC 1008’s board, on November 14, 2024, in response to the October 16, 2024 request, PSCC 1008 provided Mr. Ward with a copy of: the draft minutes of the Owners’ Requisition Meeting of October 10, 2024, the Registrar’s Report on Attendance, the List of Owners’ registered for the Owners’ Requisition meeting and whether they were a registered owner or non-registered owner and the removal ballots cast at the meeting.
- [13] Ms. Matthews further testified that on January 3, 2025, after receiving payment from Mr. Ward for the provision of non-core records, PSCC 1008 provided Mr. Ward with all the ballots or instruments appointing a proxy for the October 15, 2024 AGM meeting and voting summary of the AGM (both of which were requested in the November 13, 2024 request).
- [14] Mr. Ward agreed and accepted these facts as presented. Mr. Ward also confirmed at the outset of this hearing that he had been provided with the draft minutes of the October 10, 2024, meeting and the registration list. Despite this, Mr. Ward makes the claim that he has not received “completed records” and that the records sent to him remained “unprovided, unanswered or incomplete” or provided in a manner as to be deemed “illegible or inaccurate”. He also asserts that, while he was provided the draft minutes for the October 10, 2024, meeting, PSCC 1008 has not provided him with the final version. Therefore, he claims that PSCC 1008 has refused to provide him records without a reasonable excuse.
- [15] I find there is no evidence to support Mr. Ward’s claims and he is mistaken in some of his views regarding entitlement.

Minutes for the Owners Requisition meeting held on October 10, 2024 and all the unit numbers of those registered to vote at the meeting and whether these were owner

occupied or non-owner-occupied units

- [16] PSCC 1008 argues that draft records are not a record of the corporation, and the October 10 meeting minutes remain in draft. So, while they did provide Mr. Ward with a copy of the draft minutes as a good faith gesture, they have not refused him these minutes. PSCC 1008 submits that meeting minutes remain in draft form because owners' meeting minutes are not considered 'final' until they are approved by owners at the next owners' meeting, at which time they become a record of the corporation. In this case, the minutes have not yet been approved by the owners.
- [17] Mr. Ward, challenges this, arguing that PSCC 1008 is incorrect and that past practice, as per his own time on the board, has been that the board approves all the minutes (AGM, special meeting minutes, etc.,) not just meeting minutes. Thus, PSCC 1008 ought to have approved them and provided him with the 'final' copy.
- [18] Mr. Ward may have his own past experiences with PSCC 1008's processes, but the fact remains that draft minutes are not a record of the corporation. Additionally, Mr. Ward's claims about 'past practice' are not consistent with some of the evidence provided, in particular a set of AGM minutes, that demonstrate that previous AGM minutes were brought forward for approval by owners at a subsequent AGM. Moreover, even if that was the past practice, it is an erroneous practice. Minutes of a meeting are to be ratified by the same assembly at a future meeting.
- [19] I accept that the PSCC 1008 owners have not approved the October 10, 2024, minutes, thus they remain in draft and not a record of the corporation, thus no record has been refused.
- [20] Regarding the registration list of those units registered to vote at the October 10<sup>th</sup> meeting and whether these units were occupied by owners or were non-owner-occupied, Mr. Ward takes the position that this record (provided to him in November 2024) has not been provided because it is 'not satisfactory', but few details are provided as to what makes it unsatisfactory. The record provided to Mr. Ward is a typed list with the name, unit number and the 'status' (resident/non-resident owner) of each unit all organized into neat columns. Beside each name there is some handwriting and check marks which appear to indicate attendance – but it is by no means illegible. The record is legible and contains all the information Mr. Ward requested. Mr. Ward's vague claims are not supported by the evidence and there is no reason to conclude that this record has been refused to Mr. Ward.

All the unit numbers of those registered to vote at the October 15, 2024 AGM and

whether these were owner occupied or non-owner-occupied units.

- [21] PSCC 1008 takes the position that while it did not provide Mr. Ward with a separate, stand-alone list of unit numbers registered for the AGM, this information was reasonably believed to be encompassed within the records it provided to Mr. Ward in January 2025, which included all of the proxy and ballots from the meeting and a summary of the voting results. Moreover, it argues the request itself asks for information, not a specific record.
- [22] Mr. Ward claims that the records provided to him previously were not acceptable as they “are not clear or discernible and does not [sic] meet the Applicant’s request for records”. However, he provides no specific details as how they fail to meet the request or why he considers them insufficient, although he implies that the records did not have the specific information he was seeking, which is why he made the new request.
- [23] I understand Mr. Ward may want the records he has received to have more and/or different information in them, and that he feels PSCC 1008 has not provided him with information to which he believes he is entitled; however while an owner has the right to examine records of a corporation under s. 55 of the Act, an owner has no specific right under s.55 to require further information and explanations from the board about those records.<sup>3</sup>
- [24] In his submissions, Mr. Ward did refer to the fact that he believed that the “real issue” is that this information should have been captured in the minutes of the meeting as per PSCC 1008’s by-laws (specifically By-Law No. 10) and was not. However, his request was not for minutes and the question of whether such records’ contents adhere to PSCC 1008’s by-laws is not before me.
- [25] Mr. Ward also argued that, in absence of this information being recorded in the minutes, a separate list of unit owners registered to vote ought to have been kept by PSCC 1008. If such a list existed and was being kept by PSCC 1008, it may be a record to which Mr. Ward is entitled; however, there is no evidence before me in this case that such a list exists or ever existed or ought to exist in the stand-alone document requested by Mr. Ward.
- [26] Mr. Ward’s request on its face was for information and I accept that PSCC 1008 believed that this information was encompassed within the records previously provided to him. Moreover, I accept there is no stand-alone list to provide.

---

<sup>3</sup> See *McKay v. Waterloo North Condominium Corp. No. 23*, 1992 CanLII 7501 (ON SC)

Therefore, based on the evidence before me, I find that Mr. Ward has been provided all the records to which he is entitled related to this request for unit numbers of those registered to vote at the AGM, and he has not been refused a record without a reasonable excuse.

**Issue No. 3: Should penalty be imposed pursuant to s. 1.44 (1) 6 of the Act?**

- [27] Subsection 1.44 (1) 6 of the Act allows the Tribunal to direct a corporation to pay a penalty if the Tribunal considers that the corporation has without reasonable excuse refused to permit the person to examine or obtain copies under that subsection. Mr. Ward has requested a penalty in the amount of \$5000, which is the maximum penalty the Tribunal can award. Mr. Ward claims such a penalty is warranted due to PSCC 1008's "persistent contravention of the Act". He submits that the fact that he has had to repeatedly bring cases before the Tribunal to get records to which he is entitled, is evidence of such.
- [28] Mr. Ward's claims of negligence, bad faith and 'bullying' are not supported by the evidence, nor are his comparisons to such cases such as *Chai v. Toronto Standard Condominium Corporation No. 2431*, 2025 ONCAT 68, where the Corporation was found to have refused Mr. Chai records in several cases between the parties, or *McLaughlin v. Brant Standard Condominium Corporation No. 75*, 2022 ONCAT 16, where the Corporation was found to have refused a substantial number of records, and prioritized its own commercial interests over that of the owners. I note that of Mr. Ward's two recent cases before the Tribunal, he was only successful in one, *Ward v. Peel Standard Condominium Corporation No. 1008*, 2025 ONCAT 89, wherein a very modest penalty of \$150 was assessed against PSCC 1008. In the other, *Ward v. Peel Standard Condominium Corporation No. 1008*, 2025 ONCAT 99, PSCC 1008 was not found to have refused any records. This does not by any means show show a pattern of negligence.
- [29] What the evidence does demonstrate is that, at times, Mr. Ward has appeared to be less concerned with actually receiving the information and/or records he requested and more concerned with issues of governance (such as whether various votes have been conducted correctly, and/or whether the proxy votes were appropriately handled), and/or holding PSCC 1008 to a high technical standard of record keeping. In this case, prior to even making this requests, he had received a great deal of the information and records he requested. PSCC 1008 provided him with the draft minutes of the Owner's Requisition Meeting four months prior to this case and, as noted they provided him with all the records they had that are related to the AGM voting process.

- [30] I also understand Mr. Ward is not satisfied with the records he has received but the evidence in this case does not support the accusations made by Mr. Ward that PSCC 1008 has “made no effort” to meet the records requirements of the Act or has deliberately withheld or refused records. Rather, what the evidence demonstrates is that within a 6-month period – commencing right after he vacated his position on the board of directors, Mr. Ward made over a dozen requests for records and that PSCC 1008 has attempted, albeit, imperfectly at times, to respond and provide records requested by Mr. Ward. I do not find the evidence demonstrates that PSCC 1008 has refused records to Mr. Ward, intentionally or otherwise. And, while, I am not prepared, based on the evidence before me, to find Mr. Ward has been using the records requests for an improper purpose such as to harass the board or management such as in *Gale v. Halton Condominium Corporation No. 61*, 2022 ONCAT 85 or *Manorama Sennek, v. Carleton Condominium Corporation No. 116*, 2018 ONCAT 4, to which PSCC 1008 referred me, I do issue a warning to Mr. Ward that while he may be concerned about how the voting process unfolded at various owners’ meetings (and other governance issues), using records requests to pursue such governance issues is not appropriate.
- [31] Where I do agree with Mr. Ward, is that in failing to respond to his R1 and R2 requests, PSCC 1008 failed to meet the requirements of the Act as set out in O.Reg 48/01 s. 13 (6) to respond on the mandatory form and within the timelines provided by the Act. While it may be the case that PSCC 1008 felt they had already provided the records requested, the failure to respond was not appropriate.
- [32] Nevertheless, a penalty can only be imposed if the Tribunal has found there to be a refusal without a reasonable excuse and in this case, I have made no such finding, thus there is no basis for a penalty.

**Issue No. 4: Is any party entitled to costs? If so, in what amount?**

- [33] Mr. Ward has asked that the Tribunal award him costs in the amount of \$300 – which represents the Tribunal filing fees that he paid to bring the two merged case to Stage 3 – Tribunal Decision. PSCC 1008 has not requested costs.
- [34] Typically, Mr. Ward would not be entitled to costs, as he was not successful in this case. However, I find that PSCC 1008’s failure to respond to Mr. Ward records requests and its late participation in the Tribunal proceeding contributed to the fact that these records requests ended up as the subject of this hearing. Had PSCC 1008 responded to Mr. Ward’s requests in the first instance or joined the cases at the outset – these issues may not have required a full hearing. Costs awards are



discretionary, and given this context, I will exercise my discretion and order PSCC 1008 to pay half of Mr. Ward's costs in the amount of \$150. I find Mr. Ward, as he was not successful and was in possession of the records he requested prior to advancing these cases to Stage 3 - Tribunal Decision should bear responsibility for the other half of the fees. There was also no need for Mr. Ward to file two separate cases about what were virtually identical issues and records.

**C. ORDER**

[35] The Tribunal Orders that:

1. Mr. Ward's application is dismissed.
2. Pursuant to s. 1.44 (1) 4 of the Act, within 30 days of the date of this decision, PSCC 1008 shall pay Mr. Ward \$150 in costs.

---

Nicole Aylwin  
Member, Condominium Authority Tribunal

Released on: July 3, 2025