

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: October 2, 2025

CASE: 2025-00318R

Citation: Govindu v. York Condominium Corporation No. 456, 2025 ONCAT 167

Order under section 1.41 of the *Condominium Act, 1998* (the “Act”)

Member: Noeline Paul, Member

The Applicant,

Franklin Govindu

Self-Represented

The Respondent,

York Condominium Corporation No. 456

Represented by Greg Marley, Counsel

Submission Dates: September 4, 2025, to September 16, 2025.

DISMISSAL ORDER

A. INTRODUCTION

- [1] The Applicant filed an application with the Condominium Authority Tribunal (CAT) further to a request for records dated January 25, 2025. The case proceeded to Stage 2 – Mediation on July 10, 2025.
- [2] In his CAT application, the Applicant indicated that he was seeking certain information that was still outstanding from his records request. During Stage 2 – Mediation, the CAT issued a Notice of Intent to Dismiss this application under Rule 19.1 of the CAT’s Rules of Practice.
- [3] This case is dismissed for the reasons set out below.

Notice of Intent to Dismiss

- [4] In the details section of his CAT application, the Applicant indicated that he was requesting information about proxy submissions through the GetQuorum platform and how votes were tallied. The Applicant also listed five items of information that

he claimed were still outstanding and all these items related to information regarding the number of paper ballots or votes in an Annual General Meeting (“AGM”) hosted through the GetQuorum platform.

- [5] On September 4, 2025, the CAT issued a Notice of Intent to Dismiss this application based on the following grounds:
1. Due to the details that the Applicant provided in this application, the CAT did not have jurisdiction to decide the issues in dispute.
 2. The CAT application had no reasonable prospect of success.
- [6] The CAT provided the Applicant with an opportunity to forward written submissions as set out in the letter of Notice of Intent to Dismiss and he was given an extension of the submissions deadline so that he could properly comply with the requirements set out in the notice. The CAT did not request submissions from the Respondent for the purpose of deciding this case.

Applicant’s Submissions

- [7] In his written submissions, the Applicant stated that he wanted to know how many proxies were submitted for the Respondent’s 2024 AGM. He argued that section 13.1(1) of Ontario Regulation 48/01 (“O. Reg. 48/01”) defines a record broadly and can include information on a record. The Applicant further argued in his submissions that since proxies are prescribed records, the number of proxies submitted flows directly from those records and, therefore, should be provided in response to his records request.
- [8] The Applicant has also made other arguments related to the alleged conduct and perceived contradictory statements of various individuals, including the Respondent’s counsel, and he submits that there has been a pattern of delay and obstruction on the part of the Respondent. At the heart of the Applicant’s submissions seems to be his notion that the data entry used in the GetQuorum platform for proxy voting has been manipulated.
- [9] The Applicant concludes his written submissions by requesting that the CAT do the following:
1. Confirm that proxies and dashboards are records under section 55 of the Act and O. Reg. 48/01.
 2. Direct the Respondent to provide the number of proxies collected, without conditions.

3. Order production of the dashboard, subject to redaction, as it was used to conduct the election.
4. Reimburse his \$75 filing fee.

B. ANALYSIS

- [10] The CAT issued a Notice of Intent to Dismiss the application due to concerns that the CAT did not have jurisdiction over the Applicant's request and that this case had no reasonable prospect of success.
- [11] Rule 19.1 of the CAT's Rules of Practice allows for early dismissal of a case at any time in certain circumstances. Rule 19.1(b) permits early dismissal of a case where the case has no reasonable prospect of success. Further, Rule 19.1(c) permits early dismissal where the case is about issues that the CAT has no legal power to hear or decide.
- [12] The Applicant's submissions confirm that he is seeking information about proxies and not records. The CAT does not have jurisdiction to order the production of information. I find, therefore, that the CAT does not have legal power to hear or decide this aspect of the Applicant's case.
- [13] In terms of the Applicant's request for a copy of the dashboard from the GetQuorum platform, the Applicant has only now requested this, as part of his written submissions in response to the Notice of Intent to Dismiss his application.
- [14] I find that the Applicant has changed his request, in part, at this stage and only in response to the CAT's Notice of Intent to Dismiss his application in effort to have his case proceed at this Tribunal. This is not a proper use of the CAT's process, which is designed to resolve disputes efficiently and fairly to both parties.
- [15] I note here that if the Applicant still wants a copy of the dashboard referenced above, he is able to submit a new Request for Records form to the Respondent and clearly indicate there what he is looking for in the dashboard copy. The Respondent can then respond to the request as per Act and its regulations.
- [16] The Applicant initiated this case as a request for information, not records. As a result, I find that the issues underlying this application are not within the jurisdiction of the CAT. As stated earlier, the CAT does not have jurisdiction to order the production of information. Accordingly, I also conclude that this application does not have any reasonable prospect of success.
- [17] Based on the findings above, I order that this case be dismissed pursuant to Rule

19.1 of the CAT's Rules of Practice.

C. ORDER

[18] The Tribunal orders that:

1. This case is closed under Rule 19.1 of the CAT's Rules of Practice.
2. Any documents and messages that have been shared for this case in Stage 1 – Negotiation and / or Stage 2 – Mediation are private and confidential. That means that the Users cannot share, or tell anyone about, messages or documents they received from other Users during these stages without the permission of the other User.
3. The Users may share a copy of any document they received during the course of this case if required by law, such as to a government organization or a court.

Noeline Paul
Member, Condominium Authority Tribunal

Released on: October 2, 2025