

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: November 11, 2025

CASE: 2025-00436R

Citation: Govindu v. York Condominium Corporation No. 456, 2025 ONCAT 188

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

Member: Nicole Aylwin, Vice-Chair

The Applicant,

Franklin Govindu

Self-Represented

The Respondent,

York Condominium Corporation No. 456

Represented by Dimitra Savva, Agent

Submission Dates: October 29, 2025, to November 7, 2025

DISMISSAL ORDER

- [1] The Applicant, Mr. Govindu, filed this application with the Tribunal about a request for records dated May 10, 2025. In his application, Mr. Govindu indicated the issue in dispute was they types of records the Respondent, York Condominium Corporation No. 456 ("YCC 456"), was keeping and indicated that he had been denied access to the records requested.
- [2] The Applicant, as per his records request, is seeking:
 - ...records identifying who authorized enabling vote recasting on GetQuorum, without informing owners to get their approval. Date and method by which this decision was approved and documented by the Board and Property Manager.
- [3] In reviewing the information provided to me in this Stage 2 – Mediation, along with the records request form and initial application problem description, appeared to suggest the Applicant was seeking access to information, not records. Section 55 of the *Condominium Act, 1998* (the "Act"), over which the Tribunal does have jurisdiction, applies to requests for records, not requests for information.

- [4] Under Rule 19.1 of the Tribunal Rules of Practice, the Tribunal can dismiss a case at any time if it determines that that it has no legal power to hear or decide upon the dispute. As the Tribunal has no jurisdiction to hear disputes over access to and the production of information, on October 29, 2025, I issued a Notice of Intent to Dismiss and asked the Applicant to make submissions on the question of whether the Tribunal had the jurisdiction to hear and decide this dispute.
- [5] In his submissions the Mr. Govindu submitted that he is seeking, in his words:

Authorization

Records that identify **who authorized** enabling vote-casting on Get Quorum (name and title of the authorizer).

Approval date & method/ documentation

Records that show the date approval was given and the **method by with it was approved and documented** by the Board the Property Manager
[emphasis in the original]

- [6] Mr. Govindu further submits that he seeks records containing this information which are in YCC 456's "possession custody and control." He submits that any or all of the following documents, which he submits are records of the corporation (a point I make no finding on), may contain the information related to his request:
1. Board agendas/minutes, motions, and any resolutions or written consents;
 2. Written directions/approvals from directors/officers to management;
 3. Manager reports/cover memos documenting the recommendation and approval;
 4. Emails among the Board, the Property Manager, and/or GetQuorum confirming authorization or implementation) Internal decision logs;
 5. Follow-up implementation notes referencing the approval.

- [7] I note that none of these items were listed in Mr. Govindu's May 10, 2025, request for records but seem to be requested now in an attempt to have his case proceed. As was pointed out to Mr. Govindu recently in *Govindu v. York Condominium Corporation No. 456, 2025 ONCAT 167* at para 14:

This is not a proper use of the CAT's process, which is designed to resolve disputes efficiently and fairly to both parties.

- [8] Regarding the request that formed the basis of this application, the Act does not set out a framework for the entitlement of unit owners to information, rather it sets out the entitlement of unit owners to *records*. These two things are distinct. Mr. Govindu points out in his submission a record cannot exist without information – however, information can exist without being contained in a record. Simply putting the term ‘record’ in front of a request for information does not turn that information into a record that exists, ought to exist or to which an owner is entitled.
- [9] While Mr. Govindu may very well be seeking to gather information about how the decision related to the GetQuorum voting process were made; that is, who authorized the decision, the date a decision was made, and the method by which the decision was made, this is not a request for records – but a request for information.
- [10] Accordingly, I find that the issues that make up this dispute are not within the Tribunal’s jurisdiction, and I order that this case be dismissed. I also issue a caution to Mr. Govindu. This is the Tribunal’s third decision since May of this year in which it has addressed a request by Mr. Govindu for information and explained why the Tribunal cannot and will not hear such disputes (see: *Govindu v. York Condominium Corporation No. 456*, 2025 ONCAT 87; *Govindu v. York Condominium Corporation No. 456*, 2025 ONCAT 167). Continuing to bring applications to the Tribunal in an attempt to obtain information from the corporation is not appropriate. If Mr. Govindu is concerned about how and why the board is making decisions, the Act provides for other mechanisms for Mr. Govindu to pursue these concerns. However, making requests for information couched as a request for records is not the way.

ORDER

- [11] The Tribunal orders that:

1. This application is dismissed.

Nicole Aylwin
Vice-Chair, Condominium Authority Tribunal