

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: December 3, 2025

CASE: 2025-00783R

Citation: Smith v. Peterborough Condominium Corporation No. 38, 2025 ONCAT 206

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

Member: Ian Darling, Chair.

Applicant

Robert Smith,
Self-Represented

Respondent

Peterborough Condominium Corporation No. 38

Ian Darling, Chair

Submission Dates: November 7, 2025, to November 14, 2025

DISMISSAL ORDER

[1] An application was submitted to the Condominium Authority Tribunal (CAT) on October 22, 2025. The CAT reviewed the application, and issued a Notice of Intent to Dismiss the application under [Rule 19.1 of the CAT's Rules of Practice](#) for the following reasons:

1. The Applicant filed an application for a records case looking to obtain information about an insurance claim filed by the corporation to their insurance company.
2. In the Problem Description, the Applicant states “I would like confirmation by the insurance company that this claim was accepted based on a phone call only.”
3. This is a request for information from the insurance company. The Application does not identify a record that the condominium corporation is

required to maintain. The kinds of records that can be requested under [Ontario Regulation 179/17](#) are set out in section 55 of the *Condominium Act, 1998* (the “Act”), and this request does not fall within these bounds.

4. The Applicant is seeking information about “how the corporation is doing its work”. The records jurisdiction of the Tribunal relates to records disputes, not how the corporation operates, or to evaluate performance.

- [2] The Applicant responded to the Notice stating that the CAO website indicates that:

the corporation is required to keep records related to claims under the insurance policy. Since a response to a request says there was no submission other than a phone call and the insurance company policy states a phone call may initiate a claim but must be followed by a submission with details, I would like confirmation from the insurance company that there was no such submission. The respondent should provide that document. Should the insurance company confirm that this submission was accepted on the basis of a phone call only and there was no other submission, I will withdraw this case.

- [3] The submissions confirm that the request is not for a record, but for information about the claim.

- [4] The Application is dismissed because the Applicant is not requesting a record. The Applicant is requesting information. Specifically, information from the insurance company. Section 55 of the Act over which the Tribunal has jurisdiction, applies to requests for records, not requests for information. In dismissing this application, I follow the Tribunal’s findings in *Govindu v. York Condominium Corporation No. 456*, 2025 ONCAT 188, where the tribunal stated:

“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. ... (I) nformation 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.”

- [5] This application was received before the decision was released in *Smith v. Peterborough Condominium Corporation No. 38*, 2025 ONCAT 187. In it, the Tribunal warned that the purpose of the Tribunal is to adjudicate disputes related to records requests and reminded the Applicant that “the Tribunal is not to be used to “prove” points, to “get things on the record” or find out about “how the

corporation is doing its work". The records jurisdiction of the Tribunal relates to records disputes, not how the corporation operates, or to evaluate performance.

- [6] In the prior decision, the CAT also warned the Applicant about improper use of the Tribunal. Stating that:

The Tribunal's Rules of Practice allow it to prevent the abuse of its process (see Rule 4.6) and allow it to dismiss cases at any time under certain circumstances, such as those where the Tribunal has no jurisdiction. Repeated attempts to use the Tribunal for improper purposes may result in the Tribunal taking steps to limit access to the Tribunal and or orders of costs.

Since that decision containing the warning was issued while this dismissal motion was being considered, I will only use this dismissal order as an opportunity to acknowledge and reiterate the warning.

ORDER

- [7] The Tribunal orders the Application dismissed.

Ian Darling,
Chair, Condominium Authority Tribunal

Released on: December 3, 2025