

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: December 11, 2025

CASE: 2025-00478R

Citation: Pearson v. Toronto Standard Condominium Corporation No. 2510, 2025

ONCAT 211

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

Member: Nicole Aylwin, Vice-Chair

The Applicant,

Nicholas Pearson

Self-Represented

The Respondent,

Toronto Standard Condominium Corporation 2510

Represented by Jessica Hoffman, Counsel

Hearing: Written Online Hearing – September 17, 2025 to November 19, 2025

REASONS FOR DECISION

A. INTRODUCTION

- [1] The Applicant, Nicholas Pearson, is a unit owner and a director of the Respondent, Toronto Standard Condominium Corporation 2510 (“TSCC 2510” or “the corporation”). Mr. Pearson submitted a request for various records to the corporation on May 29, 2025. Mr. Pearson submits that TSCC 2510 failed to respond to his request and has refused him records to which he is entitled without a reasonable excuse. He asks the Tribunal order TSCC 2510 to provide him with the records he requested, free of charge, and that the Tribunal impose a penalty on the corporation in that amount of \$5000 for the refusal to provide records without a reasonable excuse. He also asks for costs in the amount of \$200 to cover his Tribunal fees.
- [2] TSCC 2510 takes the position that Mr. Pearson is not entitled to the records requested because he requested them in his capacity as a director not as an

owner. It further submits that Mr. Pearson made the request not to gain access to the records, but for the improper purpose of challenging the board's governance and management practices and to further his own personal agenda as a board member. It submits that even if the Tribunal finds the request was for a proper purpose there are various records to which he is simply not entitled. Finally, TSCC 2510 argues that any errors or delays in responding to Mr. Pearson's request are the fault of the former condominium manager, not the corporation.

- [3] For the reasons that follow, I find that, the majority of Mr. Pearson's requests were not made for the purposes set out in Section 13.3 (1) (a) of the Ontario Regulation 48/01 ("O. Reg. 48/01) of the *Condominium Act, 1998* ("the Act"). Rather, he was motivated, at least in part, to request records to cast doubt on his fellow board members' decision-making, make public his own dissatisfaction with the way in which the board, of which he remains a part, is governing the corporation, and to attempt to use this process to challenge the integrity and authority of his fellow board members. As such, save for a few very specific records, I find Mr. Pearson requests were made for an improper purpose and he is not entitled to most of the records requested. However, I also find that TSCC 2510 did not properly respond to Mr. Pearson's request and that failure led to this proceeding and I will be ordering TSCC 2510 to reimburse Mr. Pearson the cost of his Tribunal fees. No other costs are awarded.
- [4] Finally, I note that while this may be Mr. Pearson's first application to the Tribunal, TSCC 2510 has been before the Tribunal many times to address records disputes and other disputes between it and the current president of the board, Rajat Sharma. TSCC 2510 has also filed an unrelated Superior Court application making several allegations against Mr. Sharma. These cases loom large in this application, both in terms of the records requested and claims by Mr. Pearson regarding mismanagement, fraud and continued internal strife on the board of directors. While issues of governance are not ones that the Tribunal can address, the context in which these records disputes arise is an example of how closely intertwined requests for records and governance matters sometimes are; in this case some of that context is relevant since Mr. Pearson's role on the board, despite his claims otherwise, cannot be separated from the facts of this case. The interest of a director and unit owner may at times overlap with respect to a request for records. To decide this case, I have had to parse out the issues in this application, which means considering evidence about the context in which the request is made. So, while I have reviewed all the submissions and evidence provided to me, I address only the submissions and evidence relevant and necessary to making my decision.

B. BACKGROUND

[5] Mr. Pearson has been a member of TSCC 2510's board of directors for at least five years. Up until 2023, Mr. Pearson was president of the board. In 2023, Rajat Sharma, who perhaps, ironically, has made several claims before this Tribunal that the board has refused him records, became president of the board. In April of 2025 there was further turnover on the board. The evidence before me is that there is significant strife between Mr. Pearson, Mr. Sharma, and the other members of the board, who Mr. Pearson describes as "Mr. Sharma's affiliates." For instance, Mr. Pearson's submissions contain several thinly veiled allegations that his fellow board members are engaged in fraud, delinquent behavior and abuse of power. On the other side, Mr. Pearson's fellow board members do not appear to be particularly happy with him either, with the evidence demonstrating that Mr. Pearson has missed several board meetings (at least seven) and has been accused by at least one other board member as "dropping the ball" and giving up on his responsibilities.

[6] It is also important to note that the former condominium manager, Luis Armas, who provided a statement on behalf of Mr. Pearson, and the board (perhaps excluding Mr. Pearson) also appear to have animosity toward one another. Mr. Armas claims he left his position at TSCC 2510 due to "poor treatment at the hands of the board", while Mr. Sharma claims Mr. Armas resigned and then "disappeared without executing a proper handover of files and records."

[7] This is the context in which the records request at issue is made.

[8] On May 29, 2025, Mr. Pearson sent a request for records to the condominium manager at the time, Luis Armas. Mr. Pearson requested the following records:

1. Record of owners and mortgagees
2. Record of notices relating to leases of units under s. 83 of the Condominium Act, 1998
3. Board meeting minutes from January 1, 2025 to May 29, 2025
4. Any vendor and employee hire or termination contracts/agreements entered into after April 1, 2025
5. Recordings of board meeting minutes from April 28, 2025 to May 29, 2025
6. All materials submitted to the corporation by Eagle Audit Advantage, including proposals, scoping documents, review/audit plans and any findings

documents

7. All proposals or bids received in connection with the contract signed with Royale Grande Property Management, including bids and proposals from vendors not selected
8. Any settlements and/or agreements entered into by the Corporation after April 1, 2025 in connection with TSCC 2510's claim against Rajat Sharma (2022)
9. Bank statement or any other financial record demonstrating receipt of a \$200 payment from Rajat Sharma as ordered by the CAT decision and order.

[9] This last record refers to the order made by this Tribunal in its decision: *Toronto Standard Condominium Corporation No. 2510 v. Sharma*, 2025 ONCAT 55.

[10] In his sworn statement, Mr. Armas confirms that he received Mr. Pearson's request and that he sent the request to the board of directors shortly thereafter for their review. This aligns with Mr. Sharma's sworn statement wherein he indicated that this request was forwarded to the board and the board reviewed it.

[11] According to TSCC 2510, after reviewing the request, the board assumed that Mr. Pearson was requesting records in his capacity of director and thus determined he was not entitled to the records requested. They made this assumption based on the fact that Mr. Pearson did not check the box on the form that indicated that he was making the request for purposes solely related to his interests as an owner, and the fact that Mr. Pearson did not send the request to the email address designated for owners to make requests – an email address (and request process) that TSCC 2510 submits Mr. Pearson himself put into place when he was president of the board.

[12] TSCC 2510 submits that having concluded that Mr. Pearson made the request as a director and not an owner and thus was not entitled to receive the records, they instructed Mr. Armas to communicate with Mr. Pearson regarding its refusal; however, they submit that immediately after giving these instructions to Mr. Armas, he left their employment and they were not told that Mr. Armas had not communicated with Mr. Pearson about the issues with his request and their decision to refuse the records. I note that this is contrary to what Mr. Armas states in his sworn statement, in which he indicates he received no further instruction from the board after forwarding the request to them.

[13] TSCC 2510 takes the position that Mr. Pearson is not entitled to the records he

requested for two reasons. First, that he requested them as a director not as an owner; and second, that the facts, when taken together, demonstrate that Mr. Pearson's request was undertaken to challenge board decisions and discredit his fellow board members, which, in this particular case, given Mr. Pearson's role on the board, are not for purposes solely related to his interest as an owner. They further submit that even if this Tribunal finds he did make the request for purposes pursuant to the Act, there are records he would not be entitled to for various reasons and others they have a reasonable excuse for not providing.

C. ISSUES & ANALYSIS

Issue No. 1: Has TSCC 2510 refused to provide Mr. Pearson records to which he is entitled under the Act?

[14] Section 13.3 (1) (a) of the Ontario Regulation 48/01 states that:

The right to examine or obtain a copy of a record under subsection 55 (3) of the Act does not apply unless,

an owner, a purchaser or a mortgagee of a unit requests to examine or obtain the copy and the request is solely related to that person's interests as an owner, a purchaser or a mortgagee of a unit, as the case may be, having regard to the purposes of the Act.

[15] The Tribunal has been consistent in its interpretation of this section, maintaining that in situations where the purpose of the request is at issue, the owner does not need to justify their request, rather, onus is on the corporation to demonstrate that the request does not satisfy these requirements.

[16] TSCC 2510 relies first on the findings of this Tribunal in *Sharma v. Toronto Standard Condominium Corporation No. 2510*, 2023 ONCAT 39 ("Sharma ONCAT 39") to argue that as a director, Mr. Pearson is not entitled to the records requested. TSCC 2510 is incorrect in its interpretation of Sharma ONCAT 39. In this decision, the Tribunal determined that it had no jurisdiction to decide the matter as the request for records related to the Mr. Sharma's duties as a director under s. 37 of the Act, a section over which the Tribunal has no jurisdiction. It did not disentitle Mr. Sharma to records because he was a director.

[17] There is no evidence in this case that Mr. Pearson is requesting the records to fulfill his duties as a director under s. 37 and thus Sharma ONCAT 39 is of little relevance; there is no question of jurisdiction in this case. Moreover, I note that a failure to check the box regarding a requester's purpose is hardly sufficient evidence that a request was made as a director, nor is making an assumption

about purpose based on the email address a request is sent to.

- [18] Mr. Pearson submits that his purpose in requesting the records is due to his concerns that there has been a reduction in transparency between the board and owners and that he wanted more information about several areas where he is concerned there is a “higher likelihood of improper activity” which could affect his property value. He further submits that he has requested these records to better understand governance – and that access to records, such as those he requested, is one of the ways in which owners can learn and assess how the corporation is being governed.
- [19] It is true – access to records can help provide owners with insight into how the board is managing the affairs of the corporation. However, it is also true that the evidence before me is that Mr. Pearson does not require these records to understand how the corporation is being governed, he is part of the governing body – i.e. he sits on the board of directors and has for some time.
- [20] The evidence is that Mr. Pearson requested several records that he knew, or ought to have known, by virtue of his position as a board member, that the corporation could not provide in response to his request and or to which he clearly knew he was not entitled. Such requests include:
 1. His request for minute meetings for months when he knew or reasonably ought to have known there were no meetings for which to provide minutes. As well as his request for minutes for meetings that he knew had not been approved and remained in draft form because in his capacity as a board member he had not “seen any minute approval requests.” The only minutes that TSCC 2510 indicates have been approved for the timeframe of his request and are available are the minutes of May 2025. So, while I will order that TSCC 2510 provide him with the May 2025 minutes since these are core-records to which owners are clearly entitled, I find that overall, the request for minutes was not made for purposes solely related to his interests as an owner under the Act, but rather was an attempt by Mr. Pearson to request records that either don’t exist, or have not been approved for the purpose of asserting control and ‘expose’ what he considers to be poor governance practices by his fellow board members.
 2. His request for all records related to the work done by Eagle Audit Advantage. According to Mr. Sharma, the corporation entered into a limited scope retainer with Eagle Audit Advantage to conduct an “investigation of the Corporation’s management and determine how the Corporation’s resources could be better utilized and optimized.” He submits that because Eagle Audit Advantage was not conducting a full audit the board did not request bids or

proposals and that the findings of the work were reported orally to him – all facts he submits Mr. Pearson is aware of as a member of the board.

According to Mr. Sharma, he reported back to the board about the findings at a board meeting on November 2, 2025. The evidence is Mr. Pearson did not attend this meeting. While it may be unusual that no written report for the work be produced, Mr. Pearson has provided no evidence that these records exist, arguing only that they ought to exist and ought to be provided to him. I find it more likely than not that these records do not exist and that Mr. Pearson specifically requested these records precisely because they do not exist, to challenge board decisions and practices regarding the investigation work done by Eagle Audit Advantage.

3. His request for all proposals or bids received in connection with the contract signed with Royale Grande Property Management. Similarly, Mr. Sharma submits the board – which, again, includes Mr. Pearson – did not request a bid or proposal from Royale Grande Property Management or any other company as they retained Royale Grande Property Management on a limited scope basis to review the management of the corporation and provide recommendations on “process and resource optimization”. There is no evidence that this record exists, and while it is clear Mr. Pearson believes it ought to exist, in this case requesting a record for the sole purpose of attempting to prove it doesn’t exist, when, again, Mr. Pearson is likely aware of this fact, is about challenging how the board is operating – which is a governance issue, not a records issue.

4. His request for settlement and/or agreements entered into by the Corporation after April 1, 2025 in connection with TSCC 2510’s claim against Rajat Sharma (2022). Notwithstanding the fact that an owner may not be entitled to any such agreements depending on their confidentiality provisions, and the exceptions to examination as set out in s. 55 (4) (b) of the Act, which exempts records about other owners from examination, there is no evidence that the corporation has entered into any such agreement – a fact that would have been known by Mr. Pearson prior to requesting the record. Mr. Pearson’s own submissions suggest he was well aware of the that the litigation was not settled since he asked in his submissions, that in the event that “the Corporation should argue that litigation is not yet settled” that the Tribunal order TSCC 2510 to provide a “written attestation from the Corporation’s legal counsel” stating as much.

[21] Given Mr. Pearson’s role on the board, I find it more likely than not, that Mr. Pearson knows there are no documents related to the requests as set out above that can be produced and I find that he has requested these specifically to prove they do not exist for the purposes of attempting to undermine the board and its governance decisions. This is an improper purpose.

[22] However, there are five other records requested by Mr. Pearson that need to be addressed:

1. Record of owners and mortgagees
2. Record of notices relating to leases of units under S. 83 of the Condominium Act, 1998
3. Any vendor and employee hire or termination contracts/agreements entered into after April 1, 2025
4. The request for recordings of board meeting minutes from April 28, 2025 to May 29, 2025
5. Bank statement or any other financial record demonstrating receipt of a \$200 payment from Rajat Sharma as ordered by the CAT decision and order.

Record of owners and mortgagees.

[23] TSCC 2510 stated in submissions that the record of owners and mortgagees is available. Thus, there is no reason, given that this is a core record that owners are entitled to examine, to withhold this record from Mr. Pearson, and I will order TSCC 2510 to provide it within 14 days of the date of this decision.

Record of notices relating to leases of units under s. 83 of the Act.

[24] In his evidence, Mr. Sharma stated, at the time of Mr. Pearson's request, this record was unavailable because of a flood in the office, which took place after the departure of the former condominium manager. According to Mr. Sharma, the flood destroyed and/or damaged many records, including the record of notices relating to leases. He submits that while there was an electronic version – it had not been kept up to date. He stated that the board was in the process of reconstructing this record and estimated it would take 8-12 weeks. This is contrary to the statement provided of Mr. Armes, who stated that when the records request was made, the records were in order.

[25] Beyond the conflicting statements of Mr. Sharma and Mr. Armes, I do have evidence before me from another board member that confirms the flood and photographic evidence that there was a flood in the office that appears to have damaged records. I have no conclusive evidence before me about the state of the electronic records. However, according to Mr. Pearson, these records are held electronically offsite digitally, making TSCC 2510's claim that the records were damaged implausible.

[26] What is a fact, is that the record of notice of leases is a record that TSCC 2510 is required to keep and provide upon request and Mr. Pearson is entitled to this record. Given, the evidence before me, if indeed, the record of notice of leases was damaged, according to Mr. Sharma's statement it would be reconstructed and available within 8-12 weeks of Mr. Sharma's statement. Thus, I will order that TSCC 2510 provide this record to Mr. Pearson within 30 days of the date of this decision – at which time more than 12 weeks will have elapsed since Mr. Sharma provided his statement.

Vendor and employee hire or termination contracts/agreements entered into after April 1, 2025.

[27] Mr. Pearson is not entitled as an owner to see documents or records related generally to the "hire or termination" of employees. These are exempt from examination under s. 55 (4) (a) of the Act, which states that the right to examine or obtain copies of records does not apply to "records relating to employees of the corporation, except for contracts of employment between any of the employees and the corporation". However, Mr. Pearson is entitled to examine or obtain any vendor or employee contracts or agreements for the period requested (i.e. after April 1, 2025 and the date of the request, May 29, 2025). According to TSCC 2510, they exist, are in the corporation's possession, and the corporation has indicated they can provide them. There is also no evidence before me to demonstrate that the request for these records was for an improper purpose. Thus, I will order that TSCC 2510 provide any vendor and employee contracts/agreements entered into after April 1, 2025 up to the date of the request.

Recordings of board meeting minutes from April 28, 2025 to May 29, 2025.

[28] TSCC 2510 argues that Mr. Pearson is not entitled to recordings of board meeting minutes as these are not records of the corporation. Moreover, it submits they were requested by Mr. Pearson not for purposes related to his interests as a unit owner, but rather to search for inaccuracies or other perceived wrongdoing.

[29] Mr. Pearson argues that in the Tribunal decision, *Kent v. Carleton Condominium Corporation No. 268*, 2022 ONCAT 128 ("Kent") the Tribunal found that recordings of board meetings constitute a record of the corporation. Mr. Pearson is incorrect in his interpretation of Kent. In Kent, the issue before the Tribunal was whether a video recording of an owners' meeting was a record of the corporation – not board meeting minutes and the facts around the purpose of the recording are very different than those here. In this case, the evidence before me is more similar to that in *King v. York Region Condominium Corporation No. 692*, 2022 ONCAT 80 (as referenced in Kent) where the Tribunal found that the applicant was not entitled

to meeting records as they were more akin to a work product. In this case, the evidence is that any recordings made were made either for a board member's personal use or are taken to assist the secretary in preparing the minutes, that is, they are akin to a work product – not a record under the Act. I do not find that the board meeting recordings in this case are a record of the corporation, and thus Mr. Pearson is not entitled to them as an owner.

Bank statement or any other financial record demonstrating receipt of a \$200 payment from Rajat Sharma as ordered by the CAT decision and order.

- [30] According to TSCC 2510, Mr. Pearson's request for this record is not solely related to his interests as an owner, but rather to seek evidence of 'wrongdoing' by Mr. Sharma. Notwithstanding the fact that this record relates directly to another unit owner and may be exempt from examination under s. 55 (4) (b) of the Act, Mr. Pearson submits he is entitled to see if a director is "able to abide by and respects the orders of the Tribunal." Mr. Pearson appears to be requesting this record to seek to either prove or disprove that Mr. Sharma – a fellow owner – has acted in a way in which he finds appropriate. This is not a purpose solely related to Mr. Pearson's interests as an owner having regard for purposes under the Act.
- [31] In summary, for the reasons set out above, I find Mr. Pearson is only entitled to obtain the following records: the minutes of May 2025, the record of owners and mortgagees, the record of notices relating to leases of units under s. 83 of the Act and vendor and employee contracts for the period between April 1, 2025 and May 29, 2025. The other records requested by Mr. Pearson have either been requested for an improper purpose or he is not entitled to them under the Act.

Issue No. 2: Should the Respondent pay a penalty under s.1.44 (6) of the Act for refusing to provide the Applicant with the records requested without reasonable excuse? If so, in what amount?

- [32] Mr. Pearson has requested that the Tribunal impose a penalty on TSCC 2510 in the amount of \$5000 – the maximum amount. Under s. 1.44 (6) of the Act the Tribunal may order a penalty if the Tribunal considers that the corporation has without reasonable excuse refused to permit the person to examine or obtain records.
- [33] The imposition of a penalty is discretionary. In this case, I am exercising my discretion and will not impose a penalty on TSCC 2510 for two reasons. First, I have found most records requested were either requested for an improper purpose or are records that Mr. Pearson is not entitled to under the Act. Second, when considering the imposition of a penalty, the Tribunal has been consistent in

considering the purposes of the penalty, one of which is to impress upon a corporation their record keeping responsibilities under the Act. In this case, the evidence before me does not demonstrate that this dispute is substantially about TSCC 2510's record keeping or the examination of records – but rather it is at its core a dispute among directors about the how the corporation ought to be governing, which happens to have a records component. I do not find that a penalty in this case is likely to encourage the resolution of the underlying issues, rather it will likely lead to more animosity and infighting between board directors and it would not be fair to ask the entire condominium community, who would collectively bear the cost of a penalty, to pay such a penalty.

Issue No. 3: Is any party entitled to costs? If so in what amount?

- [34] Section 1.44 (1) 4 of the Act states that the Tribunal may make "an order directing another party to the proceeding to pay the costs of another party to the proceeding."
- [35] Mr. Pearson has requested that TSCC 2510 reimburse him \$200 for his Tribunal filing fees. TSCC 2510 requests that Mr. Pearson pay its legal fees in the amount of \$6061.90.
- [36] I find in this case it is appropriate for TSCC 2510 to pay Mr. Pearson's Tribunal fees, even though Mr. Pearson was largely unsuccessful in this case. In determining this I have considered the Tribunal's Practice Direction: Approach to Ordering Costs, which provides that one of the factors the Tribunal may consider when awarding or not awarding costs is whether and how the parties attempted to resolve the issues in dispute before the case was filed and before costs were incurred.
- [37] The evidence before me is that after determining that Mr. Pearson was not entitled to the records and that the board would refuse them, TSCC 2510 did not respond at all to Mr. Pearson's request. They issued no formal refusal as is required by the O. Reg 48/01 s. 13.3 (6) and there is no evidence that it sent any type of communication to him regarding its reasons for the refusal.
- [38] As noted in paragraph 12, TSCC 2510 places blame on their former condominium manager. I do not accept this to be a reasonable excuse for failing to reply to Mr. Pearson's request as per the requirements of the Act. Notwithstanding the conflicting statements as to what instructions had or had not been provided to the condominium manager, the board was aware of Mr. Pearson's request and, if, as TSCC 2510's submits, the condominium manager left his position suddenly and without providing the board with information on what tasks had been completed, it

is reasonable to expect that the board ought to have followed up on the request response to ensure delivery. This would not have been difficult given Mr. Pearson is a member of the board. Had TSCC 2510 followed up with Mr. Pearson, the issues in this case may have been resolved earlier and without need for an application to the Tribunal. It is for this reason, that I also find it appropriate that TSCC 2510 bear its own costs for this proceeding. Its own actions likely contributed to its necessity.

D. ORDER

[39] The Tribunal Orders that:

1. Within 14 days of the date of this decision TSCC 2510 shall provide Mr. Pearson with a copy of the May 2025 board meeting minutes, the record of owners and mortgagees and any vendor contracts or agreements entered into between the period of April 1, 2025 – May 29, 2025, at no charge.
2. Within 30 days of the date of this decision TSCC 2510 shall provide Mr. Pearson with a copy of the record of notices relating to leases of units under s. 83 of the Act.
3. Under s.1.44 (1) 4 of the Act, TSCC 2510 shall pay Mr. Pearson \$200 to reimburse him for his Tribunal fees.

Nicole Aylwin
Vice-Chair, Condominium Authority Tribunal

Released on: December 11, 2025