

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** December 29, 2025

**CASE:** 2024-00732R

**Citation:** Nurmi v. York Condominium Corporation No. 43, 2025 ONCAT 221

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

**Member:** Roger Bilodeau, Member

**The Applicant,**

Peter Nurmi

Self-represented

**The Respondent,**

York Condominium Corporation No. 43

Represented by Natasha Mazzitelli, Counsel (from January 15 to March 17, 2025);

Macrina Dirracolo, Counsel (from March 18 to August 15, 2025); and Angie Tracey,

Counsel (from August 16 to December 5, 2025)

**Hearing:** Written Online Hearing – December 19, 2024 to December 4, 2025

## **REASONS FOR DECISION**

### **A. INTRODUCTION**

[1] The Applicant, Peter Nurmi, is a unit owner of York Condominium Corporation No. 43 (“YCC 43”). In addition, YCC 43 is one of three condominium corporations which are parties to a shared facilities agreement. The shared facilities in question are referred to as the Linkwood Village Recreation Centre (“LVRC”). YCC 43 holds two of the seven seats on the board of the LVRC.

[2] The Applicant submitted a Request for Records (“Request”) to YCC 43 on September 8, 2024 in which he requested both core and non-core records. In addition to seeking access to outstanding records, he states that there are various deficiencies with YCC 43’s response to his Request, namely that:

1. some of the records provided were incomplete or inadequate;
2. some records were excessively or incorrectly redacted;
3. some records were not provided;

4. a statement of redaction was missing; and
  5. the fees for non-core records are excessive and lacking in detail.
- [3] As a result of the above, the Applicant seeks several orders from the Tribunal against YCC 43; namely an order to produce specific outstanding records, an order for the Tribunal to impose a penalty in accordance with s. 1.44 (1) 6 of the *Condominium Act, 1998* (the “Act”), as well as his Tribunal fees and an order that a copy of this decision should be delivered to all unit owners of YCC 43.
- [4] YCC 43 takes the position that it has provided the Applicant with the records which he requested, that it maintains adequate records and that any issues or deficiencies have been addressed or will be addressed in the short term, in conjunction with its legal counsel.
- [5] On a procedural note, there were some technical issues concerning YCC 43’s access to this case and as a result, it went directly to Stage 3 – Tribunal Decision after all required notices had been sent. As a result, the Applicant incurred Tribunal fees in the amount of \$150, as opposed to the regular amount of \$200 (\$25 to file the application and \$125 for the Stage 3 – Tribunal Decision).
- [6] The issue of access to the case was eventually resolved and YCC 43’s counsel was able to join the case on January 15, 2024. Given the absence of Stage 1 and 2 proceedings, I offered to the parties the possibility of proceeding by way of Mediation-Adjudication under Rule 44 of the Tribunal’s Rules of Practice (“Rules”), but that option was declined by the Applicant.
- [7] This was a complex case that involved many issues regarding various types of core and non-core records. The parties provided voluminous evidence and submissions, and while I have read and considered them all, I will only refer to those which are necessary to determine the questions before me.
- [8] For the reasons set out below, I find that YCC 43 has refused to provide the Applicant with some records without a reasonable excuse. In the circumstances of this case, I decline to award a penalty against YCC 43. On the other hand, I order YCC 43 to provide to the Applicant specified records and I award the Applicant costs in the amount of \$75 for his Tribunal fees. In addition, I order the current members of the board of YCC 43 who were not in office at the time of the decision by this Tribunal in the case of *Traicheff v. York Condominium Corporation No. 43*, 2024 ONCAT 1, to complete or retake Module 8 of the Condominium Authority of Ontario’s Foundational Director Training program – “Corporate Records”. Finally, I decline to order that a copy of this decision should be distributed to all unit owners

of YCC 43.

## **B. BACKGROUND**

- [9] The parties are in agreement that YCC 43 has undergone many changes over the last few years and that there has been an influx of requests for records and related Tribunal cases since on or about May 2022: see *Verjee v. York Condominium Corporation No. 43*, 2024 ONCAT 93 (“Verjee”), as well as a listing of other cases under footnote 1 of that decision. In that regard, there has been criticism, including by the Applicant, that YCC 43 has not been able to properly manage some or all requests for records, as well as about the need for YCC 43 to retain legal counsel to manage various requests for records.
- [10] For its part, YCC 43 submits that the Applicant has been critical of how YCC 43 has managed his record requests while simultaneously condemning it for seeking assistance from legal counsel to properly manage the requests for records from various owners. In sum, YCC 43 alleges that the Applicant has not raised substantive issues and that he has put forward contradictory and unhelpful expectations.
- [11] In this particular case, the Applicant requested the following records from YCC 43 on September 8, 2024:
1. Core records:
    - a. Record of owners and mortgagees;
    - b. Record of notices relating to leases of units;
    - c. Periodic information certificates (“PICs”) for the past 12 months;
    - d. Minutes of board meetings from March 2024 to date;
  2. Non-core records:
    - a. Unaudited Financial Statements from May 2024 to date;
    - b. LVRC unaudited Financial Statements from March 2024 to date;
    - c. Signed Belfast lobby contract and change requests (current);
    - d. Hazardous Materials Report (most recent);
    - e. Audio Recording of the 2024 AGM held on June 28, 2024;

- f. Audio Recording of the 2024 Requisition Meeting held on March 20, 2024;
- g. Vote Results from the 2024 AGM held on June 28, 2024;
- h. Invoices for minute taking services from January 2024 to date; and
- i. Information Certificate Updates (“ICUs”) from January 2024 to date.

[12] YCC 43 filed its response on October 8, 2024 and provided the following core records to the Applicant with its response, as described below:

- 1. Record of owners and mortgagees (as of October 7, 2024);
- 2. Record of Notices relating to leases (to date as per our record);
- 3. PIC (as per past 12 months), as follows: for Q1 2023 dated May 24, 2023, for Q3 2023 dated November 23, 2023, and for Q1 2024 dated April 10, 2024 and
- 4. Minutes of meetings of YCC 43’s board of directors (“board”) (approved 2024 minutes) held on the following dates:
  - a. February 6, 2024;
  - b. June 4, 2024 (redacted);
  - c. July 10, 2024;
  - d. July 18, 2024

YCC 43 also indicated in its response that the Applicant could obtain the non-core records, as listed and described below by YCC 43, for a flat fee of \$30 per non-core record:

- 5. Unaudited Financial Statements (to date approved FS);
- 6. LVRC unaudited Financial Statements (March 2024 as per to date);
- 7. Signed Belfast Lobby Contract and Change Requests (Current);
- 8. Hazardous Materials Report (Most Recent);
- 9. Audio Recording 2024 AGM (June 28, 2024);

10. Audio Recording 2024 Requisition Meeting (March 20, 2024);
11. Vote Results 2024 AGM (June 28, 2024);
12. Invoices for Minute Taking Services (January 2024 to date); and
13. ICU (January 2024 to date).

[13] By way of an email dated October 11, 2024, the Applicant listed the following concerns with YCC 43's response:

1. The record of leased units did not align with the record of owners and mortgagees
2. The PIC for the Q1 2024 was inadequate and was not the one which was issued to all owners;
3. The number of leased units identified in the PIC for Q1 of 2024 did not align with the record of Leased Units and the record of owners and mortgagees;
4. The minutes of the board meetings were incomplete and appeared to be in draft form;
5. Non-compliance with s. 13.8 (1) (b) of Ontario Regulation 48/01 ("Regulation") as a result of not providing a statement of redactions; and
6. The fees to provide the non-core records did not align with the notice of a comprehensive process for responding to requests for records which was issued by YCC 43's legal counsel in May 2024 ("YCC 43 Comprehensive Process"), as well as not aligning with other decisions of this Tribunal in regard to those types of fees.

[14] In a reply email dated October 16, 2024, the condominium manager apologized on YCC 43's behalf for having sent an incorrect PIC and added that there was a typographical error ("typo") regarding the number of leased units. He also advised that the PIC for Q3 of 2023, with corrections, would be sent in the near future.

- [15] The condominium manager further explained in his email of October 16, 2024 that the YCC 43 board meeting minutes of June 4, July 10, and July 18, 2024, which had been provided with the YCC 43 response dated October 8, 2024, also contained typos. He therefore attached to his email of October 16, 2024 the final versions of the minutes of June 4, 2024 (with redactions) and of July 10, 2024, but not those of July 18, 2024 because they were still pending finalization at the time. He also advised that the final version of those minutes would be sent to the Applicant as soon as possible.
- [16] In regard to the fees for providing non-core records, the YCC 43 condominium manager indicated in his message of October 16, 2024 that “the Board ... decided to charge all non-core documents for at least \$30 per item”.
- [17] Along with his email of October 16, 2024, the YCC 43 condominium manager also provided the following records to the Applicant:
1. A revised list of leased units dated October 15, 2024; and
  2. The PIC for Q1 of 2024, dated April 10, 2024.
- [18] By way of an additional email dated October 18, 2024, the YCC 43 condominium manager provided the following additional records to the Applicant:
1. Unaudited Financial Statement - May 2024 (redacted);
  2. Unaudited Financial Statement - June 2024 (redacted); and
  3. Unaudited Financial Statement - July 2024 (redacted).
- [19] The Applicant did not complete and return the confirmation portion of YCC 43’s response to his Request, nor did he pay the stipulated fees to YCC 43 to indicate that YCC 43 could proceed to fulfill the remainder of his Request, due to his outstanding concerns with the YCC 43 response as set out in his email to YCC 43 dated October 11, 2024. As a result, the abovementioned non-core records have not been provided to the Applicant, except for a portion of the Unaudited Financial Statements, as will be discussed below.
- [20] Finally, the Applicant filed an additional Request for Records on December 19, 2024, on account of his view that YCC 43 ignored or inadequately addressed the issues which he raised by email following YCC 43’s response to his Request dated September 8, 2024. However, the Applicant’s Request of December 19, 2024 is not at issue in this case.

[21] In light of all the above, the issues to be addressed in this case are whether:

1. YCC 43 has properly completed its response to the Request for Records?
2. YCC 43 has refused the Applicant access to records to which he is entitled without a reasonable excuse?
3. YCC 43 has failed to provide a statement of redacted information in regard to designated records?
4. YCC 43 has failed to maintain adequate records and if yes, which ones?
5. YCC 43 has imposed excessive charges for access to non-core records?
6. A penalty should be imposed against YCC 43 for refusing to allow the Applicant to examine or obtain copies of the requested records? and
7. Costs or any other remedy, if any, should be granted in this case?

### **C. ISSUES & ANALYSIS**

#### **Issue no. 1: Whether YCC 43 has properly completed its response to the Request for Records?**

[22] The Applicant alleges that YCC 43 has shown a careless disregard for details in its response to his Request, in particular the deficiencies set out under the headings below.

##### Record of Notices relating to leases

[23] The Applicant states that the date range for that record, as provided with YCC 43's response, is "to date as per our record," but that there was no effective date on the record provided.

##### Unaudited Financial Statements

[24] The Applicant alleges that his request for this record was for "May 2024 to date" and that YCC 43's response reads "To Date Approved FS". In his view, that information is incorrect, confusing and reflects a broader and unspecified date range.

##### Fees for providing the requested records

[25] The Applicant states that YCC 43's response for records No. 5 to 13 (inclusively)

carries a charge of \$30 for each of those records, but without a detailed breakdown and without any additional explanation. He also acknowledges that record No. 5 (Unaudited Financial Statements) was provided without charge by YCC 43 in a follow-up message to its response dated October 18, 2024.

#### The Position of YCC 43 in regard to its response to the Applicant's Request

- [26] YCC 43 denies that it failed to properly complete its response to the Applicant's Request and that it has displayed a careless disregard for details. It adds that its response was delivered to the Applicant within thirty days of his Request in the form specified by the Regulation and that it satisfies all requirements listed under s. 13.3 (7) of the Regulation.
- [27] YCC 43 acknowledges that there is some variation between the Request and its response with respect to the wording used to describe each record but submits that any such variation does not affect the substance of its response. It also adds that the Regulation does not specify that the description of the record in question must match the exact wording used by an owner in their request for records.
- [28] YCC 43 also acknowledges that a number was not inserted in the "Estimated number of hours" field in its response for each non-core record to which an estimated \$30 fee applied. It adds that it did not insert a number for the estimated hours for labour to produce the records simply because it intended to charge an estimated \$30 flat fee to produce each non-core record, and as such, it was not particularly necessary to insert a number into that field.
- [29] YCC 43 adds that s. 13.3 (7) and (8) of the Regulation do not specify that a number of hours for labour to produce records must be indicated in a response to a request for records. YCC 43 also submits that it inserted \$30 in each "Cost per hour" field and \$30 in each "Total estimated delivery fee" field in its response. It therefore submits that it can be inferred that approximately one hour of labour was estimated to be required to prepare and produce each non-core record. YCC 43 therefore submits that it responded as required on the mandated response form, which in its view requires an estimate of costs as opposed to a breakdown.

#### Analysis

- [30] Based on the evidence before me, I agree with the Applicant that there were inconsistencies in YCC 43's response in regard to (i) the record of notices related to leases and (ii) the unaudited financial statements but that its response on those points was subsequently rectified. While those inconsistencies or deficiencies were of concern to the Applicant and reflect that YCC 43 did not exercise the attention

to detail that it ought to have exercised in regard to its response, I find that the Applicant was in no way confused about YCC 43's response in regard to those records. It rather appears to me that the Applicant was trying to hold YCC 43 to a standard of perfection which has not been recognized by this Tribunal and for which in any event there is no remedy under the Act.

- [31] On a different note, I agree with the Applicant that YCC 43 failed to specify in its response the estimated number of hours to prepare each non-core record. However, and as will be seen below in the section on YCC 43's estimated fee to produce the non-core records, that point was partly rectified by YCC 43 in the course of its written submissions where it conceded that its response should have read \$30 per hour, as opposed to a \$30 flat fee per record. On the other hand, the YCC 43 response was deficient to the extent that it did not provide the estimated number of hours for its actual labour and delivery costs to provide each non-core record, as required by s. 13.3 (8) 1 of the Regulation.

**Issue no. 2: Whether YCC 43 has refused the Applicant access to records to which he is entitled without a reasonable excuse?**

- [32] The Applicant submits that YCC 43 has refused to provide him the records listed below without a reasonable excuse.

Minutes of YCC 43's board meetings

- [33] The Applicant states that along with its response dated October 8, 2024, YCC 43 initially provided four sets of minutes (i.e. for the meetings of February 6, 2024; June 4, 2024; July 10, 2024; and July 18, 2024), of which the first three were missing pages and that the minutes of July 18, 2024 were in draft form.
- [34] Although the Applicant confirms that on October 16, 2024, the YCC 43 condominium manager provided him with the complete version of the requested minutes of those board meetings, except for those of July 18, 2024, he submits that there was a delay in YCC 43 doing so, without a reasonable excuse, especially considering that they were signed on September 17, 2024.
- [35] As for the minutes of July 18, 2024, the Applicant adds that the YCC 43 condominium manager indicated that those minutes required corrections by the minute taker and that "as soon as we receive it, we will forward it to you". Relying on that assurance, the Applicant states that he did not include a request for those minutes in his subsequent Request for Records dated December 19, 2024.

[36] The Applicant now submits that the minutes of July 18, 2024 are still outstanding and that he has been denied access to them, notwithstanding the following statement in correspondence from YCC 43's legal counsel on February 11, 2025 which was addressed to him: "Please be advised that minutes for meetings within the last 12 months, have been approved up until September 2024". Based on that statement, the Applicant submits that it can be inferred that the minutes of July 18, 2024 are ready and should be made available to him.

#### A Correct Version of the PIC for Q1 2024

[37] On October 11, 2024, the Applicant informed YCC 43 that the PIC for Q1 2024 dated April 10, 2024, which it provided with its response, was not the version which had been issued to all owners and that it was inadequate because it identified only one leased unit, which did not coincide with the information contained in the Notice of Leased Units. The Applicant further states that the YCC 43 condominium manager provided him with the same incorrect PIC for Q1 2024 on October 16, 2024 and explained that the reference to one leased unit was "surely a typo".

[38] To date, the Applicant states that YCC 43 has denied him the correct PIC for Q1 2024, which was nevertheless issued to owners, and which is dated May 22, 2024 (I note here that the PIC dated May 22, 2024 also refers to only one leased unit).

#### The Unaudited Financial Statements for the period May-July 2024: Missing Arrears Reports

[39] Under this heading, the Applicant submits that YCC 43 removed the Arrears Report in its financial statements of May, June and July 2024, instead of redacting the specific unit or owner information, thereby denying him access to relevant financial information. More specifically, pages 24-25 of 45, 17-18 of 43, and 15-36 of 48 were respectively removed from the statements of the three months in question. The Applicant also filed in evidence the financial statement for March 2024 to support his position because that statement shows the inclusion of the Arrears Report with proper redactions, instead of removing that report altogether.

[40] The Applicant submits that when YCC 43's condominium manager provided this record on October 18, 2024, some ten days after its response, he indicated that "we removed the a/r ('accounts receivable) pages only ..." without any further explanation) and added that "we will soon upload these in the Building Link for all owners to have access".

[41] On this point, the Applicant reminds the Tribunal that the issue of redactions was raised in a previous CAT case involving YCC 43, namely *Traicheff v. York Condominium Corporation No. 43*, 2024 ONCAT 1, at paragraph 34 (“Traicheff”). In that case, it is noteworthy that YCC 43 acknowledged that it had denied the entirety of the arrears report from December 2021 to July 2022 on the basis that it contained confidential information about individual units but that it subsequently provided that report with proper redactions during Stage 3 of that case. The Applicant notes that the Tribunal wrote as follows:

While it corrected its error in this hearing, it did not have a reasonable excuse to initially refuse the record. As such, I find that it refused to provide the record without reasonable excuse. (at paragraph 34)

#### A Complete Version of the Unaudited Financial Statement for July 2024

[42] Under this heading, the Applicant raises an additional issue in regard to the YCC 43 financial statement for July 2024, in that it is missing 22 pages, i.e. pages 15 to 36 inclusively. He further adds that no explanation was provided for the missing pages.

[43] Based on the above, the Applicant submits that YCC 43 has denied him access to a complete version of that record.

#### The Position of YCC 43 in regard to the above records

[44] As a starting point, YCC 43 refutes the allegation that any records were denied to the Applicant without reasonable excuse.

[45] YCC 43 further states that it was responsive and continually assisted the Applicant in its follow-up emails after filing its response, more specifically on October 16 and 18, 2024. It further states that it had every intention of working to fulfill the Applicant’s Request to his satisfaction and in accordance with the Act. It also takes the position that in regard to the minutes of July 18, 2024, the delay in providing that record was due to an influx of various end-of-year tasks and issues, in addition to limited board availability on account of family obligations and vacation time, all of which resulted in those minutes finally being signed on January 22, 2025.

[46] Finally, YCC 43 submits that the Applicant did not at any time return the confirmation portion of its response or pay the stipulated fee to YCC 43 to indicate that it could proceed to fulfil the remainder of his Request and that instead, the Applicant initiated this application.

## Analysis

- [47] Upon review of the evidence, there was a slight delay in providing the Applicant access to the full version of the minutes of February 6, June 4 and July 10, 2024 and in the circumstances of this case, I find that a delay of eight days does not constitute a refusal under the Act, as was the case in a Tribunal decision quoted by him, where the delay was in the range of five months: see *Greasley v. Peel Condominium Corporation No. 55*, 2021 ONCAT 33, at paragraph 5. In sum, the Applicant pointed out the errors in regard to those records and YCC 43 responded by providing the correct records within a very reasonable delay, all of which negates a refusal in providing those records.
- [48] As for the minutes of the YCC 43 board meeting of July 18, 2024, I note that they were still in draft form at the time of the Request and that the Applicant was therefore not entitled to them at that time. Notwithstanding that fact, YCC 43 provided a draft version of those minutes to the Applicant. Although YCC 43 had committed to providing the final version as soon as ready, I note that it still has not done so, in spite of the fact that they were approved on December 18, 2024 and signed on January 22, 2025.
- [49] In regard to the PIC, I agree with the Applicant that YCC 43 provided the PIC for Q1 2024 with incorrect information on at least two occasions, namely with its response and also on October 16, 2024 in response to the Applicant's email of October 11, 2024. On the other hand, I find that YCC 43 did not refuse to provide that record, based on the reasoning which flows from a previous Tribunal decision to the effect that providing an incorrect record does not constitute a refusal to provide that record: see *Jackson v. Simcoe Condominium Corporation No. 69*, 2025 ONCAT 56 ("Jackson").
- [50] Finally, I agree with the Applicant that he has been denied access to a complete version of the Unaudited Financial Statement for July 2024, as well as to the Arrears Reports in the financial statements of May, June and July 2024.
- [51] In sum, I find that although YCC 43 appears to have had every intention of properly responding to the Applicant's Request, its follow-through in that regard has been (and continues to be) deficient, both in its response and in its subsequent correspondence to address the Applicant's concerns as set out in his email of October 11, 2024. I therefore find that YCC 43 has refused, without a reasonable excuse, to provide to the Applicant the (i) approved minutes of its board meeting of July 18, 2024 and (ii) the complete version of the Unaudited Financial Statement for July 2024, as well as the Arrears Reports in the financial statements of May, June and July 2024.

**Issue no. 3: Whether YCC 43 has failed to provide a statement of redacted information in regard to designated records?**

- [52] The Applicant submits that YCC 43 has failed to provide a statement of redactions for the minutes of the YCC 43 board meeting held on June 4, 2024 and for YCC 43's Unaudited Financial Statements for May, June and July 2024.
- [53] The Applicant further submits that on October 11, 2024, following YCC 43's response to his Request, he followed up with YCC 43 about the missing statement of redactions and requested compliance with s. 13.8 (1) (b) of the Regulation in that regard. According to the Applicant, the YCC 43 condominium manager ignored that issue in his email to him on October 16, 2024 or at any other time thereafter.
- [54] The Applicant also adds that YCC 43 has been involved in other CAT cases in which a statement of redactions has been an issue or found to be lacking, including *Khamissa v. York Condominium Corporation No. 43*, 2023 ONCAT 91 at para 4 (5) (albeit in the context of a consent order, as opposed to a Stage 3 decision); *Traicheff v. York Condominium Corporation No. 43*, 2024 ONCAT 1 at para 7; and *Nurmi v. York Condominium Corporation No. 43*, 2023 ONCAT 99 at para 24. As a result, the Applicant submits that YCC 43 is or should be well aware of the legal requirement to provide such statements.
- [55] The Applicant goes on to acknowledge YCC 43's admission that it did not provide a statement of redactions "... due to error/unintended oversight".
- [56] The Applicant agrees that this would be a reasonable excuse for an occasional oversight, but not when it occurs in multiple cases, including in this case where YCC 43 ignored that point in its follow up to its response. According to the Applicant, the above state of affairs also reflects a lack of oversight by the board of YCC 43.
- [57] The Applicant then goes on to add that several redactions were inappropriate and inefficient, in particular in regard to the Unaudited Financial Statements for July 2024.
- [58] YCC 43 did not initially respond to this allegation, and it was only during its written submissions that it conceded its failure to supply a statement of redacted information in regard to the abovementioned records, which it submits was due to an error and/or unintended oversight. In addition, it also takes the position that although the Applicant's own information did not have to be redacted, those redactions were not in breach of the Act but were rather done to uphold the Act

and to protect all unit owners. In this case, YCC 43 states that the Applicant was clearly able to identify his own information, even with the redactions. It also adds that the Applicant is free to request a record without redactions for the portions of a record which refer to his name and unit.

- [59] In addition to the above admission by YCC 43, I note that it provided the statement to the Applicant by way of email on February 11, 2025, albeit several months after its response. I also note that in any event, the redactions did not impair the Applicant's ability to understand the records and in the circumstances, I make no further determination in regard to this issue.

**Issue no. 4: Whether YCC 43 has failed to maintain adequate records and if yes, which ones?**

- [60] The Applicant alleges that the records which are discussed below are not being adequately maintained.
- [61] For its part, YCC 43 denies that it has failed to maintain adequate records and adds that it always strives to provide the records which it controls as requested. YCC 43 further adds that it is continuously exploring methods to ensure the adequate maintenance of its records on an ongoing basis.
- [62] YCC 43 submits that the Applicant received the records listed below and embarked on a line-by-line analysis of those records. In its view, such an examination goes beyond the record request process and delves into territory that is intentionally disruptive to YCC 43. Although it admits that there are some human errors in its records, it submits that any such errors do not constitute nor speak to an overall lack of adequacy.

Record of notices relating to leases

- [63] On this topic, the Applicant alleges that all versions of the above record which were provided to him do not contain information on the type of notice of lease which was received by YCC 43 nor the date on which each notice was received. He submits that those omissions are inconsistent with the Tribunal's guidance in its decision in *Chai v. Toronto Standard Condominium Corporation No. 2431*, 2022 ONCAT 142 (see paragraphs 51 and 52) ("Chai"), which emphasizes the importance of maintaining complete and accurate lease notice records. As a result, he maintains that this record does not meet the standard of adequacy required under the Act.
- [64] In addition, he alleges that entry #3 for Unit 412 and entry #5 for Unit 1008 which

are shown in the version of that record which was provided with YCC 43's response (Exhibit A5) are listed as being leased but that in the version of that record provided on October 16, 2024 (Exhibit A9), that those two units have been removed, without explanation.

[65] YCC 43 responds by stating that if there is information missing in the Record of Notice relating to Leases, it is because it does not have that information on account of the fact that owners regularly fail to provide such information, in spite of the requirements of the Act.

[66] I have taken note of the Tribunal's decision in Chai but I must also take into account its decision in a subsequent case that such records are only required to be a listing of those units from which the condominium corporation has in fact received notices of a lease: see *Akella v. Durham Condominium Corporation No. 27*, 2024 ONCAT 40 ("Akella"), where the Tribunal wrote as follows (at paragraph 18):

I will order that a list of the units from which DCC 27 received notices be provided. I will not order that the date and type of notice of any unit from which such notice has ever been received be provided, which the Applicant submits is required based on a previous Tribunal case. Not only is the relevance of the historical record of every notice received difficult to discern, a plain reading of s. 83 (3) of the Act leads me to conclude that to require the corporation to provide more than the list of the units from which it received notices under s. 83 (1) of the Act is too expansive an interpretation.

[67] As a result, I find that the type of information provided in both versions of the notice of record of leases which were provided to the Applicant meets the above requirement.

[68] In regard to the alleged discrepancies between the initial version of that record which shows two entries – i.e. respectively for units 412 and 1008 (Exhibit A5) - that do not appear in the version of that record provided on October 16, 2024 (Exhibit A9), I dismiss the Applicant's claim in this regard on the basis of the statement by YCC 43 in its email of October 16, 2024 to the Applicant to the effect that the version of October 16, 2024 is the updated version which is based on the information available to it, which in my view is in accordance with the requirements set out in the Akella decision. Although that discrepancy may have raised questions as to the accuracy of either version on account of human error/oversight, I find that it does not rise to the level required for a determination of inadequacy.

### Incorrect and/or missing information in the PICs

- [69] The Applicant further states that YCC 43 initially provided the PIC for Q1 2023 and for Q3 2023, as well as a PIC for Q1 2024 dated April 10, 2024. In response to the Applicant's follow-up that the PIC for Q1 2024 was incorrect and was not the one which had been issued to unit owners, the YCC 43 condominium manager replied: "Our apologies for sending the 2023 PIC as a wrong attachment in the previous email".
- [70] The Applicant then adds that YCC 43's condominium manager again provided the same incorrect PIC for Q1 2024 on October 16, 2024. He also adds that if the YCC 43 condominium manager had properly reviewed that record (Exhibit A7), he would have realized that the PIC for Q1 2024 dated April 10, 2024 was the same as that found in Exhibit A10. In the Applicant's view, this further shows YCC 43's careless disregard for detail and for providing the proper information in response to a Request for Records.
- [71] In addition to the above, the Applicant claims that the PIC for Q1 2024 is inadequate because of the following deficiencies:
1. The number of leased units is listed as "1", which does not align with the number of leased units shown in the Record of Notice relating to Leases. According to the Applicant, the two PICs for 2023 also show only one leased unit;
  2. A missing default judgment in favor of Magnum Mechanical (I note however that the default judgment filed in evidence is undated and unsigned);
  3. The financial statement for March 2024 shows a deficit of \$38,679, whereas the PIC for that period shows neither a surplus nor a deficit;
  4. The absence of any active CAT cases as of March 31, 2024, under the heading 'Legal actions relating to the corporation', including the Applicant's own cases 2024-00008R and 2023-00679R. According to the Applicant, the PICs for 2023 also did not include active CAT cases involving YCC 43; and
  5. The absence of an expenditure from the Reserve Fund for the Mezzanine, Lobby and Garbage Chute Room refurbishment project, as shown in the minutes of February 6, 2024.
- [72] In regard to the PICs, I am guided by the standard of adequacy set out in *McKay v. Waterloo North Condominium Corp. No. 23*, 1992 CanLII 7501 (ONSC) ("McKay") which has been referred to on numerous occasions by this Tribunal: see for

example *Kent v. Carleton Condominium Corporation No. 268*, 2025 ONCAT 12 (“Kent”). In that decision, the Tribunal wrote as follows, in specific regard to the adequacy of a PIC:

Thus, when read along with the principles for adequacy as set out in McKay, determining the adequacy of the PIC involves considering whether the PIC provides an accurate statement of the information at the time it is provided, whether it provides unit owners with sufficient information to determine whether the condominium is fulfilling its duties, is in compliance with the Act and its Regulations, which set out the requirements of the PIC.

[73] I am also guided by this Tribunal’s decision in *Yeung v. Metropolitan Toronto Condominium Corporation No. 1136*, 2020 ONCAT 33 (CanLII) (“Yeung 2”), where it was determined that the accuracy of a record is a component of adequacy. At paragraph 15, this Tribunal wrote as follows:

Considering the scheme and provisions of the Act and the submissions of both parties in this case, I have no hesitation in affirming that accuracy is a component of adequacy in respect of condominium records. I also find that the use of the word “adequate” in the legislation suggests, in and of itself, tolerance for a degree of imperfection. The question is just how much inaccuracy may be tolerated before a record is rendered inadequate to, as Cavarzan J. stated, “permit [the condominium corporation] to fulfill its duties and obligations.”

[74] Based on the above, I agree with the Applicant that the PIC for Q1 2024 and the two PICs for 2023 are all deficient to some degree in terms of missing or incorrect information, as described above by the Applicant. In my view, those deficiencies therefore point to incomplete record-keeping in so far as those PICs are concerned.

[75] On the other hand, I subscribe to the view expressed above in Yeung 2 that in the course of assessing the adequacy of a given record, one must tolerate a ‘degree of imperfection’. In my view, the circumstances of this case are a good example of where such tolerance must be applied. In addition, I am not persuaded that the missing information affected YCC 43’s ability to fulfill its duties and obligations as a whole.

[76] There is also the added factor that YCC 43 has expressed on more than one occasion during these proceedings that it was taking all possible steps to improve its record-keeping procedures and responses to requests for records. I am hopeful that it will pursue those efforts and since the PICs are an assessment of its situation at a given point in time, i.e. a ‘snapshot’, I strongly recommend to YCC 43

that it must take all possible steps to address any deficiencies in its future PICs, keeping in mind the various imperfections which were pointed out by the Applicant and which are listed above in paragraph 71.

[77] As a final point, the Applicant was in receipt of the PIC for Q1 2024 dated May 22, 2024 which was provided to unit owners, and which is not at issue in this matter.

The Minutes of February 6, 2024, June 4, 2024 & July 10, 2024

[78] The Applicant further adds that those four sets of minutes were provided in one document with the YCC 43 response and that they contained the following deficiencies:

1. All minutes were missing the signature page;
2. The minutes of June 4, 2024 were missing page 2 and had inadequate redactions, resulting in a breach of confidentiality (bottom of page 3);
3. The minutes of July 10, 2024 were missing page 2 and contained handwritten comments on page 3; and
4. The minutes of July 18, 2024 were missing page 2 and were in draft format.

[79] For its part, YCC 43 submits that there is in fact no issue concerning the abovementioned minutes because this matter was resolved in its follow-up correspondence with the Applicant after it had filed its response. In light of that resolution and in the circumstances of this case, I make no further determination in regard to that issue.

The Minutes of February 6, 2024

[80] In regard to those minutes, the Applicant submits that YCC 43 is maintaining two sets of minutes for the meeting of February 6, 2024. He states that:

1. The first set was signed on June 4, 2024 (according to Exhibit A26, being the minutes of June 4, 2024 showing that the minutes of February 6, 2024 were approved on June 4, 2024; and
2. The second set was signed on September 17, 2024 (Exhibit A11).

[81] He further submits that although both sets of minutes appear to be identical in content, the fact that there are two sets of minutes for that date shows that YCC 43 is not maintaining a minute book as required by s. 55 (1) 2 of the Act because if it had, it would have known that there are two sets of minutes for that meeting date

that were signed on different dates.

- [82] YCC 43 did not initially respond to the Applicant's allegation that there were two sets of approved minutes for the meeting of February 6, 2024 but it did concede that point in its written submissions and stated that this was a result of human error/unintended oversight. It goes on to state that the two sets of board minutes are exactly the same, but for the different signature dates, and that in any event, the most recently signed version ought to be regarded as the approved version.
- [83] I accept YCC 43's submission on this point and given that the Applicant has acknowledged that the two sets of minutes were identical, save for the signing date, I find that this is a case of 'sloppy' record-keeping but that in the circumstances of this case, it does not amount to an inadequate record.
- [84] In sum, I am of the view that in this particular case, the questions which are set out above in Issues 1 to 4, inclusively, as well as the position of YCC 43 in regard to those questions, are all intertwined. On the whole, I find that YCC 43 has always had the intention of properly maintaining and providing the requested records. This is supported by the fact that some records were rectified and/or provided to the Applicant on at least three occasions in the course of this proceeding. However, and depending on the record at issue, YCC 43 has either (i) not done so, or (ii) done so incorrectly, or (iii) been late in doing so, on account of human error or lack of attention, among other factors. In my view, the position of YCC 43 in regard to Issues 1 to 4 can be summed up as follows, as stated in its evidence:

Management recognizes the importance of fulfilling these requests promptly and on time. However, the frequent and repetitive nature of these Requests for Records from the same 6–7 unit owners poses an excessive burden on the Management team, especially as they are aware that owners are very inclined to initiate CAT cases on account of delayed responses.

Management's current day to day responsibilities and tasks, dealing with emergencies in the building, already demand significant time and energy, which makes it challenging to manage these repeated requests efficiently.

- [85] Although I can sympathize with YCC 43's position that there always seems to be too much 'on its plate', I find that its response to the Applicant's Request for Records and the deficiencies in some of its records are the result of sloppiness or lack of attention which goes beyond the excuse of a simple "typo". However, the circumstances of this case do not support a finding that YCC 43 has failed to maintain adequate records.

#### **Issue no. 5: Whether YCC 43 has imposed excessive charges for access to**

## **non-core records?**

[86] The Applicant states that YCC 43's response identifies a cost of \$30 per non-core record for items 6 to 13 of his Request for Records. In his view, that charge is excessive.

[87] He further states that he questioned those charges in his message to YCC 43 on October 11, 2024 because they did not align with YCC 43 Comprehensive Process which was issued to all owners on May 17, 2024.

[88] In particular, the Applicant alleges that YCC 43 has failed to comply with the following provisions of YCC 43 Comprehensive Process:

1. Page 2, Item 4:

The Board shall include a separate table to provide a more accurate estimated fee.

The Board's Response to Request for Records form requires the Board to estimate the amount of time for labour in increments of one (1) hour. The estimate must be a whole number – decimal points are not accepted.

2. Schedule A - Table listing records and whether they are subject to a charge:

The non-core items 7-13 in my Request for Records are identified as "No fee is chargeable" since redactions are not required.

[89] In addition, the Applicant submits that the YCC 43 condominium manager responded to his concerns on October 16, 2024 by stating that the board had re-visited their decision (as set out in YCC 43 Comprehensive Process) and "decided to charge for non-core documents for at least \$30 per item". The Applicant also submits that charging "at least \$30 per item" does not comply with s. 13.3 (8) 1 of the Regulation which requires the fee to be "a reasonable estimate of the amount required to reimburse the corporation for the actual labour and delivery costs ...".

[90] In the Applicant's view, an arbitrary flat fee of \$30 per item is not a reasonable estimate and such an excessive charge is a barrier for unit owners to access YCC 43 records.

[91] In its initial responses to the application and in various messages to the Applicant, YCC 43 initially disputed the Applicant's claim in regard to the flat fee of \$30. It

was only later in the proceedings, in its written submissions, that it conceded that the charge of \$30 per item was a misstatement which does not reflect its current practice to charge \$30 per hour for labour necessary to produce any given non-core record. In addition, the Applicant confirmed that the issue is not the rate of \$30/hour but rather how YCC 43 attempted to justify that rate as a flat fee per item.

[92] Given the above, I find that the rate of \$30 per hour is reasonable and that the parties must proceed on that basis.

**Issue no. 6: Whether a penalty should be imposed against YCC 43 for refusing to allow the Applicant to examine or obtain copies of the requested records?**

[93] The Applicant submits that a penalty, as provided for by s. 1.44 (6) of the Act, should be imposed on YCC 43 for denying him access to the following records:

1. The final version of the meeting minutes for February 6th, June 4th and July 10, 2024, which were initially denied;
2. The meeting minutes of July 18, 2024;
3. The correct version of the following PICs: for Q1 2024 as well as for Q1 and Q3 2023;
4. The complete unaudited financial statement for July 2024;
5. The arrears reports for May, June and July 2024; and
6. The statement of redactions for the meeting minutes and for the unaudited financial statements of May, June and July 2024, which was initially denied.

[94] In support of his claim for a penalty, the Applicant adds that the Record of Notices relating to Leased Units was inadequate, due to missing or incorrect information, and that it should be reissued.

[95] He further adds that the initial excessive charge for the requested non-core records was a barrier to accessing records.

[96] YCC 43 submits that no penalty should be imposed upon it and firmly denies the Applicant's claim that the above records continue to be refused. It further submits that it had (and continues to have) no intention of refusing to allow the Applicant to examine any of the requested records. In support of that claim, YCC 43 points to its continued responses and attention to his Request for Records since filing its

response.

[97] YCC 43 also adds that no penalty is warranted in the circumstances of this case on the grounds that any errors were simple oversights which were promptly addressed upon queries by the Applicant. As such, it submits that any request for punitive measures is overzealous and heavy-handed.

[98] Under s. 1.44 (1) 6 of the Act, the Tribunal may make an order directing a condominium corporation

... to pay a penalty that the Tribunal considers appropriate to the person entitled to examine or obtain copies under section 55(3) if the Tribunal considers that the corporation has without reasonable excuse refused to permit the person to examine or obtain copies under that subsection.

[99] Under s. 1.44 (3) of the Act, the Tribunal has the authority to award a penalty of up to \$5000. In this case, the Applicant did not request a specific penalty amount.

[100] The imposition of a penalty by the Tribunal is discretionary. As noted in previous Tribunal decisions, not every refusal to provide access to a record, even without any excuse, will give rise to a penalty. Whether or not a penalty is appropriate will depend on the facts in each case.

[101] Given the overall circumstances of this case, I find that no penalty is warranted.

[102] In prior Tribunal cases, it has been noted that one of the purposes of a penalty is to impress upon condominium corporations the seriousness of their obligations to comply with the provisions of the Act and to provide unit owners with proper access to its records. In my view, this is not such a case because the evidence in this case demonstrates that YCC 43 is aware of its obligations to maintain records and to provide them to unit owners in accordance with the Act. As noted elsewhere in this decision, that fact is supported by the follow-up actions taken by YCC 43 after filing its response.

[103] In addition to the above, it should be noted that a penalty may only be imposed for a refusal to provide records without a reasonable excuse – but not for failing to maintain adequate records.

[104] Although I acknowledge – as conceded by YCC 43 – that there has been human error/oversight and delay by YCC 43 in fulfilling various aspects of the Applicant's Request, I am of the view that this can be remedied by improved attention and diligence by YCC 43, including proper oversight by the board of YCC 43 at all times and in all matters. The onus is therefore on YCC 43 to do so, as it has

undertaken to do during the course of this proceeding and in its submissions. For all the above reasons, I decline to impose a penalty in this matter.

**Issue no. 7: Whether costs or any other remedy, if any, should be granted in this case?**

[105] The Applicant is asking the Tribunal to order YCC 43 to:

1. Provide all outstanding records;
2. Provide the non-core records at no charge given:
  - a. The significant delay in doing so caused by YCC 43's initial position of requesting a flat fee of \$30 per record, which fee was later corrected to \$30 per hour; and
  - b. YCC 43's failure to confirm the availability of the requested records before issuing its response;
3. Reimburse his filing fees of \$150; and
4. Deliver a copy of the Tribunal's decision to all owners of YCC 43, to counter the false narrative promoted by YCC 43 that unit owners are filing frivolous CAT cases and that their unethical behaviour is responsible for the substantial increase in legal costs and the special assessment levied for 2025.

[106] YCC 43 states that it respects the Applicant's overall submissions but that the issues raised by him are not actual issues under the Act or in the alternative, that they are simple oversights which it has addressed. It also adds that the Applicant's requested remedies are intended to be punitive, especially the request that this decision be distributed to all owners. It submits that the Applicant's request in that regard is made in bad faith and that it always endeavours to do its best when responding to requests for records, as well as to address any and all owners' concerns promptly.

[107] YCC 43 submits that none of the remedies proposed by the Applicant are warranted in this case, save for providing any outstanding records. Beyond doing so, it submits that this application should be dismissed in its entirety, with costs payable to the Respondent on a full indemnity basis.

[108] On its face, this case appears to be a straightforward dispute over records and to be sure, there are some issues in that regard. However, it is clear from the

evidence and the submissions provided to me that the Applicant and YCC 43 have a challenging, if not difficult, relationship, as evidenced by the six (6) other cases involving the same parties since 2022<sup>1</sup>. It is my sincere hope that the parties can take steps to address this situation, effective immediately.

[109] In addition, YCC 43 must take steps to meet the requirements of the Act and regulations in regard to the provision of records to owners at all times. This includes more attention to proper record-keeping, as well as reviewing its approach and processes in how it responds to requests for records. Considering that YCC 43 has received several Requests for Records since at least 2022, one would have thought and expected that it would be more attentive to and aware of how to properly complete its responses to such requests, as well as of the required follow-up actions.

[110] Although YCC 43 has taken some steps in that direction, including the adoption of YCC 43 Comprehensive Process to manage requests for records and setting up a dedicated email for access to records, this case clearly demonstrates that more must be done.

[111] As was stated by this Tribunal in the Traicheff case:

YCC 43's approach to responding to records requests appears haphazard and uninformed as to its legal obligations. The board is required to oversee its condominium manager. Ultimately, as an agent of the corporation, any failure on behalf of a condominium manager is not an excuse for the condominium itself. (at paragraph 30)

[112] In addition, the similarities between this case and previous cases involving YCC 43 are striking and in the circumstances, I feel compelled to quote a segment of a previous decision which could just as easily apply to this case:

The public record of prior CAT decisions involving York Condominium Corporation No. 43 demonstrate that this is not an isolated incident. It is not a series of isolated errors, what is evident is a major problem with consistently

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<sup>1</sup> *Nurmi v. York Condominium Corporation No. 43*, 2022 ONCAT 84

*Nurmi v. York Condominium Corporation No. 43*, 2023 ONCAT 59

*Nurmi v. York Condominium Corporation No. 43*, 2023 ONCAT 99

*Nurmi v. York Condominium Corporation No. 43*, 2023 ONCAT 124

*Nurmi v. York Condominium Corporation No. 43*, 2024 ONCAT 73

*Nurmi v. York Condominium Corporation No. 43*, 2025 ONCAT 45

careless disregard for details and duties relating to record requests, which is clearly contrary to the basic statutory obligation of condominium directors to apply care, diligence, and skill to the performance of their duties. (Verjee, at paragraph 28)

[113] I note that in the Traicheff case, this Tribunal ordered the then current members of the board of YCC 43 to complete or retake Module 8 of the Condominium Authority of Ontario's Foundational Director Training program - "Corporate Records" - within 45 days of that decision. In the circumstances and pursuant to s. 1.44 (1) 7 of the Act, I order the current members of the board of YCC 43, who were not in office at the time of the Traicheff decision, to complete or retake the abovementioned Module 8 within 45 days of this order. In addition, a notification of the completion of that module and reference to this Tribunal's order shall be posted in a visible and public place on the premises of YCC 43 within 60 days of this order.

[114] In sum, the board of YCC 43 must be more diligent in its oversight of the process when it responds to requests for records. As a reminder, some or all of the work involved in responding to requests for records can be accomplished by a condominium manager or other party retained by the board of a condominium corporation but the ultimate responsibility for all such responses lies with the board. By the same token, the Applicant must maintain reasonable expectations and tolerance for minor errors or deficiencies, within the parameters of the Act and regulations.

[115] In regard to the outstanding records, I order YCC 43 to provide the following core and non-core records to the Applicant within 30 days of this decision:

1. Core records:

- a. The approved minutes of YCC 43's board meeting held on July 18, 2024;

2. Non-core records:

- a. The complete Unaudited Financial Statements from May 2024 to September 8, 2024, including the arrears reports in each such statement;
- b. LVRC unaudited Financial Statements from March 2024 to September 8, 2024;
- c. Signed Belfast lobby contract and change requests (current);

- d. Hazardous Materials Report (most recent);
- e. Audio Recording of the 2024 AGM held on June 28, 2024;
- f. Audio Recording of the 2024 Requisition Meeting held on March 20, 2024;
- g. Vote Results from the 2024 AGM held on June 28, 2024;
- h. Invoices for minute taking services from January 2024 to September 8, 2024; and
- i. ICUs from January 2024 to September 8, 2024.

[116] In regard to the PIC for Q1 2024 dated April 10, 2024 and those of Q1 and Q3 2023, being core records, I do not see the value or usefulness of having YCC 43 prepare new versions of those records since they have been superseded by subsequent and more recent versions since the date of the Applicant's Request for Records. In addition, I have already addressed this matter in paragraphs 69 to 77 above and I make no further order in that regard.

[117] On a different note, the Applicant has requested that there be no charge for the non-core records. In my view, YCC 43's position in regard to these charges has been either unclear or incomplete since its response to the Applicant's Request, up until its acknowledgement of a misstatement on that point in the course of its written submissions in this matter. If YCC 43 had properly indicated in its response the estimated time to provide the non-core records and if it had rectified its position on that point shortly after filing its response, this situation could have been mitigated or avoided.

[118] On the other hand, I am of the view that the Applicant is quite knowledgeable in regard to the affairs and records of YCC 43 and that one is often left with the impression that his main reason to obtain various records is to 'make a point' and to note various imperfections or errors. Upon consideration of the above, I therefore decline the Applicant's request to obtain the non-core records at no charge.

[119] In regard to the Applicant's request that this decision should be distributed to all unit owners of YCC 43, I wish to remind the parties that this decision is a public document which may be circulated by either party to other residents and/or owners of YCC 43. I therefore make no further order in that regard.

[120] On a different topic, s. 1.44 (2) of the Act states that an order for costs "shall be

determined ... in accordance with the rules of the Tribunal". The cost-related provisions of the Tribunal's Rules relevant to this case are:

48.1 If a Case is not resolved by Settlement Agreement or Consent Order and a CAT Member makes a final Decision, the unsuccessful Party will be required to pay the successful Party's CAT fees unless the CAT member decides otherwise.

48.2 The CAT generally will not order one Party to reimburse another Party for legal fees or disbursements ("costs") incurred in the course of the proceeding. However, where appropriate, the CAT may order a Party to pay to another Party all or part of their costs, including costs that were directly related to a Party's behaviour that was unreasonable, undertaken for an improper purpose, or that caused a delay or additional expense.

[121] The Applicant has requested costs in the amount of \$150 as reimbursement for his Tribunal fees. The Respondent has requested costs on a full indemnity basis, without specifying an amount.

[122] The Applicant was partly successful in his various claims and in accordance with the discretionary power afforded to me under the Rules, I award him costs in the amount of \$75.

[123] I make no further order for costs in this matter.

#### **D. CONCLUSION**

[124] I conclude by reiterating and emphasizing the conclusion which was stated as follows by this Tribunal in the Verjee case (which also involved YCC 43 as respondent):

The directors and condominium management provider should read this decision. They should read the other decisions involving this Respondent. They should create and maintain records according to the Act. The records should be accurate. The corporation must take record requests seriously. They should review and respond to them with care. Fee estimates should be reasonable, and consistent. (at paragraph 55)

[125] Regrettably, many of those words still ring true in the context of this application. It is my sincere hope that YCC 43 will heed that conclusion and dedicate the required time and effort to address those matters.

## **E. ORDER**

[126] The Tribunal orders that:

1. Within 30 days of the date of this decision, YCC 43 will provide to the Applicant the following outstanding records:

### Core record:

- a. The approved minutes of YCC 43's board meeting held on July 18, 2024;

### Non-core records:

- a. The complete Unaudited Financial Statements from May 2024 to September 8, 2024, including the arrears reports in each such statement;
  - b. LVRC unaudited Financial Statements from March 2024 to September 8, 2024;
  - c. Signed Belfast lobby contract and change requests (current);
  - d. Hazardous Materials Report (most recent);
  - e. Audio Recording of the 2024 AGM held on June 28, 2024;
  - f. Audio Recording of the 2024 Requisition Meeting held on March 20, 2024;
  - g. Vote Results from the 2024 AGM held on June 28, 2024;
  - h. Invoices for minute taking services from January 2024 to September 8, 2024; and
  - i. ICUs from January 2024 to September 8, 2024.
2. Within 45 days of the date of this decision, the current members of the board of YCC 43 who were not in office at the time of the decision by this Tribunal in the case of *Traicheff v. York Condominium Corporation No. 43*, 2024 ONCAT 1, must complete or retake Module 8 of the Condominium Authority of Ontario's Foundational Director Training program – "Corporate Records" and a notification of the completion of the module and reference to the

Tribunal's order shall be posted in a visible and public place on the premises of YCC 43 within 60 days of this order.

3. Within 30 days of the date of this decision, YCC 43 will pay to the Applicant costs in the amount of \$75.

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Roger Bilodeau  
Member, Condominium Authority Tribunal

Released on: December 29, 2025