

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** January 12, 2026

**CASE:** 2025-00337R

**Citation:** Vasina v. York Condominium Corporation No. 486, 2026 ONCAT 3

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

**Member:** Nicole Aylwin, Vice-Chair

**The Applicant,**

Olga Vasina

Self-Represented

**The Respondent,**

York Condominium Corporation No. 486

Represented by Puja Walia, Counsel

**Hearing:** Written Online Hearing – August 11, 2025 to December 18, 2025

### **REASONS FOR DECISION**

#### **A. INTRODUCTION**

- [1] The Applicant, Olga Vasina, is a unit owner of the Respondent, York Condominium Corporation No. 486 (“YCC 486” or the “corporation”). On February 14, 2025, Ms. Vasina submitted a request for records to YCC 486 for several core records. On March 18, 2025, Ms. Vasina submitted a second request for records seeking a set of non-core records (specifically, original plumbing, mechanical and electrical building drawings for her unit). Ms. Vasina claims that the records provided to her were either provided outside of the timeframes required by the *Condominium Act, 1998* (the “Act”) and thus refused to her without a reasonable excuse, or if they were provided in accordance with the Act, are inadequate to the point of rendering them refused. She asks the Tribunal to make several orders including an order that YCC 486 provide complete and “accurate” copies of the records requested and pay her a penalty in the amount of \$5000 pursuant to s. 1.44 (1) 6 of the Act.
- [2] YCC 486 denies it has failed to meet its obligation to provide records in accordance with the timeframes as set out in the Act. It further submits it has provided all records to Ms. Vasina to which she is entitled and that these records are adequate. It submits that the alleged errors that Ms. Vasina takes issue with

are minor in nature and that Ms. Vasina is on a “fishing expedition” and has made her requests and pursued this application for an improper purpose. YCC 486 has asked that this application be dismissed and for Ms. Vasina to pay its legal costs.

- [3] For the reasons set out below, I find that YCC 486 has provided Ms. Vasina all the records to which she is entitled, and those records are adequate. However, although Ms. Vasina has received all of the records to which she is entitled, I find that the delay in providing one set of non-core records as requested (those requested on March 18, 2025) does amount to an effective refusal without a reasonable excuse. However, for the reasons set out further in this decision, I declined to assess a penalty.
- [4] Regarding YCC 486’s claims regarding improper purpose and fishing, I do not find that the evidence before me supports YCC 486’s claim that Ms. Vasina is “fishing.” However, it is clear from the evidence and submissions that Ms. Vasina clearly has concerns about the manner in which the board governs the condominium. That said, as was explained to her at the outset of the hearing, the Tribunal does not have general jurisdiction in relation to condominium governance and it was not appropriate to, in effect, use this case about a records request as a proxy to put those issues before me.
- [5] Based on the unique circumstances in this case and the fact that each party was only partially successful, it is appropriate that each party bear their own costs.
- [6] Finally, while I have read all the submissions and reviewed all the evidence provided to me, I have only referred to those necessary to make my decision. There are parts of Ms. Vasina’s submissions that I must disregard. Specifically, Ms. Vasina cites and appears to rely on arguments from cases that do not exist and may have been hallucinated by an artificial intelligence (“AI”) platform (e.g., Ms. Vasina cited the following cases: *Mersich v PCC* 89 ONCAT 75; *Labelle v Essex CC* 28, 2021 ONCAT 35; *Wu v TSCC* 1754, 202 ONCAT 63, *Rui v TSCC* 2151, 202 ONCAT 27; none of which, in fact, exists). She also referred to purported requirements for forms that are not set out in the Act or any other legislation. While I appreciate that AI platforms are available and often serve as a resource for parties, particularly those who are self-represented, the Tribunal cannot accept or rely on arguments that flow from imaginary cases and statutory requirements. All parties, including those who are self-represented are responsible for ensuring that the material they submit to the Tribunal is true, accurate, and relevant to the issues at hand.

## **B. BACKGROUND**

[7] On February 14, 2025, Ms. Vasina submitted a records request to the corporation requesting the following records:

1. Records of Owners and Mortgagees
2. Periodic Information Certificates (“PIC”) for the past 12 months
3. Budget for the corporation’s current fiscal year
4. Most recent approved financial statements
5. Current Plan for Future Funding of the reserve fund
6. Annual General Meeting (“AGM”) minutes (for meeting held on October 16, 2024)
7. Requisition Meeting minutes (for meeting held on January 16, 2025)

[8] On March 13, 2025, the corporation responded to Ms. Vasina’s request. They provided all the records requested except for the budget for the corporation’s current fiscal year, which, as it explained in its response to Ms. Vasina, had not yet been approved but was expected to be approved shortly. Additionally, instead of providing the most recent approved financial statements, the corporation provided the unaudited financial statements for January 2025. According to the Respondent, this was due to a misunderstanding. It states that in October 2024 the most recent audited statements had been provided to all owners as part of the AGM package, so the corporation wrongly assumed that, given the timing of Ms. Vasina’s request (only a few months after the meeting), what Ms. Vasina was looking for was the monthly financial statements approved by the board. The corporation submits that when the mistake was brought to their attention during the Stage 2 – Mediation, they promptly provided the 2024 audited statements. It also provided the 2025 budget which was approved on or about April 28, 2025, also noting the budget was also circulated to all owners shortly after its approval.

[9] On March 18, 2025, Ms. Vasina submitted a second request for records. This request was for the original building mechanical, plumbing and electrical drawings for her suite. Based on the evidence, this request was made in response to a “Unit Risk Assessment” engineering report completed by Building Sciences Inc. (the “Risk Assessment Report”). The Risk Assessment Report was the result of building-wide inspections of units for unauthorized alterations. According to the Respondent’s condominium manager, Ms. Anastasakos, these inspections were carried out after the board discovered that several owners (or their predecessors), had carried out unauthorized alterations to their units or the common elements.

This Risk Assessment Report identified several items in Ms. Vasina's unit that required attention and contained instructions for correcting the issues.

- [10] On March 31, 2025, the condominium manager responded to Ms. Vasina's second request and included the Risk Assessment Report which contained an illustration of Ms. Vasina's suite layout and all photos used in the report. In Stage 2 – Mediation, the corporation provided the drawings referenced in the report as "building mechanical and electrical drawings". The corporation maintains it has now provided all the drawings it has in relation to this request and all drawings that the engineers relied on in completing their inspections and reports.

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

**Issues No. 1 & 2: Has YCC 486 refused to provide Ms. Vasina records to which she is entitled, without a reasonable excuse? Has YCC 486 failed to keep adequate records as per the Act? If so, does this render the records refused without a reasonable excuse?**

- [11] I will address the February 14, 2025, request and the March 18, 2025, request separately, as the records and facts related to the provision of records are unique to each request.

#### **February 14, 2025, request**

- [12] There is no dispute that Ms. Vasina had all the records she requested in the February 14, 2025, request in her possession at the time this hearing began. Nonetheless, Ms. Vasina takes the position that the records that were provided to her were either provided late (i.e. beyond the timeframes allowed by the Act) and/or contained errors that render the records so inadequate that they should be considered "refused."
- [13] Ms. Vasina refers to several errors in the records that she believes makes them inadequate. For example, she claims that: the November 2024 PIC lists incorrect directors; the Reserve Fund Study has "missing components," "inconsistent dates" and "incomplete funding information"; the AGM minutes provided to her were labelled "draft"; and the Requisition Meeting minutes provided to her "misstate owner intentions" and "misrepresent outcomes."
- [14] The Tribunal has been consistent in using two objective criteria to assess adequacy. First, records will be considered adequate if they allow the corporation to perform and fulfill its duties and obligations under the Act; and second, they will be considered adequate if they provide unit owners with sufficient information to

identify or determine whether the condominium is fulfilling those duties and obligations.

- [15] Regarding the Reserve Fund Study, Ms. Vasina provides only broad and unsupported claims that the Reserve Fund Study has “inconsistent dates” and is missing information. She provides no specifics regarding what information is missing and no reasons as to why the alleged errors make the record inadequate for its purposes. She makes only the broad claim that the record is inadequate. According to YCC 486, this is because this claim is unfounded. It submits Ms. Vasina is using this claim to attempt to harass YCC 486.
- [16] Even if Ms. Vasina had provided evidence of errors of the nature suggested, the standard to which the corporation’s records are held is not perfection. Minor errors, or inconsistencies, which appear to be the types of “deficiencies” pointed to here, are not enough to render a record inadequate, and certainly not to the point of deeming the record to have been refused.
- [17] Regarding the Requisition Meeting minutes, Ms. Vasina’s issues with this record pertain more to her preferences for what ought to be in the record rather than any actual deficiency. For example, Ms. Vasina may not agree with the way in which “owner intentions” were recorded in the minutes – but this does not render the record inadequate or refused.
- [18] Regarding the AGM minutes, Ms. Vasina is simply incorrect in her position. She takes issue with the fact that the AGM minutes are labelled “draft”. However, the evidence is that these minutes have not yet been approved by owners (which, corporation indicates will happen at the next scheduled owners’ meeting). Until approved, these minutes are not yet a completed record of the corporation. Thus, they need not have been provided in the first place and the fact that they are labelled “draft” does not render them refused or inadequate.
- [19] Regarding the November 2024 PIC, Ms. Vasina alleges that this record is inadequate and thus should be considered refused because it lists incorrect directors and terms, as it did not list the names of the directors elected at the October 2024 AGM. However, the evidence is that the election held at the October 2024 AGM was contested and allegations of voting fraud called into question the validity of the election of two “new” directors. Thus, when the November 2024 PIC was released, it did not include the two new directors as the election of these new directors was still being validated. The evidence in front of me is that, at the time the PIC was released, the “new” directors were still being confirmed, thus it is reasonable that they are not listed on the PIC. Ms. Vasina may think they ought to have been listed, but their exclusion does not render the PIC

inadequate or refused in this case.

- [20] It is also worth noting that in May 2025, an Information Certificate was provided to all owners which updated the directors' names and terms and provided some additional details on various vacancy and director appointments, thus superseding the information in the November 2024 PIC.
- [21] In addition to Ms. Vasina's claims of inadequacy, she argues that the records in the February 14 request ought to be considered refused because some of the records, in particular the audited financial statements and the approved budget, were provided beyond the timeframes allowed by the Act. Subsection 13.4 (1) of Ontario Regulation 48/01 ("O. Reg. 48/01"), requires that core records be provided within 30 days of receipt of the request if requested records are to be delivered electronically.
- [22] The evidence regarding the audited financial statements is that, while the corporation provided Ms. Vasina with the monthly approved financial statements for January 2025 within the 30 days required by the Act, the 2024 audited financial statements were not provided until the Tribunal's Stage 2 – Mediation. According to YCC 486, this was a mistake. Ms. Anastasakos stated that she misunderstood the request. She thought given the recent circulation of the audited statements to owners at the October AGM, Ms. Vasina was seeking more recently approved monthly statements, so this is what was provided.
- [23] I accept that technically the audited financial statements from 2024 were provided outside the timeframe set out by s. 13.4 (1) of O. Reg. 48/01. However, I do not find that the evidence supports that the record was refused without a reasonable excuse. There is no indication that YCC 486 sought to refuse Ms. Vasina this record – it in fact had been circulated to all owners quite recently. The corporation provided the wrong record, but once the corporation was alerted to its mistake – which appears not to have been done until after the Tribunal process was commenced –, the correct record was provided.
- [24] While Ms. Vasina was certainly entitled to request the audited financial statements and receive them, based on the unique facts before me I find that, while a mistake was made in this case that resulted in a technical breach of the Act, it was not a refusal without a reasonable excuse. Going forward I would encourage YCC 486 not to make assumptions but to communicate with any owner making a request if there any questions about the specific records requested.
- [25] Regarding the 2025 budget, the evidence is that when YCC 486 responded to Ms. Vasina's request they noted that the budget she was seeking had not yet been

approved but was expected to be approved shortly. According to YCC 486, the budget was approved on or around April 28, 2025, and they sent the record to all unit owners including Ms. Vasina.

- [26] Ms. Vasina may feel that the budget ought to have been approved by the date of her request, but the issue of whether the budget was or was not approved in a manner consistent with the Act is a governance issue, not a records issue. At the time of Ms. Vasina's request, the 2025 budget which Ms. Vasina was seeking, was not approved – a fact that was clearly communicated to her. At the time of her request there was no 2025 budget to provide. I do not find that in this case this amounts to a refusal.
- [27] Although in some cases an excessive delay in the provision of a requested record has contributed to evidence of a refusal to provide the record, late delivery in and of itself does not constitute a refusal. Other facts must support the idea that the lateness is evidence that the corporation originally intended not to provide the record. There are no such facts in this case.
- [28] In summary, I find that no records from the February 14, 2025, have been refused.

#### March 18, 2025 Request

- [29] On March 18, 2025, Ms. Vasina requested the original building mechanical, plumbing and electrical drawings for her suite. On March 21, 2025, Ms. Vasina sent a "follow-up" email to Ms. Anastasakos regarding the Risk Assessment Report. This email raises a number of questions and concerns related to the Risk Assessment Report, relevant to the issue before me is the section titled "Request for Original Unit Drawings". Here, Ms. Vasina reiterates her request for the original building drawings, indicating that the purpose for her request is to gain a better understanding of what needs to be done to bring her unit into compliance as per the Risk Assessment Report.
- [30] On March 31, 2025, Ms. Anastasakos responded to Ms. Vasina's request with an email stating "Please refer to the attached as per your request for records. The attached was provided to you and it is all that is in possession of the Corporation." The "attached" was the Risk Assessment Report – which had already been provided to Ms. Vasina. Nothing further was provided to Ms. Vasina regarding this request until Stage 2 – Mediation, when YCC 486 provided the original electrical and H.V. A/C drawings for a typical "floor plan" and the mechanical "Schedule." According to YCC 486 these are all the records it has in relation to Ms. Vasina's request. Ms. Anastasakos also states that she confirmed with engineers who prepared the Risk Assessment Report that the drawings provided to Ms. Vasina in

Stage 2 – Mediation are those that were used to prepare the report.

- [31] Ms. Vasina's March 18, 2025 request for records was specific and clear. She even followed up with YCC 486 three days after the request to provide further reasons for her request for those specific drawings. It was clear that Ms. Vasina was not requesting a (another) copy of the Risk Assessment Report. There ought to have been no confusion as to what Ms. Vasina was requesting, and the drawings requested by Ms. Vasina are records that the corporation is required to keep if they have received them (see s. 55(1) 11 of the Act and s. 13.1 (1) 10 of O. Reg. 48/01). Nonetheless, YCC 486 did not provide these records, instead they provided a report which referenced these documents; a report that Ms. Vasina had already been provided.
- [32] I accept that YCC 486 has now provided to Ms. Vasina all the records they have in relation to the March 18, 2025 request. However, there is no excuse, reasonable or otherwise, before me as to why the drawings as requested were not provided until Stage 2 – Mediation. They were clearly requested, referenced in the Risk Assessment Report and available (as the engineers had access to them). Thus, I find that the delay in providing these records to Ms. Vasina does constitute an effective refusal – albeit a temporary one – without a reasonable excuse in this case.

**Issue No. 3: Should YCC 486 be required to pay a penalty under s. 1.44 (1) 6 of the Act for refusing to provide Ms. Vasina records without a reasonable excuse?**

- [33] Ms. Vasina has requested that, if the Tribunal finds that records have been refused without a reasonable excuse, a penalty be assessed under s. 1.44 (1) 6 of the Act which allows the Tribunal to order the corporation to pay a penalty if it has refused without a reasonable excuse to permit the examination of records. Ms. Vasina has requested that I order YCC 486 to pay the maximum penalty allowed under the Act, which is \$5000. She submits this amount is in line with other decisions, such as *Balasubramaniam v. Metropolitan Toronto Condominium Corporation No. 812*, 2023 ONCAT 152 and *Sidhu v. Peel Condominium Corporation No. 426*, 2022 ONCAT 112, where the Tribunal found there had been willful and egregious disregard of legal responsibilities to provide records pursuant to the Act.



- [34] I note that Ms. Vasina also cites the delay in this hearing process as reason for why the maximum penalty is appropriate. This hearing was delayed for several weeks after it had commenced as the board of YCC 486 lost quorum. The case was adjourned twice to allow the corporation to reestablish quorum before proceeding (quorum was not established after the first two attempts to hold a meeting to elect new directors and a third was required). Ms. Vasina frames this delay as a further delay in providing her with records arguing that it ought to be taken into account when assessing a penalty. Notwithstanding the fact that Ms. Vasina had all the records requested prior to the commencement of this hearing – meaning the delay in no way affected her access to records –, a delay in the hearing is not a factor to be considered when assessing penalty. The delay, which might be considered a refusal, is a delay that occurs in the context of the request for records process.
- [35] The award of a penalty is discretionary. The facts before me are very different than in the cases referred to by Ms. Vasina where the Tribunal noted a significant number of records had been refused and there were often significant delays and/or evidence that a corporation had repeatedly disregarded its legal obligation to provide records as per the Act. In this case, I am not convinced by the facts and circumstances established that a penalty is necessary to ensure that the corporation understands and meets its legal obligation to provide records. The evidence before me does not indicate that YCC 486 has acted similarly to the parties in the cases cited to me – there is no evidence that YCC 486 disregards its legal obligations or has been willfully obstinate in its refusal of records. Most of the records requested by Ms. Vasina were provided on time and in accordance with the Act and the one record that was effectively refused was provided in full during Stage 2 – Mediation. Weighting all the facts above, I am exercising my discretion and declining to award a penalty in this case.

#### **Issue No. 4: Is any party entitled to costs?**

- [36] Subsection 1.44 (1) 4 of the Act states that the Tribunal may make “an order directing a party to the proceeding to pay the costs of another party to the proceeding.”
- [37] Ms. Vasina has requested that YCC 486 reimburse her \$200 Tribunal filing fees and any “associated costs.” She has not specified what such “associated costs” might be or how they may have been incurred.
- [38] YCC 486 requests that Ms. Vasina pay its legal costs in the amount of \$10000, arguing that Ms. Vasina has used the records request process and this Tribunal process to harass its board members and management personnel, to conduct a

fishing expedition and force the board to justify its decisions. YCC 486 claims that Ms. Vasina's request meets the definition of a "fishing expedition" as defined in *Martynenko v. Peel Standard Condominium Corporation No.935*, 2021 ONCAT 125 ("Martynenko", p. 31):

The term "fishing expedition" is used in law to describe a search or investigation, including demands for records or information, undertaken for the purpose of discovering facts that might be disparaging to the other party or form the basis for some legal claim against them, that the seeker merely hopes or imagines exist. Most cases where the term is used appropriately involve a person casting a wide net, as it were – such as requesting records that cover a broad period of time and/or wide range of topics – in the hopes of acquiring some fact or detail that could satisfy what is essentially an unfocussed vindictiveness or dislike for the other party.

- [39] YCC 486 argues that Ms. Vasina cast a "wide net" with her request to cover a wide range of records and continued to change her request beyond what was stated in the forms. It submits that Ms. Vasina's disdain for the board is palpable and personal and that this application was not brought in good faith.
- [40] The evidence and submissions before me demonstrate that there is significant animosity between Ms. Vasina and the board of directors. Ms. Vasina's dislike and distrust of the board is plain. It is also clear, based on her submission, that Ms. Vasina has numerous issues with the corporation's governance practices – issues she was advised that the Tribunal has no jurisdiction to address. Ms. Vasina chose to make several unsubstantiated and trivial assertions of inadequacy in relation to the records requested in the February 14, 2025, request. This lends weight to the argument that at least some of the issues in this application were pursued to prolong the dispute and frustrate YCC 486, especially given that if there were any "errors", such as typos in these records, these were corrected by YCC 486 before the proceeding. However, Ms. Vasina did have to file this case to get the building drawings to which she was entitled making necessary at least part of this Tribunal process.
- [41] Cost awards are discretionary and given that each party was partially successful, I find it appropriate that each party bear their own costs.

**D. ORDER**

[42] The Tribunal orders that:

1. This case is dismissed.

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Nicole Aylwin  
Vice-Chair, Condominium Authority Tribunal

Released on: January 12, 2026