

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: January 20, 2026

CASE: 2025-00373R

Citation: Pellegrino v. York Condominium Corporation No. 486, 2026 ONCAT 5

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

Member: Nicole Aylwin, Vice-Chair

The Applicant,

Antonio Pellegrino

Represented by Olga Vasina, Agent

The Respondent,

York Condominium Corporation No. 486

Represented by Puja Walia, Counsel

Hearing: Written Online Hearing – August 8, 2025 to January 5, 2026

REASONS FOR DECISION

A. INTRODUCTION

- [1] The Applicant, Antonio Pellegrino, is a unit owner of the Respondent, York Condominium Corporation No. 486 (“YCC 486” or the “corporation”). On February 18, 2025, Mr. Pellegrino submitted a request for records to YCC 486. He submits that YCC 486 has refused to provide him records without a reasonable excuse, arguing that the records provided to him were either late, incomplete, inaccurate and/or improperly redacted – making the records inadequate and amounting to a refusal. He has asked the Tribunal to award him a penalty under s. 1.44 (1) 6 of the *Condominium Act, 1998* (the “Act”) in the maximum amount of \$5000 and to reimburse him for his filing fees and “preparation costs”.
- [2] YCC 486 submits that it has provided Mr. Pellegrino with all records to which he is entitled. For those they have not provided, it submits it has a reasonable excuse for refusing them. YCC 486 has asked the Tribunal to dismiss this application and for Mr. Pellegrino pay its legal costs. They submit that Mr. Pellegrino’s representative, Olga Vasina, another unit owner of the corporation, complicated the proceeding by repeatedly referring to erroneous facts and to issues beyond the Tribunal’s jurisdiction. YCC 486 also asserts that the purpose of Mr. Pellegrino’s

request was not related solely to his interests as an owner but was rather used as a proxy for Ms. Vasina to pursue her own campaign of harassment against the board of YCC 486.

- [3] For the reasons set out below, I find that Mr. Pellegrino has been provided with all the records to which he is entitled, and no records have been refused to him without a reasonable excuse. I find the records provided were adequate and redacted in accordance with the Act. I award costs to YCC 486 in the amount of \$1500.
- [4] Further, I find that the evidence does raise some questions regarding Mr. Pellegrino and his representative's use of this Tribunal and caution Mr. Pellegrino and his representative that it is not appropriate to use a case about records as a proxy to attempt to put governance issues before me.
- [5] Finally, while I have reviewed all the evidence and submissions provided to me, a significant amount of evidence was provided regarding the contentious election of directors in October 2024 which is an issue of governance that is not within the jurisdiction of the Tribunal. I refer only to the evidence necessary and relevant to making my decision.

B. ISSUES & ANALYSIS

Has YCC 486 refused to provide Mr. Pellegrino with records to which he is entitled without a reasonable excuse? Are the records that have been provided inadequate to the point of being effectively refused? If so, should a penalty be assessed and in what amount?

- [6] On February 18, 2025, Mr. Pellegrino submitted a request for records to YCC 486 wherein he requested three records which were listed in the request as:
 1. Minutes of meetings held within the last 12 months, for the period of February 18, 2024 to February 18, 2025.
 2. Full report on the election fraud investigation, including findings and any legal steps taken.
 3. An updated and detailed list of the board members, including confirmation of any vacancies, any resignations, and clarification on the status of all board positions.
- [7] The evidence is that this request was made against the backdrop of a very contentious election for board of directors which took place at the Annual General

Meeting (“AGM”) in October 2024. Very shortly after the election, concerns were raised regarding fraudulent voting activities. According to a memo issued to all YCC 486 owners in November 2024, YCC 486 investigated these concerns, confirmed that there had been “illicit” activities and as such the election results were nullified and the matter referred to the corporation’s legal representatives for further consideration and action. According to the submissions and evidence before me, Mr. Pellegrino was one of the owners whose election to the board of directors in October 2024 was caught up in the allegations of voting fraud.

- [8] On March 25, 2025, the corporation responded to Mr. Pellegrino’s request. They do not dispute the fact that this response was four days late as per the prescribed 30-day timeline set out by s. 13.3 (6) of Ontario Regulation 48/01 (“O. Reg. 48/01”) of the Act, but argue that the delay was minor and was the result of being “bombed” with extensive correspondence and multiple records requests from Mr. Pellegrino and/or his representative in a very short timeframe.
- [9] In its response to the records request, YCC 486 provided the minutes of the last 12 months, and a list of the then current directors and their terms. They did not provide Mr. Pellegrino with the “full report on the election fraud” as one did not exist and they declined to provide any other documents related to the fraud allegations as they contained the identities of specific unit owners and legal advice.

Meeting Minutes

- [10] According to Mr. Pellegrino, when YCC 486 provided the meeting minutes it failed to provide minutes for a meeting held on November 13, 2024. According to the statement provided by Kelly Anastasakos, YCC 486’s condominium manager, these minutes were inadvertently omitted from her email response as they had been stored separately from the other minutes of the board because this meeting was called as an “emergency” meeting and dealt exclusively with the voting fraud allegations. These meeting minutes were provided to Mr. Pellegrino in Stage 2 – Mediation. Late delivery of records does not in and of itself constitute a refusal. In the context of this case, I accept that this was clearly inadvertence – there was no intention to delay or refuse the record. When management’s error was discovered, the record was located and provided.
- [11] Mr. Pellegrino also asserts that the minutes provided contain several errors that render them inadequate to the point that they ought to be considered refused. Mr. Pellegrino alleges that various directors and/or their attendance at meetings as listed in the meeting minutes do “not match official records” such as the Periodic Information Certificate (“PIC”), and in some cases the directors listed are not

accurate. Mr. Pellegrino also takes issue with several sets of minutes subsequent to the contentious October 2024 AGM elections that he asserts do not properly list the board members as elected at that meeting.

- [12] As noted, the status of several elected directors after the October 2024 AGM remained in question – thus, there was a period when who exactly was on the board was contested. This explains some of the confusion and/or disagreement around who was or ought to be listed in the minutes as a director. According to Ms. Anastasakos, any typos and other minor errors that needed to be corrected were corrected after being identified by Mr. Pellegrino and/or his representative. The evidence shows that, where an error identified by Mr. Pellegrino was verified, the record was immediately corrected, and Mr. Pellegrino and/or his representative was notified that the correction had been made.
- [13] The Tribunal has been consistent in its determination that minutes are adequate where they contain sufficient detail to know what is going on, how and when decisions were made, and the basis for those decisions. There is an implied requirement that the minutes be accurate, but the Act does not impose a standard of perfection and some tolerance for mistakes is permissible.
- [14] Having reviewed the minutes provided, I find they are adequate to meet the purposes as described above. I accept that Mr. Pellegrino does not believe that in many cases the ‘proper’ directors were listed in the minutes, particularly in the sets of minutes after the October 2024 AGM. I also accept that there were some errors regarding the listed directors in other sets of minutes. However, I do not find, in this case, that such errors impact the adequacy of the minutes, the contents of which are detailed, specific, and contain clear and concise information about the actions taken by the board and management. These minutes are adequate to fulfil their purposes under the Act. There is no basis on which to consider them refused.
- [15] Finally, Mr. Pellegrino asserts that the minutes are inadequate because they have been “heavily altered” through redaction. I find this claim to be overstated. Having reviewed the minutes, the redactions are minimal. Often one or two lines are redacted, and occasionally a unit number or name is blacked-out. Based on my review of the minutes they cannot reasonably be considered as “heavily altered”. There is no evidence that the redactions made are not in accordance with the Act.
- [16] Mr. Pellegrino also makes the argument that YCC 486 altered the minutes. He claims that YCC 486 altered the minutes when they sent a new copy of them that set out in red ink the specific section of the Act that was being relied on for the redactions. He also alleges that this set of minutes contained additional redactions. I do not find that the evidence substantiates such an argument. The evidence is

that, upon receiving the minutes, Mr. Pellegrino took issue with the redactions insofar as there was no accompanying statement setting out what sections of the Act the corporation was relying on for each redaction as required by the Act. As a result, YCC 486 had its legal counsel review the minutes. The minutes were then reissued to Mr. Pellegrino with annotations added next to each redaction setting out the section of the Act relied on for each redaction. While this may have been avoided had YCC 486 provided the required accompanying statement in the first place, it is at best inaccurate and at worst disingenuous to suggest that they “re-wrote” the minutes, when in fact the corporation was simply attempting to respond to an error identified by Mr. Pellegrino that he presumably wanted corrected. Further, while no specific examples were provided to me of where additional redactions were made, even if additional redactions were made upon review of the minutes by legal counsel, as noted in the preceding paragraphs, the redactions for the sets of minutes provided as evidence are minimal and appear consistent with the exceptions to examination set out in s. 55 (4) of the Act.

Full report on the election fraud investigation, including findings and any legal steps taken

- [17] According to Mr. Pellegrino, he requested a “full report” on the fraud investigation which he asserts ought to include any legal steps taken.
- [18] YCC 486 submits that there is no such report to provide and never has been, thus the ‘record’ as requested by Mr. Pellegrino does not exist. It further clarified with Mr. Pellegrino that any legal opinions and or correspondence between the board and counsel regarding the matter were protected by solicitor-client privilege and thus were exempt from examination.
- [19] There is no evidence before me that a report as requested by Mr. Pellegrino exists or ever existed. The corporation cannot refuse to provide a record that does not or has not existed. Mr. Pellegrino may believe there ought to be such a report, but such a belief does not, in and of itself, mean that the absence of one such record can be seen as a refusal to provide a record.
- [20] I decline to make any finding as to whether other miscellaneous records referred to in Mr. Pellegrino’s submissions generally as “factual governance communications, internal emails and meeting notices” are subject to privilege, as these were not records listed in the request. However, I note that Mr. Pellegrino’s representative, Ms. Vasina, cited an alleged decision of this Tribunal identified as “Wu v TSCC 1754, 2021 ONCAT 63” which Ms. Vasina argued supports the position that such a report, along with any contents that were akin to these general documents, would not be protected by privilege. However, this is not an actual case and therefore

cannot be used by her. Submitting materials to the Tribunal that rely on cases that do not actually exist can have costs consequences. I strongly encourage Ms. Vasina to ensure, going forward, that all cases cited in materials submitted to this Tribunal are real cases.

An updated and detailed list of the board members, including confirmation of any vacancies, any resignations, and clarification on the status of all board positions

- [21] In response to this request, Ms. Anastasakos provided, in the body of the response email, a list of the directors and their terms. In Stage 2 – Mediation, the corporation supplemented this information with a document that detailed changes to the composition of the board and provided a copy of the Information Certificate which was updated and circulated to owners on or about May 23, 2025.
- [22] Mr. Pellegrino takes the position that this did not fulfill his request, as the list was incomplete, contained inconsistencies including expired terms, and did not match previous PICs, AGM packages or the Condominium Authority of Ontario registry.
- [23] There is no evidence before me that would support the conclusion regarding this list that Mr. Pellegrino has been refused a record to which he is entitled. Mr. Pellegrino requested a “list” of board members. Such a request appears to be a request for information, not a record of the corporation. An owner has no entitlement to information. Notwithstanding this fact, YCC 486 has provided Mr. Pellegrino with all the information he seeks. Again, he may not agree with the information as provided, but that does not equate to a refusal of a record.

Late Response

- [24] The corporation concedes that it replied to Mr. Pellegrino’s request four days beyond the timelines set out in the Act. Mr. Pellegrino submits that this delay should result in a finding that the records were refused. I find this delay to have been minor and resulted in no prejudice to Mr. Pellegrino’s interests. There is no evidence to demonstrate that YCC 486 was deliberately seeking to delay Mr. Pellegrino’s access to records, rather the evidence demonstrates there was a very minor technical breach of the Act, and while not condoned, it does not amount to a refusal in this case.

Penalty

- [25] Mr. Pellegrino has requested that I assess a penalty against the corporation pursuant to s. 1.44 (1) 6 of the Act in the amount of \$5000. This section of the Act allows the Tribunal to assess a penalty if it is found that records to which an owner

is entitled have been refused without a reasonable excuse. That is the only basis for awarding a penalty under this section. In this case, I have not found any records to have been refused, let alone being refused without a reasonable excuse; thus, there is no basis for a penalty.

Is any party entitled to costs?

- [26] Section 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.”
- [27] Section 1.44 (2) of the Act states that an order for costs “shall be determined in accordance with the rules of the Tribunal.”
- [28] The cost-related rules of the Tribunal’s Rules of Practice 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.

- [29] The “CAT Practice Direction: Approach to Ordering Costs” provides guidance regarding the awarding of costs. Among the factors to be considered are whether a party or representative’s conduct was unreasonable, for an improper purpose, or caused a delay or expense; whether the case was filed in bad faith or for an improper purpose; the conduct of all parties and representatives; the potential impact an order for costs would have on the parties; the indemnification provisions in a corporations governing documents and whether the parties attempted to resolve the issues in dispute before the Tribunal case was filed.
- [30] Mr. Pellegrino requests costs in the amount of \$200 for his Tribunal fees and “preparation costs” which have not been itemized or explained. Nonetheless, Mr. Pellegrino was not successful in this case and is not entitled to costs.
- [31] YCC 486 has requested that Mr. Pellegrino pay its costs on a partial indemnity basis in the amount of \$5000. It submits that despite receipt of all the requested records and the provision of additional records and information that the corporation

had no obligation to produce, Mr. Pellegrino moved the case to Stage 3 – Tribunal Decision, thus causing the corporation, and, in essence, all other unit owners, to bear the cost of an unnecessary hearing. They further argue that this application was filed for an improper purpose. They allege that this request is not really a request by Mr. Pellegrino but by his representative, fellow unit owner Ms. Vasina. YCC 486 submits that Ms. Vasina is using the records request process as part of an ongoing campaign to harass the board and overwhelm administration and building staff with records requests and Tribunal and other court applications. In this regard, YCC 486 referred me to *Martynenko v. Peel Standard Condominium Corporation No.935*, 2021 ONCAT 125 (“Martynenko”), at paragraph 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. … in the hopes of acquiring some fact or detail that could satisfy what is essentially an unfocussed vindictiveness or dislike for the other party.

- [32] I acknowledge that at the same time that this application was proceeding with Ms. Vasina acting as Mr. Pellegrino’s representative, Ms. Vasina had her own Tribunal application proceeding, in which similar issues – albeit about different records – were raised. In the recent decision issued in that case, Ms. Vasina was cautioned that it was inappropriate to use the records request process and Tribunal applications in an attempt to put governance issues before the Tribunal.¹ I note that, at times, there appeared to be similar attempts to have governance issues beyond the jurisdiction of the Tribunal addressed in this case. Thus, I will issue a reminder to Mr. Pellegrino and again to Ms. Vasina: Attempts to use applications regarding records to address governance issues that are beyond the Tribunal’s jurisdiction is inappropriate.

¹ *Vasina v. York Condominium Corporation No. 486*, 2026 ONCAT 3

[33] However, Mr. Pellegrino is entitled to request records of the corporation, and his requests in this case were not overly broad or unspecific and do not meet the definition of “fishing” as described in Martynenko. Nor do I find persuasive the comparison YCC 486 made between the facts in this case and those in *Lochner v. Toronto Standard Condominium Corporation No. 1953*. 2023 ONCAT 6 (“Lochner”). While in Lochner the behavior engaged in by the applicant was characterized as disrespectful and disruptive, neither Mr. Pellegrino nor his representative were either.

[34] Nevertheless, despite having all the records he requested, Mr. Pellegrino did choose to pursue a Stage 3 – Tribunal Decision hearing and he was not successful in any of his claims. The evidence before me also demonstrates that the corporation made good faith attempts to resolve Mr. Pellegrino’s issues prior to this process (i.e. providing information as requested, responding to and correcting errors as identified by Mr. Pellegrino or his representative shortly after the records were delivered, etc.) and I do not find it fair in this case that the rest of the condominium community ought to bear the full cost of this hearing when none of the claims were successful and the corporation tried to resolve them without a hearing. Costs awards are discretionary and, weighing the various factors above, I find a costs award is appropriate. Mr. Pellegrino will pay costs to YCC 486 in the amount of \$1500.

C. ORDER

[35] The Tribunal orders that:

1. The application is dismissed
2. Within 30 days of the date of this decision, Antonio Pellegino will pay YCC 486 costs in the amount of \$1500.

Nicole Aylwin
Vice-Chair, Condominium Authority Tribunal