

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: February 9, 2026

CASE: 2025-00951R

Citation: Altobelli v. Simcoe Standard Condominium Corporation No. 422, 2026 ONCAT 20

Order under Rule 4 of the Condominium Authority Tribunal's Rules of Practice.

Member: Anna Boudria, Member

The Applicant,

Wendy Adelle Altobelli

Represented by Roger Altobelli, Agent

The Respondent,

Simcoe Standard Condominium Corporation No. 422

Represented by Yuliya Lappo, Counsel

Submission Dates: January 20, 2026 to January 30, 2026

MOTION ORDER

- [1] The Applicant filed an application related to a dispute over records with the Condominium Authority Tribunal (the "CAT"). The matter proceeded to Stage 2 – Mediation on December 24, 2025.
- [2] Following clarification of the October 18, 2025 records request, the Applicant produced a single consolidated file. After the Respondent provided the remaining records in response, discussions stalled. Despite multiple opportunities, the Applicant did not identify any outstanding records and instead raised matters outside the CAT's jurisdiction.
- [3] Section 1.41 of the *Condominium Act, 1998* permits the Tribunal to dismiss an application without a hearing where it is frivolous, vexatious, not initiated in good faith, or discloses no reasonable cause of action.
- [4] Rule 34.3 of the CAT's Rules of Practice permits dismissal by the Mediator where the Tribunal lacks jurisdiction or where the proceeding was commenced for an improper purpose

- [5] On January 20, 2026, the Tribunal issued a Notice of Intent to Dismiss (NOID), under Rule 34.3 of its Rules of Practice, citing concerns of improper purpose or lack of jurisdiction. The parties were invited to make submissions.
- [6] I have reviewed the submissions from both parties and refer only to those relevant to my determination.
- [7] The Applicant submits that dismissal is unwarranted because the application concerns an ongoing dispute over access to records and therefore falls within the Tribunal's statutory jurisdiction. He asserts that, although some records have been provided, additional records that were requested in his October 18, 2025 request remain outstanding.
- [8] The Respondent submits that all records were provided within the statutory timelines and the remaining issues do not concern access. Instead, they are about the pursuit of explanations, governance critiques, and speculation about what records should exist. Counsel argues that this falls outside the Tribunal's jurisdiction and reflect an improper purpose under Rule 34.3.
- [9] While the Tribunal lacks jurisdiction over matters of corporate governance or requests for information, it does have jurisdiction to adjudicate disputes concerning access to records. Based on the information before me, a dispute regarding records remains within the Tribunal's jurisdiction, and it would therefore be premature to dismiss the application at this stage.
- [10] However, I note that the Applicant has at times raised issues related to a records request dated October 9, 2025. This request is not part of this application and issues related to it will not be addressed or be allowed to proceed as a part of this application.
- [11] Based on the October 18, 2025 request for records, the Board's response and the submissions, there continues to be a legitimate records dispute that falls within the Tribunal's jurisdiction.

ORDER

- [12] The Tribunal orders that:

1. This application shall proceed and is not dismissed at this stage.

Anna Boudria
Member, Condominium Authority Tribunal

Released on: February 9, 2026