

### **Corrected decision**

A corrected version of this Decision was issued on March 25, 2026 to correct the citation made on paragraph 32.

## **CONDOMINIUM AUTHORITY TRIBUNAL**

**DATE:** March 19, 2026

**CASE:** 2025-00400R

**Citation:** Salah v. Peel Condominium Corporation No. 168, 2026 ONCAT 53

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

**Member:** Anne Gottlieb, Member

**The Applicant,**  
Mèchelle Salah  
Self Represented

**The Respondent,**  
Peel Condominium Corporation No. 168  
Represented by Greg Marley, Counsel

**Hearing:** Written Online Hearing – September 16, 2025 to February 19, 2026  
Video Conference Hearing – January 13, 2026

## **REASONS FOR DECISION**

### **A. INTRODUCTION**

- [1] The Applicant Mèchelle Salah is the owner of a unit of the Respondent, Peel Condominium Corporation No. 168 (“PCC 168” or “the condominium corporation”). Ms. Salah submitted Requests for Records (the “Requests”) to the corporation, dated June 4 and June 16, 2025, in which she requested both core and non-core records. Prior records requests made by Ms. Salah are not the subject of this hearing.
- [2] PCC 168 provided a Board Response to the Request of June 4, 2025, on July 22, and July 24, 2025, along with core records. PCC 168 provided a Board Response to the Request of June 16, 2025, on July 28, 2025, along with the core records (collectively the “Responses”). Both the Responses identified fees to be paid for

non-core records. There were other records that were provided at later dates and records which the condominium corporation said they did not have.

- [3] Ms. Salah alleges that PCC 168 has refused to provide records without a reasonable excuse. She seeks a finding that PCC 168 failed to keep adequate records and seeks a certificate of completeness that a diligent search was made for records and signed statement by PCC 168 that full production has been made. Ms. Salah further seeks an imposition of the maximum penalty of \$5,000 and a costs award of \$2,000 pursuant to the *Condominium Act, 1998* (the "Act").
- [4] PCC 168 submits that it has not refused to provide the requested records and that the fees it estimated for their provision are reasonable. They state that this case was brought prematurely as Ms. Salah has not paid the fees for the non-core records that are records of the condominium corporation. They request that this application be dismissed and that PCC 168 be awarded costs in this matter. They further allege that Ms. Salah is on a 'fishing expedition'.
- [5] 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. I find that the condominium corporation has not refused to provide records without reasonable excuse and I decline to make the orders that Ms. Salah seeks. I award no penalty in this matter. For the reasons outlined below, I order the Applicant to pay \$2000 in costs to PCC 168.
- [6] I caution parties to carefully verify information they obtain before submitting it to the Tribunal. Parties need to be aware that the Tribunal has a Practice Guide relating to use of AI. Even though these parties were directed to the CAO website for a searchable database of cases decided by this Tribunal, Ms. Salah referred to a particular case, which Counsel for PCC 168 pointed out does not exist, and asked that it be omitted from considerations.
- [7] Nevertheless, in her Final Remarks, Ms. Salah not only insisted that the case exists, but pointed out that it was a foundational case and provided a fictitious citation, (which in fact belonged to another case decided by this Tribunal). Ms. Salah did finally retract the case and substitute another decision made by this Tribunal. I choose not to factor this into my considerations in awarding costs. However, the onus is on a party, including a self represented party, to check the source of information they present to the Tribunal. 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**

- [8] The records requested relate to a fire in Ms. Salah's unit, that spread to other units. The condominium corporation issued Responses and Ms. Salah was provided with core records. PCC 168 also indicated a fee of \$32 to be paid for producing each category of the non-core records that are records of the corporation. Where records were in the possession of third parties, (namely the insurer or Fire Marshall), PCC 168 directed Ms. Salah to those entities.
- [9] In the response to the June 4, 2025, Request, (the "June 4 Request") PCC 168 provided the following core records to Ms. Salah on July 22, 2025: budget for current fiscal year; most recent approved financials; most recent auditor's report; and minutes of meetings from June 4, 2024, to June 4, 2025.
- [10] The plan for future funding of the reserve fund that was part of the June 4 Request, was not originally provided. I accept the submission that it was available on PCC 168's website. In any event, it was provided to Ms. Salah on January 23, 2026.
- [11] In response to the June 4 Request, PCC 168 provided an estimate for each of the non-core records on July 22, 2025. The estimate indicated an hour worth of labour for each category of record, at the rate of \$32 per hour. As of the date of this decision, the fees have not been paid to obtain the following non -core records:
1. Minutes of meetings from January 20, 2023, to June 3, 2024
  2. All contractor related documents including tender invitations, submitted bids, bid evaluations, selection criteria, executed contracts, payment schedules
  3. Board resolutions or internal communications, referencing project approvals, delays, contractor selection or coordination
  4. Records of disbursements or fund allocations from insurance proceeds or reserve fund repairs
- [12] The final insurance appraisal report from January 4, 2024, to the date of the June 4 Request was denied as not being a record of the corporation.
- [13] With respect to the June 16, 2025, Request (the "June 16 Request"), PCC 168 provided the following core records to Ms. Salah on July 28, 2025: the 2024 audited financial statements; the Preliminary and Final 2025 AGM notice
- [14] Regarding the complex wide chimney engineering reports, that was part of the

June 16 Request, PCC 168 originally claimed that no record was found. However, the record was provided during this hearing on October 23, 2025.

[15] PCC 168 initially asked for a fee of \$32 for the board management communications which were part of the June 16 Request, but provided them on October 23, 2025, “as a courtesy to Ms. Salah”.

[16] As part of the June 16 Request, Ms. Salah requested electrical inspection reports for attics to assess whether attic electrical systems were inspected prior to or after the fire and whether preventative maintenance was conducted. PCC 168 responded that electrical inspections are not required for attics.

[17] Ms. Salah also requested the following records as part of the June 16 Request, which PCC 168 maintains are not records of the corporation:

1. A fire department/Fire Marshall report to verify the official findings and cause determination related to the fire in the attic
2. Insurance engineer’s reports (fire, water and chimney) to determine the extent of the structural damage and whether the corporation addressed safety risks prior to the fire
3. Chimney repair invoice and contractor communications - to confirm what repairs were performed in response to water intrusion reported (in the unit) and whether the work addressed the root cause
4. Insurance claim documents and correspondence. PCC 168 refused these requests on the grounds that the requested items are not records of the corporation. In their response they directed Ms. Salah to the various agency or companies who may hold the documents she seeks

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

[18] The issues to be decided in this matter are:

1. Has PCC 168 refused to provide records without a reasonable excuse and if so, should a penalty be awarded?
2. Is PCC 168 keeping adequate records?
3. Should costs be awarded in this case?

**Issue 1: Has PCC 168 refused to provide records without reasonable excuse and if so, should a penalty be awarded?**

[19] Ms. Salah claims that because she was not given one complete package of records, all the records she requested are outstanding. She did not provide any basis for this assertion. I do not accept this contention. I accept as fact that certain records were provided pursuant to the June 4 Request and others pursuant to the June 16 request. As the Requests were made at different times, the corporation was not required to respond on a single date with one complete package. It does not follow that because there was not one complete package of records, the records were not provided to her. It is further acknowledged that some of the records were provided to her at other times, including during this hearing process. That does not mean that the records were not provided.

[20] PCC 168 indicated on the Responses which non-core records it would provide for a fee of \$32. Ms. Salah contends that s. 55 of the Act does not provide for the payment of fees prior to the production of records. She is not correct. A corporation is entitled to charge a fee when a non-core record is examined in person. The relevant part of section 13.3 (8) of O. Reg. 48/01 states:

13.3 (8) The fee payable for the request shall be calculated in accordance with the manner set out in the board's response, subject to the following conditions:

1. The fee shall be a reasonable estimate of the amount required to reimburse the corporation for the actual labour and delivery costs that the corporation incurs for making the record requested available for examination or for delivering a copy of the record, which costs shall include the printing and photocopying charges established under paragraph 3 and the actual labour costs that the corporation incurs during the examination.

2. The fee shall be reasonable.

[21] In a July 25, 2025, email to management, Ms. Salah questioned the \$32/hour fee. However, she made no submissions on this issue during this hearing. The hourly fee is in keeping with hourly rates cited in other Tribunal cases. If Ms. Salah wishes to pay the fee quoted, for each category of records, then PCC 168 is to provide her with those records within 30 days of her payment, as required by the Act. This does not constitute a refusal to provide a record.

[22] In response to allegations that PCC 168 did not have a reasonable excuse for not providing records, Matthew Atkin, regional manager for GSA, (PCC 168's management company) provided witness testimony. He testified about the process that OCC 168 undergoes, in responding to Requests. Once a Request is received and reviewed with the site manager, GSA searches for the records and then he reviews which records are in the possession of the corporation. The records are

then turned over to the administrator who prepares a Board Response to the Request to be signed by the board of the condominium corporation. In the case of non-core records, it is up to the owner to issue payment for the fee for non-core records, before records are produced.

- [23] Ms. Salah claims that she was not provided with the plan for future funding of the reserve fund. I accept the submission that this record was available on PCC 168's website and do not find this to be an example of a refusal to provide a record. In any event, it was provided to Ms. Salah on January 23, 2026.
- [24] In an email of May 28, 2025, from Mr. Coulson of Cintran Claims Canada to Ms. Salah (with cc's to others) Mr. Coulson, explains that "you are not entitled to know what is going on in other peoples' units. You are not entitled to any communication from our office as it is owned by the insurance companies and not the corporation." Ms. Salah points to these emails as evidence that the condominium corporation did have records which they refused to provide to her. I find that they point to a reasonable excuse for not providing the records as a matter of privacy of other owners, which is an exemption under the Act.
- [25] With respect to records that PCC 168 did not have, PCC 168 claims that the insurer had full carriage of the repairs to the units and common elements following the fire. It states that the board was not involved in the actual construction. PCC 168 highlighted in the Responses the records that were in the possession of third parties, by indicating who might have those reports (i.e. insurer and Fire Marshal ...). I find that this to be a reasonable excuse for PCC 168 not providing the records.
- [26] A penalty can only be assessed if a corporation is found to have refused records without a reasonable excuse. For the reasons outlined above, I find that Ms. Salah has not been successful in establishing that PCC 168 refused to provide records without a reasonable excuse. There is no evidence that the condominium corporation disregarded its legal obligations with respect to the Requests made by Ms. Salah, or that they have been obstinate in a refusal of the records. I do not find cause to award a penalty.

## **Issue 2: Is PCC 168 keeping adequate records?**

- [27] With respect to the four records which PCC 168 says are not records of the corporation, I find that the request for each set of those records is broadly framed and at their core are a request for information. There is an email where Ms. Salah has described the reason for requesting those records in order "to determine the extent of structural damage and whether the corporation addressed safety risks

prior to the fire”. That speaks to governance issues and not records. There are several emails and email chains that were submitted by Ms. Salah into evidence. They demonstrate her frustration with PCC 168’s response to remediation following the fire and with governance procedure.

- [28] Ms. Salah also argued that despite claiming that the corporation does not have records, they either do have them or ought to have them. This she refers to as inadequacy of record keeping. I think the question to be answered is, is there a requirement to retain the records? These were not core records. If PCC 168 did not create the records and did not receive them then they do not have to provide them.
- [29] PCC 168 argues that where a corporation directs an owner to a third party, it is not a refusal to provide the record. They state that the onus would be on the owner to contact the third party. PCC 168 referred me to the case of *Khan v. Peel Condominium Corporation No. 409*, 2025 ONCAT 67 at paras 11 and 12 for this premise. Ms. Salah finds this to be examples of inadequate record keeping by PCC 168. I do not find this to be so. On the testimony of Mr. Atkins, the third parties would have the records, and it would be up to the insurance company or independent appraiser or Fire Marshall to release them. Ms. Salah was directed to these entities. I do not find this to be an example that PCC 168 has failed to maintain adequate records.
- [30] Ms. Salah claims that she was denied the complex wide chimney engineering reports and told that such reports do not exist. She states that this is an example of the lack of adequate record keeping by PCC 168. It was provided to Ms. Salah in October 2025, early in this Stage 3 process. I accept that the document was not actively concealed and that it was an oversight. In any event, this would not be an example of an inadequate record keeping, but rather of a refusal to provide a record. The record was provided and therefore neither the refusal nor the inadequacy argument is successful. I do not find that PCC 168 intentionally refused to provide this record.

### **Issue 3: Should costs be awarded in this case?**

- [31] 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. Section 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 rule of the Tribunal’s Rules of Practice which is relevant to this case reads as follows:

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.

[32] PCC 168 cited the case of *Lochner v. Toronto Standard Condominium Corporation No. 1953*, 2023 ONCAT 6 at paras. 29, 32-35 where this Tribunal ordered legal costs incurred by the condominium to be paid by the Applicant owner based on the CAT Practice Direction on Costs. In that case, the Tribunal affirmed that there are a number of factors that can be considered to award costs, including the following:

1. Whether a party's conduct was unreasonable, for an improper purpose, or caused a delay or expense;
2. Whether the Case was filed in bad faith or for an improper purpose;
3. The potential impact an order for costs would have on the parties; and
4. Whether the parties attempted to resolve the issues in dispute before the CAT.

[33] PCC 168 cited this Tribunal's decision in *Martynenko v. Peel Standard Condominium Corporation No. 935*, 2021 ONCAT 125 ("Martynenko"), and submits that Ms. Salah has cast a "wide net" with her Requests and that she was on a 'fishing expedition'. I do not find that this application was brought for an improper purpose or was brought in bad faith. I conclude that PCC 168 has not demonstrated, on a balance of probabilities, that Ms. Salah was on a fishing expedition.

[34] Ms. Salah did not understand that a fee can be required by a condominium corporation for non-core records before they are produced, and that requesting a fee is not a refusal to provide records. She was also not successful in her claim that PCC 168 was not keeping adequate records. I find that this has caused PCC 168 to expend needless legal fees.

[35] I find that this was not a complicated case. I note that core records were provided, and a fee was quoted to produce non-core records. I have reviewed the Bill of Costs submitted by Counsel for the Respondent in the amount of \$18,920. It is not proportionate to the issues to be decided. PCC 168 seeks \$6,000 in costs from Ms. Salah. Her misunderstanding of her rights is not lost on me but should not be borne solely by other condominium unit owners. I have found that Ms. Salah received all core documents and was advised of the fee for all non-core records in PCC 168's possession prior to the commencement of this matter. For these reasons I order Ms. Salah to pay PCC 168 \$2,000 in costs.

**D. ORDER**

[36] The Tribunal Orders that:

1. This application is dismissed.
2. Pursuant to s. 1.44 (1) 4 of the Act, and within 60 days of the date of this decision, Ms. Salah shall pay PCC 168's costs in the amount of \$2,000.

---

Anne Gottlieb  
Member, Condominium Authority Tribunal

Released on: March 19, 2026