

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: July 10, 2025

CASE: 2025-00307R

Citation: Clegg v. Carleton Condominium Corporation No. 382, 2025 ONCAT 119

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

Member: Ian Darling, Chair

The Applicant,

Jeff Clegg,

Self-Represented

The Respondent,

Carleton Condominium Corporation No. 382

Represented by Nancy Houle, Counsel

Hearing: Written Online Hearing – May 15, 2025 to June 12, 2025

REASONS FOR DECISION

A. INTRODUCTION

[1] Jeff Clegg (the “Applicant”) and Carleton Condominium Corporation No. 382 (the “Respondent”) have had prior cases before the Tribunal¹. This case was framed as an adequacy case. The Applicant asserted that the Respondent did not adequately redact the Applicant’s name and information about Tribunal cases in board meeting minutes. The Applicant also alleges that the Respondent was not authorized to issue a Periodic Information Certificate (“PIC”) in January 2025, and that omissions from the PIC rendered it inadequate.

[2] This case was conducted as a Mediation/Adjudication, following the Tribunal’s Rules of Practice, and the related Practice Direction. The parties were unable to

¹ *Clegg v. Carleton Condominium Corporation No. 382*, 2024 ONCAT 186 – the decision was released on December 12, 2024. The decision dealt with allegations that the Respondent had breached the Settlement Agreement from CAT case No. 2023-00591R and deals with a merged records case 2024-00296R. The hearing ran from July 10-December 6, 2024.

resolve the issues in mediation, and we proceeded to adjudication.

[3] At the conclusion of the mediation, the parties agreed that the issues to be decided were:

1. Did the Respondent fail to redact “records relating to specific units or owners” per s. 55 (4) (c) of the *Condominium Act, 1998* (the “Act”) when it included information about the Tribunal cases in board minutes that were shared with owners?
2. Was the Respondent entitled to issue an updated PIC on January 10, 2025?
3. Did the January 2025 PIC contain inaccurate information?
4. Should the Tribunal make any orders?
5. Should the Tribunal order costs?

B. BACKGROUND

[4] The Applicant alleges that the Respondent violated s. 55 (4) of the Act by failing to redact the Applicant’s name from board minutes that were proactively shared with all owners. The Applicant contends that this disclosure was not only unnecessary but also unlawful, amounting to a form of “name shaming” intended to embarrass him. The Applicant further challenges the legality and accuracy of a PIC issued in January 2025 to update owners of the decision in the prior case. The Applicant argued that the additional PIC was unauthorized under the Act and contained misleading information.

[5] The Respondent maintains that its actions were consistent with its statutory obligations and the principles of transparency owed to all unit owners. It argues that once a legal proceeding involves the corporation, the details – including the names of the parties – are no longer private and must be disclosed in both PICs and board minutes. The Respondent also defends its issuance of the January 2025 PIC as a good-faith effort to keep owners informed about the outcome of ongoing legal matters.

[6] The requirement to issue PICs is established under s. 26.3 the Act. Section 11.1 of Ontario Regulation 48/01 (“O. Reg. 48/01”) specifies the form, content, and timing of PICs. They establish that PICs shall be issued a minimum of twice a year – within 60 days of the end of the first and third fiscal quarters of the corporation.

[7] The Respondent’s fiscal year runs May 1-April 30, with quarters ending on July 31,

October 31, January 31 and April 30. PICs are issued based on information as of July 31 and January 31.

[8] This is a timeline of relevant events:

1. March 11, 2024: A PIC was issued, based on information as of January 31, 2024. It indicated that the corporation was not a party to any legal action because at the time there were no active Tribunal cases.
2. April, May, and June 2024: Board meeting minutes included reference to the Applicant's name, information about the status of Tribunal proceedings and action items flowing from them (like updating Status Certificates when new applications were filed).
3. July 10-December 6, 2024: The hearing was conducted in *Clegg v. Carleton Condominium Corporation No. 382*, 2024 ONCAT 186.
4. December 12, 2024: The decision was issued in *Clegg v. Carleton Condominium Corporation No. 382*, 2024 ONCAT 186. It concluded several applications that were consolidated into a single case.
5. January 10, 2025: The Respondent issued a communication to owners indicating that the decision was released. It issued a revised PIC (dated December 23, 2024). This PIC stated that the corporation was not a party to any legal action.
6. February 25, 2025: The Q3 PIC was distributed to owners, effective January 31, 2025. It again indicated that the corporation was not a party to any legal action.
7. March 2025: Minutes contain a reference to this Tribunal Application.

C. ISSUES & ANALYSIS

Did the Respondent fail to redact “records relating to specific units or owners” per s. 55 (4) (c) of the Act when it included information about the Tribunal cases in minutes that were proactively shared with owners?

[9] The Respondent regularly posts meeting minutes so they can be viewed by owners after each meeting. The Applicant identified five instances where the minutes include his name, identify him as a party, or reference the case. The Applicant asserts that such information was included in the minutes with the intent to undermine his reputation. He asserted that the information should be redacted

pursuant to s. 55 (4) (c) of the Act, because it relates to “records relating to specific unit or owners,” and such records are not examinable.

[10] The minutes from April, May, June 2024, state that the Applicant filed several records cases with the Tribunal and then update the status of the cases. The December and January 2024 minutes have information about the Tribunal’s decision and order. The Applicant also complained that the March 2025 minutes contain information regarding the filing of this application and that, consequently, the Respondent would need to update their Status Certificates.

[11] The Applicant provided several sets of minutes to support his position. He identified instances where the minutes included his name and information about the basis of the dispute. For example, the May 2024 minutes state:

B) Commencement of CAT Application. Owner Jeff Clegg has commenced another Application with the CAT. The CAT mediation and/or arbitration are scheduled to take place in the coming weeks. Since the Application includes threats to sue the Corporation for noncompliance with the demands in the Application, the Corporation’s lawyer will be representing the Corporation.

As a result, regardless of outcome it is expected that the Corporation will incur a significant amount in legal fees. Mr. Clegg’s CAT claim will also have to be included in Botanica’s PIC and Status Certificate.

[12] The June 2024 minutes also include information about a second CAT application filed by the Applicant. The minutes state:

B) New CAT Application. A further CAT Application has been filed by Owner Jeff Clegg in relation to all current and historical Condo Rules and related documents, and requesting a recording of last year’s AGM. The Application also makes request for financial compensation from the Corporation for alleged personal damages relating to these issues. The Corporation’s legal team will represent the Corporation in this Application. The Status Certificate and PIC will be updated as needed to reflect this additional Application.

[13] Other references to the minutes include the Applicant’s name and similar information about the status of the case. The December 2024 minutes include a summary of the outcome, stating:

CAT Case Settled. The CAT decision has been delivered: Jeff Clegg’s allegations, accusations, and demands were rejected, and the Board was exonerated on all counts. The decision is available to the public at the CAT website:

<https://decisia.lexum.com/caooosc/decisions/en/item/521435/index.do>.

Mr. Clegg is required to pay the Corporation \$1500 by January 12. The PM will prepare a new PIC with a cover letter to advise owners that no legal cases now exist. Legal costs for defending the Corporation in all Mr. Clegg's CAT proceedings come to some \$55K.

[14] The Respondent contends that this information does not fall under the exemption. They point to the fact that they are required to disclose the "name, style of cause and a brief description or status of the claim" in PICs – demonstrating that it is not subject to the exemptions in s. 55 (4) (c) of the Act. They further assert that corporations have a duty to disclose legal disputes, and owners have a right to be informed of disputes because it can affect all owners.

[15] I conclude that in this context, referring to the legal dispute in the minutes is not a violation of s. 55 (4) (c) of the Act because it is not a record relating to a specific unit or owner. It is information about a legal dispute. The minutes contain references to party names, the general nature of the issue, and board decisions related to the case (like appointing counsel and updating Status Certificates). It also includes the outcome and follows up on orders once the decision was released. This disclosure is consistent with the intent of the Act.

Was the Respondent entitled to issue an updated PIC on January 10, 2025?

[16] The Respondent issued an updated PIC on January 10, 2025. The only information that was changed from the previous version of the PIC related to the resolution of the case. The Applicant advanced two arguments. First, that the Act establishes that the Respondent can only issue PICs at specific intervals as prescribed in the regulations, and second, that if the corporation wanted to provide an update, they should have used an Information Certificate Update (ICU).

[17] The Respondent submitted that the Act and its regulations create minimum standards and allow discretion to issue PICs when the corporation determines it appropriate to update owners. The Respondent also points to the ICU having specific purposes under the regulation, and this circumstance would not fall within those requirements.

[18] Previous Tribunal decisions² have held that the CAT does not have jurisdiction to deal with issues related to s. 26.3 of the Act. They further clarify that although PICs are identified in s. 55 of the Act as records that a corporation must maintain and

² *Yeung v. Metropolitan Toronto Condominium Corporation No. 1136*, 2020 ONCAT 28, and *Jackson v. Simcoe Condominium Corporation No. 69*, 2025 ONCAT 56

may be requested by owners, the Tribunal's jurisdiction does not provide for a mechanism for disputes over the timing of when they are provided. Therefore, this issue falls outside of the jurisdiction of the Tribunal. The choice and method to inform owners in this case are governance decisions which fall outside of the Tribunal's records jurisdiction.

Did the January 2025 PIC contain inaccurate information?

[19] The Applicant also submitted that the some of the information in the January 10, 2025 PIC was out of date and this inaccuracy rendered it inadequate. The Applicant argued that, by only updating some of the information, the corporation misrepresented the financial condition of the condominium.

[20] The updated PIC was delivered as an email attachment to owners. The email stated:

Notice to All Owners, At the recent Annual General Meeting of Owners, many owners had questions and/or expressed concerns about the various Condominium Authority Tribunal Applications which had been commenced in relation to Requests for Records.

Owners in attendance will recall that the Board of Directors was not in a position to provide answers to many questions which were posed.

Please be advised that the decision of the Condominium Authority Tribunal was released in December. The decision is public, and can be found here: Clegg v. Carleton Condominium Corporation No. 382 - Condominium Authority of Ontario.

The Condominium Corporation was wholly successful in defending the Application, but unfortunately (as discussed at the meeting) it incurred significant costs to deal with these matters. In response to queries concerning the estimated total costs related to these matters, the Board of Directors can now advise that the estimated costs related to this CAT case, the previous CAT cases, and other related issues, are approximately \$55,000.00.

Fortunately, due to careful budgeting, it is not expected that there will be an increase in fees or a special assessment to account for these fees.

The Periodic Information Certificate has been amended to indicate that there are no legal actions involving CCC 382. An updated PIC is attached. The Status Certificate that is provided to potential purchasers has also been updated to indicate that there are no legal actions related to CCC 382.

Board of Directors, CCC 382

- [21] In support of his contention that the PIC was inaccurate, the Applicant pointed to a requirement for the PIC to include a copy of the insurance policy and current fiscal year budget. These were not included in the updated PIC. The Respondent acknowledged that they did not provide the insurance policy or budget because they had not changed. The Respondent offered to reissue the PIC with the attachments.
- [22] I find that, in this context, it is clear that the intent of the certificate and communication is to update owners on the outcome of the case. The absence of the insurance policy and budget in these circumstances do not render the record inadequate for the purposes of the Act.
- [23] I decline to order the PIC be reissued. Enough time has passed so as to render the December 23, 2024 PIC out of date. In addition, I note that a more recent PIC based on information current to January 31, 2025 was issued in February 2025.

Should the Tribunal make any orders?

- [24] Given my findings, as set out above, none of the orders requested by the Applicant are warranted.

Should the Tribunal order costs?

- [25] The Respondent submits that the Applicant had filed this case to punish the board of directors, and that this was an attempt to continue the dispute from the prior case. The Respondent asked for a cost award against the Applicant.
- [26] The Applicant argued that this Application was not motivated by concerns about governance, management practices or personal conflict. The Applicant stated that he has a sincere desire to address instances of non-compliance with the Act.
- [27] The Tribunal has the authority under the Act, and its Rules of Practice to award costs where appropriate. 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”.
- [28] The relevant cost-related Rule from the Tribunal’s Rules of Practice is:
- 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] Relevant factors in the Tribunal's "Practice Direction: Approach to Ordering Costs" include considering if a party'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; and the conduct of all parties and representatives.
- [30] Both parties worked to ensure an efficient process. The Respondent claimed \$8336.04 in legal costs related to this case. The costs are reasonable and proportionate to the issues in dispute and the Mediation/Adjudication process for this case.
- [31] The December 12, 2024 (*Clegg v. Carleton Condominium Corporation No. 382*, 2024 ONCAT 186), decision awarded costs against the Applicant. It explained why costs were appropriate and included a warning. The Tribunal stated, at paragraphs 90 and 91, the following:
- [90] ... [the Applicant] sought to pursue his claims on a point of personal principle, which is not the intended purpose of the Tribunal. This is particularly true of the claims related to adequacy, many of which, as noted in this decision, have more to do with Mr. Clegg's concern over how he is represented rather than the ability of the records to fulfill the purpose for which they are intended under the Act. When put together, the facts in this case do raise questions about whether these requests relate solely to Mr. Clegg's interest as an owner, and I do find that it would not be fair for CCC 382's unit owners bear the full cost of legal fees associated with this case, particularly given Mr. Clegg has not been successful in any of his numerous claims.
- [91] Thus, I find a costs award in favour of CCC 382 is appropriate in this case. Costs awards are discretionary. I will exercise this discretion by awarding nominal costs against Mr. Clegg. He will be ordered to pay CCC 382 costs in the amount of \$1,500. However, I do issue a caution to Mr. Clegg: using records requests (and Tribunal resources) as a tool to pursue issues of governance and/or management practices and/or personal conflict with CCC 382 directors or management is not appropriate and liability for costs could be greater in the future.
- [32] Throughout his submissions, the Applicant objected to what he described as the board's decision to include his name and case information as an effort to "name shame" him. This is a direct example of the Applicant's continuing behaviour that was identified as the basis for costs in the prior decision.
- [33] Further, attempts to address the timing and content of the information certificates

directly relate to governance and issues outside of the Tribunal's jurisdiction. Again, something the Applicant was warned about in a prior decision.

[34] As noted, the decision to award costs is discretionary. I find that it is appropriate to award costs against the Applicant because the substance of this case relates very directly to the content of the warning in the prior decision. His application specifically identified concerns about how the Applicant sought to influence how he was portrayed in the minutes. This is an improper purpose because it 'rolls over' issues from a previous case and continues to pursue concerns over governance and his own personal portrayal in the minutes, not his interest as an owner.

[35] The Applicant was warned of the consequences of misusing the Tribunal yet chose to pursue these issues. I award \$5000 in costs, on a substantial indemnity basis to the Respondent.

D. ORDER

[36] The Tribunal orders that:

1. The Application is dismissed.
2. Under s. 1.44 (1) 4 of the Act, and within 30 days of the date of this Order, the Applicant will pay the Respondent costs in the amount of \$5000.

Ian Darling
Chair, Condominium Authority Tribunal

Released on: July 10, 2025