

Condominium Authority Tribunal

DATE: September 25, 2025

CASE: 2025-00285R

Citation: Bernard v. Carleton Condominium Corporation No. 111, 2025 ONCAT 162

Order under section 1.44 of the Condominium Act, 1998.

Member: Anne Gottlieb, Member

The Applicant,

Elizabeth Bernard
Self-Represented

The Respondent,

Carleton Condominium Corporation No. 111
Represented by Nicholas Conroy, Agent

Hearing: Written Online Hearing – July 15, 2025 to September 8, 2025

REASONS FOR DECISION

A. INTRODUCTION

- [1] The parties have had two cases before this Tribunal which resulted in Consent Orders¹. The Applicant, Elizabeth Bernard, currently owns two units² in Carleton Condominium Corporation No. 111 (“CCC 111”). She made a Request for Records on February 19, 2025 (the “Request”). The outstanding issues to be determined in this case relate to the record that is the list of owners and mortgagees (the “List”).
- [2] The Applicant asks me to find that the record provided to her by CCC 111 was not adequate. She also requests an order for a penalty of \$2,000 plus Tribunal costs of \$200 to file this application.
- [3] For the reasons set out below, I find that CCC 111 fulfilled the request for this

¹ Bernard v. Carleton Condominium Corporation No. 111, 2025 ONCAT 136 and Bernard v. Carleton Condominium Corporation No. 111, 2025 ONCAT 143,

² The Applicant previously owned a third unit in CCC111.

record. CCC 111 provided three different versions of the List, to the Applicant. I do not find that there was a refusal to provide the List. I agree that the final version of the List was confusing and might be considered a 'sloppy record'. However, I do not find that the List was inadequate. I do however, order CCC 111 to provide another copy of the List pursuant to s. 1.44 (1) (7) of the Condominium Act, 1998 (the "Act"), and to indicate in a statement if it has any information regarding mortgagees. On this basis I find that the Applicant was successful in this application, and I award her costs for filing this application in the amount of \$200. No penalty is warranted in this case.

B. ISSUES AND ANALYSIS

Issue 1: Has the Respondent refused to provide the Applicant with the list of owners and mortgagees?

- [4] The evidence reveals that on February 19, 2025, the Applicant filed the Request which is the subject of this hearing. On March 7, 2025, an email was sent to the Applicant with a Board Response to the Request for Records and (among other records) a copy of a list of owners and mortgagees dated March 3, 2025 ("List 1"). On March 8, 2025, the Applicant sent an email to the then condominium manager, Grigori Bialler, of Sentinel Property Management, to advise that: "the owners' addresses are missing the city, province and postal code. Also, there were no names/addresses of mortgagees."
- [5] On March 19, 2025, another copy of the List, dated March 18, 2025, ("List 2") was sent to the Applicant by the condominium manager. The format of List 2 was different but did not have the city or postal codes itemized for each address, nor did it reference any mortgagees.
- [6] On April 25, 2025, nine days after this application was filed with the Tribunal, a further copy of the List was provided to the Applicant ("List 3"). List 3 did contain the addresses, cities and postal codes for owners. However, the formatting is confusing because the lines in the various columns do not align, so it requires some effort to figure out which address belongs to which city. The List does not make any reference to mortgagees.

Issue 2: Has the Respondent provided the Applicant with an adequate record?

- [7] The Applicant submitted as evidence the three different copies of the List, provided by CCC 111 and copies of email correspondence. The Respondent's participation was minimal, beyond an introduction and then an instruction to me to review transcripts from another CAT case. I advised both parties that Tribunal Members

cannot access 'transcripts' of other cases. CCC 111 did not engage in the process further, beyond the statement that the record had already been provided.

[8] Although List 1 does not list any addresses for service, as required by the Act, on the evidence before me I do not find this to be a refusal to provide a record. It does speak to the incompleteness of this record. I find that CCC111 provided the List, with the most complete version provided by April 25, 2025. These versions of the Section 46.1 record provided to the Applicant appear to have been done in a hasty manner. CCC 111 should do a better job of providing clearly formatted records.

[9] It appears to me that the parties may not be aware of the specifics of s. 46 (1) of the Act³. It is incumbent upon owners or mortgagees to provide their addresses for service, and the condominium corporation is required to maintain a record of the information provided to it. Each of the Lists provided to the Applicant was either missing information that the corporation appears to have had or was confusing because of formatting and lack of alignment within the columns of the record. I therefore order CCC 111 to provide the Applicant with a list of owners and mortgagees that has the information properly aligned, within 30 days of the date of this decision. I do so pursuant to s. 1.44 (1) (7) of the Act. If CCC 111 does not have any information regarding mortgagees, then they should provide a written statement to the Applicant, stating this fact.

Issue 3: Should a penalty be awarded?

[10] The Applicant asks that I award a penalty of \$2000. Section 1.44 (1) 6 of the Act states that the Tribunal may order a penalty if it finds that the condominium corporation has, without reasonable excuse, refused to permit an owner to examine or obtain copies of records. I have not found there to be a refusal to provide a record and therefore I do not award any penalty.

Issue 4: Should there be an order for costs?

[11] Given my finding the Applicant has had some measure of success in bringing this case to the Tribunal. I therefore order that the costs of filing fees, in the amount of \$200 to awarded to the Applicant, pursuant to Rule 48.1 of the Tribunal's Rules of Practice.

³ the Condominium Act requires condominium corporations to keep 2 separate lists: (1) a list of owners and their addresses pursuant to 46.1(3)(a) and (b), and (2) a list of mortgagees and their addresses pursuant to paragraph 46.1(3)(c).

C. ORDER

[12] The Tribunal orders that:

1. Within thirty days of the date of this decision, pursuant to s. 1.44 (1) (7) of the Act, Carleton Condominium Corporation No. 111 is to provide the Applicant with a List of Owners and Mortgagees with a properly formatted alignment of the information. If the condominium corporation has information on mortgagees, then mortgagees should be identified and indicated on the list. If Carleton Condominium Corporation No. 111 has no information regarding mortgagees, they should indicate this in a written statement to the Applicant.
2. Within thirty days of the date of this decision, Carleton Condominium Corporation No. 111 shall pay \$200 to the Applicant for the cost of filing this application with the Tribunal, in accordance with s. 1.44 (1) 4 of the Act.

Anne Gottlieb
Member, Condominium Authority Tribunal

Released on: September 25, 2025