

## Condominium Authority Tribunal

**DATE:** October 6, 2025

**CASE:** 2025-00253R

**Citation:** Canham v. Toronto Standard Condominium Corporation No. 2160, 2025 ONCAT 168

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

**Member:** Nicole Aylwin, Vice-Chair

**The Applicant,**

Daniel Canham  
Self-Represented

**The Respondent,**

Toronto Standard Condominium Corporation No. 2160  
Represented by Angad Singh, Counsel

**Hearing:** Written Online Hearing – July 8, 2025 to September 16, 2025

### **REASONS FOR DECISION**

**A. INTRODUCTION**

- [1] The Applicant, Daniel Canham, is the owner of a unit of the Respondent, Toronto Standard Condominium Corporation No. 2160 (“TSCC 2160” or the “corporation”). On March 2, 2025, Mr. Canham submitted a Request for Records to the corporation (the “March Request”) in which he requested the record of owners and mortgagees. On April 1, 2025, Mr. Canham submitted a second Request for Records to the corporation (the “April Request”) in which he requested all board meeting minutes for the previous 12 months and board meeting minutes for the date range of January 1, 2015 – March 31, 2024.
- [2] Mr. Canham submits that TSCC 2160 has refused to provide him with records to which he is entitled to under the *Condominium Act, 1998* (“the Act”). In addition, he alleges it failed to respond in accordance with the timelines set out in the Act, to keep adequate records, and has redacted records improperly. Mr. Canham requests that the Tribunal order the corporation to pay a penalty of \$4000 and pay his legal costs and Tribunal fees.

- [3] TSCC 2160 submits that it has provided Mr. Canham with all records to which he is entitled and responded to his request as per the timelines in the Act. It submits that it has a reasonable excuse for not providing some of the records, i.e. it does not have them and despite best efforts cannot locate copies of them. TSCC 2160 denies that the missing records are evidence that the corporation is not keeping adequate records. Finally, it submits that any redactions made to the records are in accordance with the Act.
- [4] For the reasons set out below, I find that Mr. Canham has been provided with all the records to which he is entitled. I further find, that for those records that were not provided, TSCC 2160 has a reasonable excuse for not providing them. Finally, I find that TSCC 2160 is keeping adequate records and while there has been some over-redaction of the meeting minutes, I do not find an order is necessary in relation to this issue. I award no penalty or costs in this case.

## **BACKGROUND**

- [5] The chronology of events related to the records requests and the delivery of the records is important for understanding this dispute.
- [6] As noted, this dispute involves two records requests: the March Request and the April Request. The March Request asked for a single core record – the record of owners and mortgagees. On April 2, 2025, 31 days after he made the March Request, Mr. Canham filed this Tribunal case, since he had not received this record within the 30-day response period allowed by the Act.
- [7] At the outset of the hearing, it was confirmed by both parties that the issues related to the March Request were resolved in Stage 2 – Mediation; the record of owners and mortgagees was no longer at issue and would not form part of the issues to be adjudicated.
- [8] However, during Stage 2 - Mediation issues related to the April Request – which requested various board meeting minutes – were also raised and discussed.
- [9] On April 14, 2025, during the mediation, TSCC 2160 provided Mr. Canham with the meeting minutes for the past 12 months, which are a core record. At this time, they did not provide an accompanying statement which indicated which records were being provided or explain the basis for redactions.
- [10] After receiving those minutes, the parties discussed whether they had been properly redacted. As a result of those discussions, on May 16, 2025, TSCC 2160 provided Mr. Canham with a revised set of these minutes that according to the

parties resolved the redaction issues related to them. This time, TSCC 2160 also provided a cover letter with the minutes indicating that it had provided all the minutes for meeting within the last 12 months, as per the request and indicated that “confidential parts that are not related to the requester” had been redacted.

- [11] On May 7, 2025, also during the mediation, the corporation provided Mr. Canham with another set of minutes – i.e. minutes for the period of January 1, 2015 – March 31, 2024, which are non-core records. Accompanying this set of records, was a detailed cover letter explaining it was providing the minutes requested, “with the confidential parts that are not related to the requestor redacted”. TSCC 2160 also noted in its cover letter that there were some months within the requested period when meetings were not held (and thus there were no minutes for those months), and that the corporation had been unable to locate minutes for June and November 2015; January 2016, July-December 2017; July 2021.
- [12] Finally, in June 2025, following efforts by the corporation to locate the missing minutes, it provided Mr. Canham with several additional minutes, those of July 2021, July 2017, September 2017, December 2017. This left only the minutes for June and November 2015, January 2016 outstanding and unable to be located. All other minutes for months when meetings were held, had been provided.
- [13] When the mediation ended on June 23, 2025, the issues that were not resolved related only to the April Request. Those issues, as confirmed at the outset of the hearing are:
- [14] Has the Respondent refused to provide the Applicant records to which he is entitled without a reasonable excuse? If so, should a penalty be assessed?
1. Has the Respondent failed to keep adequate records, in particular adequate minutes, as per the Condominium Act, 1998?
  2. Have the minutes provided to the Applicant been overly redacted?
  3. Should any costs be awarded?

## **B. ISSUES & ANALYSIS**

**Issue No. 1: Has the Respondent refused to provide the Applicant records to which he is entitled without a reasonable excuse? If so, should a penalty be assessed and in what amount?**

- [15] Regarding the core meeting minutes, s. 13.4(1) of Ontario Regulation 48/01 (“O. Reg 48/01”), requires that core records be provided within 30 days of receipt of the

request if requested to be delivered electronically.

- [16] On April 14, 2025, TSCC 2160 provided Mr. Canham with requested core records (i.e. meeting minutes for the past 12 months). They did not provide the mandated Board's Response to Request for Records form ("mandated response form"). Despite the absence of a formal response form, the records were delivered well within the time prescribed by the Act.
- [17] As noted, at mediation, the parties discussed the amount of redaction in those minutes. According to TSCC 2160's condominium manager, because of these discussions and on further review of the minutes, she determined that the meeting minutes had not been properly redacted. She realized that only information expressly exempted under s. 55(4) of the Act should be omitted and that information pertaining to the Applicant's unit should remain unredacted (pursuant to s. 55(5)). Thus, she revised the redactions and uploaded these revised minutes to the Tribunal's online system. This was done on or about May 16, 2025.
- [18] Even if I accept the May 16, 2025, date as the date that these records were delivered to Mr. Canham, they would technically have been only 16 days late of the requirements set out in the Act. In the facts of this case, this is a minor delay. Despite Mr. Canham's allegations of bad faith, there is no evidence to support this. Rather, what the evidence demonstrates is that after the records were delivered, on time, a dispute arose between the parties about the redactions applied to the minutes. TSCC 1260 reviewed them, realized a mistake in the way it had redacted the records and reissued the records promptly. While this resulted in a delay in getting the final versions of these minutes to Mr. Canham – I do not find it amounts to a refusal.
- [19] Regarding the meeting minutes for the period of January 1, 2015 – March 31, 2024), which are considered non-core records, s. 13.3(6) of O. Reg 48/01 requires a corporation to respond to a request for records within 30 days of receiving the request using the mandated form. If a corporation determines that they will not charge a fee to deliver non-core records – they must deliver those records within 30 days of the date of the request. If the corporation determines that a fee will be charged, it has 30 days from the date that the requester returns the response form to deliver the records.
- [20] On May 7, 2025, the corporation provided Mr. Canham with the meeting minutes that it had in its possession for the period requested. It did not provide the mandated response form along with the records, but did provide a detailed cover letter indicating which minutes were provided, which were not, and why.

- [21] Given that the corporation did not charge a fee for the records, the response to the request and the delivery of the records ought to have happened by May 1, 2025. Thus, delivery of these records was technically late. Nonetheless, the delay in the response and the delivery was minor. It was a difference of 6 days. Though in some cases delays in providing records have, and can, contribute to a determination that there was a refusal to provide records, the mere fact of a delay does not equate to a refusal. In this case, the facts make it clear that the Respondent intended to provide the records, even though it was delayed in doing so. I do not find that the records were refused in this case.
- [22] Regarding the missing minutes and those that were not provided until June 2025, as noted, when TSCC 2160 provided the non-core meeting minutes on May 7, 2025 – several sets of minutes were missing. Four sets of minutes: July 2021, July 2017, September 2017, December 2017 were eventually located and provided to Mr. Canham in June 2025. Minutes for June 2015, November 2015 and January 2016 have not been provided. The corporation has been unable to locate these minutes. I will address the question of adequacy as they relate to these minutes below – however regarding the question of whether there was a refusal to provide these minutes without a reasonable excuse – I find there was not.
- [23] Regarding the four sets of minutes that were eventually located and provided in June 2025, there is no evidence that these records were refused to the Applicant. Rather the evidence is that TSCC 2160 only became aware that it was missing certain minutes during the preparation of its response to the Applicant’s request. On realizing this, the condominium manager sought to locate the missing minutes by reviewing the corporation’s records, contacting former minute takers and consulting the property management’s head office. When TSCC 2160 located additional minutes – it promptly provided these to the Applicant. While undertaking this process resulted in these additional minutes being provided later than technically required by the Act, I do not find that the delay in providing the minutes of July 2021, July 2017, September 2017, December 2017 is a refusal in this case.
- [24] Regarding missing minutes, the minutes that TSCC 2160 cannot locate are from nearly 10 years prior. While the corporation is required by the Act to retain its minutes – even those that are ‘historical’ – and be able to provide them on request, I do not find that TSCC 2160 has unreasonably refused to provide the June and November 2015 and January 2016 minutes. There is no evidence that TSCC 2160 has intentionally sought to withhold these minutes from the Applicant, or even that it has been lax in its response to the fact that they are missing. The evidence is that the corporation has taken every effort to locate these minutes – they simply cannot be found. The corporation cannot provide records it does not have. In this

case, I find the corporation has a reasonable excuse for not providing the records: they do not have them.

- [25] Section 1.44 (1) 6 of the Act allows the Tribunal to assess a penalty against a corporation if it is found that it has, without a reasonable excuse, refused to permit the person to examine or obtain records to which they are entitled. This is the only reason for which a penalty can be imposed. It cannot be imposed for failure to provide the mandated response form or any other required accompanying statement. In this case, there has been no refusal without a reasonable excuse – thus no penalty can be assessed in this case.
- [26] Finally, Mr. Canham requested that I order that TSCC 2160 be required to pay for a specialized data recovery firm to see if they can recover the missing minutes. While it is unfortunate that meeting minutes for three months in 2015 and 2016 are missing, I do not find that it is fair or appropriate on the facts of this case to make the order requested. All unit owners will share in the cost of retaining such a firm, with no guarantee that the minutes will be located. Here, Mr. Canham has been provided with a substantial amount of historical minutes that will serve to inform him of the operation of the corporation during that time. I do not find such an order to be necessary in this case and would be unfair to all other unit owners who would have to bear costs of such an order.

**Issue No 2: Has the Respondent failed to keep adequate records, in particular adequate minutes, as per the *Condominium Act, 1998*?**

- [27] There is no dispute that TSCC 1260 had to search for some meeting minutes and that despite its best efforts, the minutes for June 2015, November 2015 and January 2016 are missing and are unlikely to be located.
- [28] Mr. Canham submits that the need for this search and the fact that three sets of minutes remain missing demonstrate that the corporation has failed to keep adequate records as defined by the Act.
- [29] TSCC 2160 submits that out of ten years' worth of minutes, there are only three sets of meeting minutes that cannot be located and that these are 'historical' in nature. While they agree that they had to undertake a search for some of the minutes, they argue that Mr. Canham is attempting to hold it to a standard of perfection rather than adequacy.
- [30] The Act is clear, as per s. 13.1(2) 2. of O. Reg 48.01 a corporation must maintain its minute book containing the minutes of owners' meetings and the minutes of board meetings "at all times." So, in this case, the fact that the records may seem

to be 'historical' does not alter the fact that the corporation is required to keep these records and be able to provide them. Mr. Canham is correct that TSCC 1260 ought to have copies of these minutes.

[31] I am not persuaded that, in this case, the inability of the corporation to locate three sets of meeting minutes from nearly 10 years ago is evidence that the corporation is failing to keep adequate records. While meeting minutes are important for the institutional memory of the corporation, and should be carefully maintained, there is no evidence before me that the absence of these three sets of minutes have resulted in the inability of the corporation to fulfil its duties and obligations. Nor does the fact that TSCC 2160 had to search for some minutes. Instead, what the evidence suggests that the corporation has been imperfect in its retention of minutes. Nonetheless, as minutes are important records of the corporation, and I remind TSCC 2160 that going forward it needs to be diligent in its retention of meeting minutes.

[32] Mr. Canham has also argued that the meeting minutes of the corporation lack detail and are "generally confusing". I do not find the evidence supports these claims. The minutes provided as evidence are clearly written, record action items and motions and provide some level of detail. I accept Mr. Canham's evidence that in some sets of minutes, the minutes simply refer to a list of information that was provided without further detail, however there is no specific evidence that the minutes do not permit the corporation to fulfill its duties and obligations under the Act. They may not provide the level of detail Mr. Canham would prefer; they are adequate for the purpose of the Act.

### **Issue No. 3: Have the minutes provided to the Applicant been overly redacted?**

[33] As noted, after the meeting minutes for the previous 12 months were provided to Mr. Canham, he raised issues in the mediation regarding the redaction of these minutes. The issue was that the minutes provided to him were not redacted using a 'blackline' technique, but rather the corporation was keeping a separate set of "in-camera" minutes where the confidential portions of the minutes were recorded in an entirely separate document. Additionally, when the corporation initially provided these minutes to Mr. Canham they had redacted (or kept confidential) information that was related specifically to Mr. Canham's unit. As per s. 55(5) of the Act, the exemptions to an owner's right to examine minutes do refer to information in the minutes regarding them or their unit (unless other exemptions apply, e.g. those related to actual or contemplated litigation).

[34] In making submissions on the question of whether the minutes provided to him have been overly redacted, Mr. Canham referred me to, *Bryan Mellon v. Halton*

*Condominium Corporation No. 70, 2019 ONCAT 2* (“Mellon”) where the Tribunal determined the complete redaction of some paragraphs, including information related to the applicant and the applicant’s unit, without consideration of whether some information could be disclosed without revealing private or personal information about other owners or their units, resulted in excessive redaction. The Tribunal ordered that the corporation provide that applicant with revised and appropriately redacted board meeting minutes at no cost.

- [35] I am persuaded that the facts in this case are similar and that the initial minutes provided to Mr. Canham were overly redacted. The complete removal of entire paragraphs, kept in a separate document, in this case, amounted to over-redaction. It is clear from my review of the records that some of the information in the in-camera minutes could have been more carefully redacted to provide some information while not disclosing private or personal information. Also, as the parties now agree, information related to Mr. Canham or his unit should not have been redacted.
- [36] However, I find no order needs to be made regarding these records. As per the submissions and evidence of the parties, the issue of what constitutes appropriate redaction was discussed in the mediation and resolved between them. The corporation revised the redactions and provided Mr. Canham with revised copies of the minutes. The evidence also shows that that Mr. Canham has, in his possession, fully unredacted copies of at least some sets of the minutes he requested.
- [37] Mr. Canham’s final concern over redactions is with the accompanying statement – or lack thereof - provided by the corporation along with the redactions. The evidence is that the corporation did not provide an accompanying statement explaining why it made each individual redaction. Rather, at the top of each set of in-camera minutes, there is statement that explains that “this section of the minutes is not available for owner review because it is exempt from review under s. 55(4) (a-c) of the Act”. It then proceeds to be more specific indicating that the information in the in-camera minutes relates to “specific units or owner to employees of the corporation or actual or pending litigation”.
- [38] The statement makes clear which sections of the Act the Respondent is relying on and when reading the minutes, it is readily apparent that they are permitted exemptions pursuant to s. 55 (4) of the Act, indicated by the statement at the top of each set of in camera minutes. I find that the statement provided by the Respondent is sufficient in this case.
- [39] Finally, while I have found there is no need to make any orders regarding the

redactions of the records at issue, going forward I encourage the corporation to review its redaction practices and ensure that it is only redacting information that is considered reasonably likely to identify another owner or unit, where that is the basis for the redaction, and provide with any request the appropriate accompanying statement which identifies the reason for each specific redaction.

#### **Issue No. 4: Should any costs be assessed?**

- [40] Both parties requested costs. The Applicant requested that he be reimbursed for his Tribunal fees in the amount of \$200 and that the corporation pay him \$177.98 for legal fees (the amount spent consulting with legal counsel on this case). The Respondent provided no specifics in relation to its costs request.
- [41] Section 1.44 (1) 4 of the Act states that the Tribunal may make “an order directing another party to the proceeding to pay the costs of another party to the proceeding.”
- [42] Section 1.44 (2) of the Act states that an order for costs “shall be determined ...in accordance with the rules of the Tribunal”.
- [43] 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 during 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.
- [44] The Tribunal’s “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 CAT case was filed.
- [45] Much was made by both parties about the perceived uncooperative, stubborn and

unreasonable behavior or 'bad faith' of the other. I find nothing in the evidence to suggest that either party exhibited behavior that is unreasonable in the context of a legal dispute where both parties had different positions and views on the legal questions. There were legitimate issues to be decided in this case and neither party engaged in behavior that caused delay or additional expense.

[46] Cost awards are discretionary. I find it fair and appropriate that each party bear their own costs.

**C. ORDER**

[47] The Tribunal Orders that:

1. The case is dismissed without costs to either party.

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Nicole Aylwin  
Vice-Chair, Condominium Authority Tribunal

Released on: October 6, 2025