

CITATION: Chown v. Frontenac Condominium Corporation No. 19, 2026 ONSC 2517
DIVISIONAL COURT FILE NO.: 602/25
DATE: 20260429

**SUPERIOR COURT OF JUSTICE – ONTARIO
DIVISIONAL COURT**

RE: ADAIRE CHOWN, Appellant

AND:

FRONTENAC CONDOMINIUM CORPORATION NO. 19, Respondent

BEFORE: D.L. Corbett, McKelvey, and O’Brien JJ.

COUNSEL: *Shawn Pulver*, for the Appellant

Melinda Andrews and Mitch Robinson, for the Respondent

HEARD at Toronto: April 20, 2026

ENDORSEMENT

D.L. Corbett J.

[1] The Appellant appeals from the decision of Ian Darling, the Chair of the Condominium Authority Tribunal (the “CAT”), dated July 3, 2025 (2025 ONCAT 112), finding that impugned Minutes of Board Meetings of the Respondent Condominium satisfy the requirements of the *Condominium Act*, SO 1998, c.19.

[2] This court has jurisdiction over this appeal pursuant to s. 146(2) of the *Condominium Act*, on a question of law. Questions of fact and questions of mixed fact and law are not subject to appeal. The standard of review is correctness respecting questions of law: *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, at paras. 36-37; *Sarros v. York Region Standard Condominium Corporation No. 1445*, 2022 ONSC 5346, at para. 10.

[3] The CAT’s decision is brief. The CAT found:

In *Verjee v. Yorn Condominium Corporation No. 43*, 2025 ONCAT 93, the Tribunal confirmed that “the standard for adequacy is not determined by each requestor’s subjective views about what constitutes proper record keeping, but an objective standard that considers whether the standard to which records are kept allows the corporation to fulfill its duties.” The parties both identified that this was the relevant standard but differed in how it was applied in this case. The Applicant framed the concerns as the minutes failing to meet an objective standard, whereas

the Respondent framed it as being focused on meeting the Applicant's subjective views. [para. 14]

[4] The CAT then made the following case-specific findings:

I have reviewed the submissions in detail and reviewed the minutes in question. The minutes are adequate. Even if I were to accept the Applicant's characterization of the list of defects as true, the concerns are minor in nature, and do not prevent the corporation from fulfilling its duties. The minutes record what happened at the meeting, and the business transacted at the meeting. The Applicant has not demonstrated through her evidence and submissions that the minutes fail to meet the legal standard of "sufficient detail to inform owners." The submissions raise omissions or inaccuracies, however the examples provided are not significant enough to render them inadequate. The Applicant did not provide credible evidence that the minutes are being altered in bad faith or are the product of a legitimate concern about record-keeping. [para. 15]

[5] The CAT then observed as follows:

While I note that the Applicant states that she is simply advocating that minutes include board discussions on how decisions are made and the financial basis for those decisions, the choices about how minutes are structured are a facet of governance and generally within the scope of the board's authority.

[6] On appeal, the Appellant argues that the CAT erred in failing to state and apply the test in *Yeung v. Metropolitan Toronto Condominium Corporation No. 1135*, 2020 ONCAT 33, or in failing to follow the principle stated in *Mawji v. York Condominium Corporation No. 415*, 2021 ONCAT 72.

[7] In *Yeung*, the Tribunal stated (at para. 17):

I conclude that amongst the records of a condominium corporation, the minutes of board meetings have a special place and purpose in helping to ensure that "the affairs and dealings of the corporation and its board of directors are an open book to ... the unit owners," and in helping owners protect their "unique interest in how the corporation is managed." Considering all these points and principles, it seems reasonable that, in the case of minutes of board meetings in particular, a reasonably high standard and expectation for accuracy should be applied.

[8] In *Mawji*, the Tribunal stated (at para. 27):

These decisions establish that an adequate record of a board meeting is a document with sufficient detail to allow the owners to understand what is going on in their corporation, how decisions are being made, when the decisions are made and what the financial basis is for the decisions.

[9] Despite Mr Pulver’s able submissions, I would not give effect to this argument, and for the following reasons I would dismiss the appeal.

Analysis

[10] This is a small condominium, compared to many whose affairs come before the CAT. There are nine units. There are three persons on the Board of Directors (currently representing three units in the condominium). There has been a history of conflict between the Appellant and the Board and management. At one time the Appellant was President of the Condominium and on the Board, but she was removed from that role. There have been multiple proceedings before the CAT (2024 ONCAT 133; 2025 ONCAT 25; 2025 ONCAT 90). As reflected at paras. 4 and 21-24 of the CAT’s decision, the Chair was aware of this history.

[11] The Appellant took the position before the CAT that there were “67 specific defects” across 5 sets of Board Minutes. The CAT noted the history and its view that the underlying dispute relates to governance issues and not just the minutes. He stated:

A strong subtext to the dispute is that the Applicant believes the Respondent is not conducting itself how the Applicant feels it should. This is compounded by the fact that the Respondent appears not to accept the Applicant’s criticism. I can make a finding on adequacy, but it is up to the community to decide how to move forward to resolve the underlying issues. [Para. 4]

The CAT’s observation was apt. The task before the CAT was to assess the adequacy of Board minutes, not to weigh in on general governance issues. Minutes are one source of information that unitholders have about condominium affairs, and not their sole source “to understand what is going on in their corporation, how decisions are being made, when the decisions are made and what the financial basis is for the decisions.”

(a) No Failure to State Applicable Principles

[12] The CAT stated the applicable principles as follows:

Both parties agree on the general legal standard for minutes as outlined in prior Tribunal cases: the standard is accuracy, not perfection; and the minutes should have enough detail to inform owners, so that they understand what decisions are made and the rationale behind them, including financial implications.... Finally, the parties agreed that the minutes play a role in documenting corporate memory, though they differ on the extent of the documentation required.... [T]he key difference in the submissions was how the parties applied these principles to the issues in dispute. [Para. 5]

The CAT also referenced the authorities relied upon by the parties, in footnotes, including both *Yeung* and *Mawji*.

[13] I do not accept the Appellant’s argument that the CAT failed to apply *Yeung* and *Malwi*, or that the CAT’s summary of agreed principles failed to take account of the Board’s past jurisprudence. The issue below and on appeal is the CAT’s application of principles to the issues raised before it, and not whether the CAT identified the correct principles.

(b) Summary Disposition Appropriate in this Case

[14] As noted, the CAT’s reasons are brief. The “core” reason for dismissing the Appellant’s claim was that “[t]he submissions raise omissions or inaccuracies, however the examples provided are not significant enough to render them inadequate.” Faced with a chart of 67 specific complaints, many of which are picayune or obviously without merit, there was no requirement for the CAT to go through and explain why each one lacked merit. The CAT was entitled to give a general characterization, as it did.

[15] This said, the CAT’s reasons could have explained its conclusions more persuasively without addressing each and every one of the 67 complaints made by the Appellant. One way this could have been done would have been to ask the Appellant to identify a few of (what she considered) the most compelling examples of insufficient minutes, and for the Tribunal to analyse those claims. Rather than sending this case back to the CAT for such an analysis, this court undertook that exercise. Having considered four examples addressed by the Appellant’s counsel in argument, I am satisfied that three of the examples failed to raise an arguable basis to conclude that the minutes were insufficient. The fourth was more germane, but I conclude that the minutes were sufficient, and that the underlying issue was properly characterized as a general governance issue and not as a deficiency in Board minutes.

(c) Appellant’s Four Most Compelling Examples of Defects in the Minutes

[16] The four examples of deficiencies made to us in oral argument were:

- (a) Uninformative statements: “all questions were answered at the meeting” with no particulars of what was asked and what the answers were.
- (b) By-law amendment: inadequate minutes respecting by-law amendment.
- (c) Investigation of “charred rafters” not properly explained in the minutes.
- (d) Board proceedings leading to an 18% increase in fees to unitholders not adequately explained in the minutes.

[17] The first example does not avail the Appellant. The impugned minutes note that the Board received a management report and an unaudited financial statement. The Appellant objects to the minutes not setting out the questions asked and the answers received. The unrecorded details do not pertain to a decision taken by the Board at the meeting, and nothing in the Record establishes

that the questions and answers were of sufficient materiality to require that they be memorialized in the minutes.

[18] The minutes concerning the by-law amendment are sufficiently clear to convey what happened at the meeting: the Board received and discussed a draft amendment to the by-laws. The minutes show that the draft by-law, as amended at the meeting, was approved by the board, with a direction that “[m]anagement will have the by-law amended.” This minute is sufficient.

[19] The minutes respecting the charred rafter state as follows:

Rafter Issue – During a home inspection completed by the owner of unit 7-250, charred rafters were identified in the attic space. The Board nor manager (sic) are aware of a circumstance that would have caused this damage. Management will arrange to have Asterisk Engineering review and report back on this matter. Greystone reportedly did inspect the attic spaces but failed to report this matter.

The Appellant’s complaint respecting this issue was as follows:

Was the work quoted? Was more than one quote solicited and received? If not, why not? If so, what were the quotes and what were the bases for the decision? Considering minutes to October 2024 inclusive, there is no report on this work. Was the work done? If not, why not?

The Appellant’s complaints do not impugn the accuracy or sufficiency of the minute. The Appellant’s complaints are completely answered by the CAT’s observations at para. 4 of the Decision, quoted above. The minutes accurately and sufficiently set out what happened at the Board meeting in respect to the “charred rafters”. The concerns raised by the Appellant, quoted above, relate to governance issues and not to the sufficiency of the minutes.

[20] The appellant’s concerns over the decision to increase unitholder fees by 18% are more facially compelling than the first three complaints, just addressed. Obviously, a decision to increase annual fees by 18% is material to unitholders. However, the issue before the CAT, and before this court, is not whether the Board’s decision to increase fees is wise, justified, or has been explained adequately to unitholders. Those are governance issues. The issue is whether the Board minutes accurately and sufficiently set out what happened at the Board meeting in respect to this issue. They do.

[21] The impugned minutes state as follows:

The unaudited [financial] statements were circulated prior to the meeting and reviewed with the Board, and all questions were answered at the meeting.

Cash Flow – Management advised that [d]ue to current cash flow problems, the Board and Management discussed different scenarios for Special Assessment(s).

Management to put together a spreadsheet for any expenses that are coming forward for the Board and for discussion on the amount for the Special Assessment.

Budget 2024/25 – The Board and Management discussed the Budget and with a few minor adjustments, the Budget for 2024-2025 was approved with an 18% increase.

A motion was made by Andrew Sunn and seconded by John Baldassarre and carried unanimously to approve the Budget for 2024-2025 Budget

The decision made by the Board is recorded: to approve the 2024-2025 Budget, which includes an 18% increase. The Board had the draft budget before it (to which the Board made “minor adjustments”) and the unaudited financial statements. The minutes sufficiently describe what happened at the meeting: on the basis of the unaudited financial statements and the draft budget, the Board approved the budget, which contained the 18% increase in unitholder fees.

[22] I accept that a unitholder would likely want to know more about why their annual fees were going up by 18%. The unitholder could seek copies of the unaudited financial statements, and the budget. The unitholder could seek copies of budgets from past years. A unitholder might well wish to hear an explanation from the Board about why fees were going up by 18%. But that is a governance issue, not a question of the sufficiency of the minutes.

[23] On the basis of these examples, I am satisfied that the CAT’s characterization of the Appellant’s complaints was reasonable. I would find that the CAT’s reasons for its decision are sufficient in light of my assessment of the Appellant’s submissions respecting the four most compelling deficiencies in the minutes in the 67 deficiencies alleged before the CAT.

A Note on Sufficiency of Reasons

[24] It is not generally the role of this court to undertake the analysis set out above at paragraphs 16-23. That is the task of the tribunal at first instance. Where a tribunal gives conclusory reasons, this court may well send the case back to the tribunal for a “do over”: the tribunal’s analysis, and not just its conclusion, should be available for this court for the purposes of appeal.

[25] I would not, however, send this case back for a “re-do” because the basis of the decision below seems clear and largely justified by the way this case was argued before the CAT. When a claimant raises 67 complaints, and it is perfectly plain that most of them are without merit, the tribunal should not spend its time providing a detailed analysis of each impugned minute. Using the technique used in this decision, of addressing a claimant’s most compelling complaints and then declining to give detailed analysis of the remaining complaints (where the most compelling complaints do not establish the claim) would provide sufficient analysis for this court to do its work on appeal without having to undertake the work that should be done at first instance.

[26] I was satisfied, after considering the four examples above, that the “most compelling” examples urged by the Appellant were not, in fact, meritorious. This is a small condominium

corporation, and the unitholders (including the Appellant) should not be put to more legal expense to get to the bottom of the “minutes” issue.

Disposition

[27] The appeal is dismissed, with costs in the agreed amount of \$10,000, inclusive, payable by the Appellant to the Respondent within thirty days. Although it should go without saying, the

Respondent may not collect additional costs of this appeal from the Appellant pursuant to provisions of the *Condominium Act* in addition to the costs awarded for this appeal.

“D.L. Corbett J.”

I agree: McKelvey J.”

I agree: “O’Brien J.”

Released: April 29, 2026