

- a. The First Decision: Was it reasonable for the CAT to dismiss Mr. Clegg's dispute about the accuracy and content of a Periodic Information Certificate ('PIC') on the basis that it lacked the jurisdiction to do so?
- b. The Second Decision: Was it reasonable for the CAT on its own preliminary motion to dismiss Mr. Clegg's objection to the publication of three owners' names in condominium Minutes after the condominium reviewed and amended the Minutes?

[5] I will not address the additional ground of review set out in Mr. Clegg's written submissions that the CAT Arbitrator should have recused himself on the basis of a reasonable apprehension of bias because it was not addressed in oral submissions. In any event, there is no merit to this ground.

[6] The threshold for finding a reasonable apprehension of bias is extremely high, see para 12 of *Spivak v. Hirsch*, 2021 ONSC 5464; and the inquiry is highly fact specific. Here, Mr. Clegg references nothing more than the CAT Chair's prior involvement in similar proceedings in which Mr. Clegg was unsuccessful. This falls well short of the high threshold for establishing a reasonable apprehension of bias.

[7] For the reasons set out below, I find that there is no basis for this court to interfere with the conclusions reached by the CAT.

Relevant Statutory Framework

[8] The CAT's legal powers derive from *the Condominium Act, 1998*, S.O. 1998, c. 19 ("the Act"). The Tribunal's purpose is to provide an efficient and cost-effective online system for the resolution of condominium-related disputes.

[9] The online process is structured into three stages: negotiation, mediation, and adjudication. Only when a matter does not resolve after the second stage does it progress to a binding adjudication hearing before a CAT member.

[10] The Tribunal's jurisdiction covers four main categories of dispute: the maintenance of condo records, disputes about an owner's right to access those records, nuisance disputes regarding unreasonable annoyances or disruptions such as noise, light, and odours, and disputes over vehicles, parking and storage. Additionally, the CAT has jurisdiction to enforce the settlements achieved with respect to these categories.

[11] Rule 19.1 provides that the CAT can dismiss a matter at any time, including

- a. Where a case is about issues that are so minor that it would be unfair to make the Respondent(s) go through the CAT process to respond to the applicant(s)'s concerns;
- b. Where a case has no reasonable prospect of success;
- c. Where a case is about issues that the CAT has no legal power to hear or decide;
- d. Where the Applicant(s) is using the CAT for an improper purpose;

- e. Where the Applicant(s) has filed documents with the CAT that the Applicant(s) knew or ought to have known contain false or misleading information;
- f. Where the CAT has found that the Applicant has abandoned their case because the Applicant no longer wants to continue or is no longer actively involved in the case; or
- g. Where the Respondent has not joined the case and the Applicant has either not delivered all of the Notices as required, or where the Applicant has delivered all of the required notices but has not moved the case forward to Stage 3 – Tribunal Decision.

[12] Rule 2.1 requires the CAT to use the Rules in a way that:

- a. promotes the fair, timely and efficient resolution of disputes;
- b. recognizes the need for a clear and easy to use process and system, including for parties without legal representation;
- c. encourages the settlement of disputes without a hearing;
- d. supports fair, focused and efficient processes, that are flexible depending on the complexity of the case and how the outcome could affect the parties or others; and
- e. ensures that, if a Hearing is needed, the Parties have a reasonable opportunity to be heard by an independent and unbiased decision maker.

[13] The Act also empowers the CAT to refuse to allow a person to make an application and to dismiss an application without holding a hearing under s. 1.41(1) of the Act, if it is of the opinion that the subject matter of the application is frivolous, vexatious, if the application has not been initiated in good faith or the application discloses no reasonable cause of action.

Background Facts: The First Decision

[14] In October of 2025 Mr. Clegg chose “Records” as his category and filed a document titled “Problem Description.” The issue in dispute was stated to be the “type of documents that the condominium corporation is keeping” and under “Details”, he wrote “I’m not sure which of the following issues are within the jurisdiction of the CAT.”

[15] He then went on to identify that a PIC had not been issued by his condominium on a timely basis, that the Reserve Fund Budget was not attached to the PIC, (although it was otherwise available to him) that the Reserve Fund Budget’s format was inadequate, and most importantly, that certain portions of the Budget in his view were inconsistent with other representations. He took issue with the conclusion within the Reserve Fund Budget.

[16] A PIC is a form that condominium corporations must complete at least twice a year to provide owners with information about its condominium members, finances, insurance, reserve fund, legal proceedings, and other matters of importance to owners.

[17] On October 20, 2025, Mr. Clegg received a Notice of Intent to Dismiss his dispute because the Tribunal lacked the jurisdiction to address his concerns. Specifically, the Notice proposed dismissal under Rule 19.1 because the dispute was about a PIC, its contents and accompanying

documentation. Mr. Clegg was invited to provide a response as to why the application ought not to be dismissed.

[18] Mr. Clegg’s response cited section 55(1) of the Act which requires a condominium corporation to keep adequate records, acknowledging that the CAT online dispute resolution system does not have adequacy as a choice within a records dispute and that condominium governance is not in the CAT’s jurisdiction.

[19] He went on to cite *Yeung v. Metropolitan Toronto Condominium Corporation No. 1136*, 2020 ONCAT 33, for the principle that the accuracy of a record is a component of adequacy. Mr. Clegg concluded his response by emphasizing “the magnitude of the variance between the published budget and Section 4 of the PIC” which thereby “render[ed] the PIC inaccurate and by default inadequate.”

[20] On November 28, 2025, the CAT dismissed Mr. Clegg’s application, holding that it lacked authority to adjudicate disputes about the accuracy and content of PICs. The CAT also noted that the application was substantially similar to earlier applications brought by Mr. Clegg that had been dismissed. It offered a warning to Mr. Clegg regarding the improper use of the Tribunal.

Background Facts: The Second Decision

[21] On October 26, 2025, Mr. Clegg wrote to the condominium’s secretary asserting that the September 2025 Minutes improperly identified three unit owners, (none of whom were Mr. Clegg,) contrary to s. 55(4) of the Act. Specifically, the Minutes identified:

- a. an owner who requested records;
- b. an owner who made a helpful suggestion about the corporation’s operations; and
- c. an owner who agreed to assist the condominium with a specific task.

[22] After further correspondence with Mr. Clegg, the corporation amended the Minutes to remove the name of the owner who requested records. The other two names remained.

[23] Despite this change, Mr. Clegg commenced a CAT application on November 6, 2025 alleging that the corporation deliberately published owners’ names in the Minutes contrary to s. 55(4)(c) of the Act. He sought personal damages payable to him by the condominium.

[24] None of the named individuals objected to their name showing in the Minutes. None were parties to the application. This was Mr. Clegg’s tenth application to the CAT, with five of those applications having been filed in 2025.

[25] On December 1, 2025, the CAT dismissed Mr. Clegg’s application on its own motion under s. 1.41(1) of the Act, without further submissions from the parties. In doing so, the CAT acknowledged that it was unusual to do so, but, at the same time, it would be unfair to require the corporation to incur the costs of replying to Mr. Clegg’s application when the proceeding dealt with such minor issues, the lack of any connection between Mr. Clegg and the alleged noncompliance and that the complaint held no reasonable prospect of success.

[26] At paragraph 10 of the December 1, 2025 dismissal the Chair wrote that “it is not the role of the Tribunal to decide how the corporation conducts its business, as long as the actions are reasonable and consistent with the Act. This dispute is about wording preference in one set of Minutes. It is improper to file an application related to these issues.”

[27] The decision goes on to caution Mr. Clegg with respect to using the Tribunal for improper purposes.

Standard of Review

[28] The presumptive standard of review for all substantive questions on judicial review is reasonableness: *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, [2019] 4 S.C.R. 653.

First Decision Analysis

[29] The CAT reasonably dismissed Mr. Clegg’s application on the basis that it did not have the legal authority to decide disputes about the accuracy and content of PICs.

[30] The contents of a PIC are statutorily defined. Section 26.3 of the Act sets out the delivery and timing of PICs. The required content of a PIC is set out in s. 11.1 of General, O. Reg. 48/01 (the “Regulation”).

[31] It is not disputed that the CAT does not have the jurisdiction to consider disputes with respect to s. 26.3 of the Act, or s. 11.1 of the Regulation.

[32] Instead, Mr. Clegg asserts that the CAT’s decision to dismiss his application was not reasonable because the CAT can consider records related disputes pursuant to s. 55 of the Act. He argues that the accuracy of documents that fall within the scope of section 55 speak to their adequacy and are therefore properly before the CAT.

[33] In making this argument, Mr. Clegg conflates the statutory definition of adequacy with his subjective view of the appropriateness of the corporation’s decision making.

[34] Section 55 operates to identify the records necessary to adequate record keeping, setting out a non-exhaustive list of records to be kept at 55(1). Subsection 55(2) identifies how long records must be retained, and to whom they can be provided. These sections grant jurisdiction to the CAT to adjudicate disputes under s. 55(1)-(8), such as to whom and in what circumstances a condominium corporation can be compelled to provide its records. They do not grant jurisdiction to the CAT to determine substantive concerns within a corporation’s records from the subjective standpoint of a unit holder.

[35] As set out at paragraph 9 of *Mariam Verjee v York Condominium Corporation No. 43*, 2024 ONCAT 93, a case cited by Mr. Clegg, the standard for adequacy as defined in the statute “is not determined by each requester’s subjective views about what constitutes proper record keeping, but by an objective standard that considers whether the standard to which records are kept allows the corporation to fulfill its duties.” And at paragraph 10:

[10] Further, the Tribunal's records jurisdiction is to resolve and decide disputes related to Section 55 of the *Condominium Act*, 1998 (the "Act"). The Tribunal is not intended to replace the democratic governance of the corporation. The underlying issues in this case (and others involving the same Respondent) relate to how the corporation is managed and governed. The CAT can make orders to address the records issues, but questions of governance are left to the community to resolve.

[36] Mr. Clegg misinterprets paragraph 28 of *Mariam Verjee* which describes a pattern of errors found by the CAT to have been made within the condominium's various responses to Ms. Verjee's request for records. Similar to the circumstances herein, Ms. Verjee asserted her complaint not as an entitlement to identified records, but "an analysis of the accuracy and adequacy of the records with the intent to prove that the corporation was not governed correctly."

[37] In *Mariam Verjee*, the CAT found that assessing the governance of a corporation was clearly outside its role and dismissed the complaint, providing only that the York Condominium Corporation No. 43 reimburse Ms. Verjee her tribunal fees of \$300 and the \$25 that she had incurred cancelling a cheque.

[38] Mr. Clegg similarly misinterprets the CAT decision in *Yeung*, which he points to as supporting his view that assessing the "adequacy" of records includes a substantive inquiry into the nature of the corporation's decision making. *Yeung* is a decision arising from a unit owner's request to view email correspondence related to a gas contract renewal that had been referenced within the Minutes of the Board. In that decision, the CAT ruled that emails between directors do not form part of records required to be maintained by the condominium. Mr. Yeung's request was dismissed but for a term that he be paid \$200 to reimburse him for his CAT application fee because the board had failed to respond to his initial request within the required 30-day timeframe.

[39] The decisions in *Yeung* and *Mariam Verjee* reinforce that while the CAT may rule on the corporation's overall compliance with the requirement to maintain adequate records, the CAT does not have the legal authority to rule on the governance of the condominium.

[40] In summary, the legislature has specified the contents of a PIC in s. 11.1 of the Regulation. These include a copy of the corporation's budget. A dispute over s. 11.1 requirements is not within the CAT's jurisdiction. While complaints of a larger scale and important disputes about a corporation's records practices may fall within the CAT's jurisdiction under s. 55 the CAT does not have jurisdiction over the governance of a condominium board. The requirement of a corporation to keep "adequate" records in section 55 (1) speaks only to larger issues about the nature and extent of records that must be kept by a corporation, and not the details about the contents of records that go to governance issues.

[41] Section 55 cannot be read to give the CAT the jurisdiction to engage in the governance of a corporation by adjudicating a unit owners' allegations of deficiencies within a PIC or here, to provide a forum to contest the contents of and the conclusions within a Reserve Fund Budget.

Second Decision Analysis

[42] When this application came before the CAT, the corporation had already taken steps to address Mr. Clegg’s concerns by removing the name of the owner who had requested documents. The CAT reasonably concluded that, since the amendments had been made, “there was no dispute to adjudicate.” This was a reasonable determination available to the CAT.

[43] Moreover, there is no basis to interfere in the CAT’s finding that Mr. Clegg lacked standing to object to the inclusion of other people’s names in the Minutes and therefore was not entitled to claim for damages. On the facts before the corporation, there was no connection between Mr. Clegg and the alleged noncompliance. Mr. Clegg did not have standing to claim damages, and Mr. Clegg was, as stated by the CAT Chair, “rolling over grounds and issues raised in prior CAT cases and incorporating them in new applications.”

[44] I find that the CAT’s decision to dismiss Mr. Clegg’s Second Application was a reasonable exercise of its statutory authority to screen and dismiss an application that had no chance of success. Section 1.41(1) of the Act specifically empowers the Tribunal to dismiss an application on its own motion without submissions from either party where it finds the application to be frivolous, vexatious, or that it discloses no reasonable cause of action. It was reasonable for the CAT to determine that the application for damages was trivial, did not have a reasonable prospect of success, and given the history of applications to that date, had been brought for an improper purpose.

Conclusion

[45] The CAT reasonably exercised its discretion to dismiss each of the two Applications brought by Mr. Clegg. There is no basis for this court to intervene. I would dismiss the application for judicial review.

Costs

[46] The parties agreed that Mr. Clegg would pay \$5,000 costs if unsuccessful on this application for judicial review. Costs are payable by Mr. Clegg to the corporation in 30 days.

McGee J.

I agree

McCarthy J.

I agree

O’Brien J.

Released: June 26, 2026

CITATION: Clegg v. Condominium Authority Tribunal, 2026 ONSC 3742
DIVISIONAL COURT FILE NO.: DC-25-0003104
DATE: 20260626

ONTARIO
SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT

McGee, McCarthy and O'Brien JJ.

BETWEEN:

Jeff Clegg

Applicant

– and –

Condominium Authority Tribunal

Respondent

REASONS FOR JUDGMENT

Released: June 26, 2026