



COPY

September 27, 2024

BY EMAIL (mastersparky@hotmail.com) & BY REGULAR MAIL

Joseph Dilworth
Unit 765F Cedar Creek Dr.
Gloucester, ON
K1T 0B3

Dear Mr. Dilworth:

***Re: Ottawa-Carleton Standard Condominium Corporation No. 816 – Communications
Our File No.: 30299-100***

As you are aware, we act as legal counsel for Ottawa-Carleton Standard Condominium Corporation No. 816 (“OCSCC 816” or the “Corporation”).

I am required to write to you in relation to your communications to Tasha Peric containing various allegations and demands for documentation and answers to inquiries. The purpose of this communication is to ensure that you understand your duties, obligations, and limitations on authority in relation to your role as a member of the Board of Directors of OCSCC 816. This letter is meant to be informative and assist you in fulfilling your role as a constructive member of the Board of Directors.

I have reviewed several of your email communications, and there are statements and requests which are concerning, including the following:

- Statements which make serious allegations against both previous management and a member of the Board of Directors, including allegations of improper conduct, conflicts, bullying and intimidation, which are concerning in both the volunteer and the employment setting;
- Requests for information, documentation and answers to inquiries which have not been approved by a quorum of the Board of Directors.

As legal counsel for the Corporation, these cause me concern for the following reasons:

Access to Records

Individuals who are elected to the Board of Directors are, of course, in a unique position to have access to records of the Corporation which are not accessible to other owners while an individual is fulfilling their role as a director. However, Directors do not automatically have access to all records of the Corporation simply by virtue of being a member of the Board of Directors. Having such “unlimited



access” would be in breach of section 55 of the Act, and could also result in Directors accessing records from periods prior to their election which they would not otherwise be entitled to access.

If an individual director is asking for copies of Corporate Records outside of the documentation which is being provided to all members of the Board of Directors on a regular basis to fulfill their duties, then any such request must be approved by a majority of the Board of Directors.

In this case, you are asking for extensive past documentation that is not necessary to complete your duties, under the guise of exercising “due diligence”. The requests for this additional documentation must, therefore, be reviewed and approved by the Board of Directors. You must, therefore, provide a specific explanation to the Board of Directors as to the specific reason for all of the additional documentation that you are requesting, so that the Board of Directors can consider whether or not this documentation is necessary for you to fulfill your duties as a member of the Board of Directors.

If the records are not necessary for you to fulfill your role on the Board, and you still wish to obtain access to these records, you can submit a Request for Records in your capacity as an owner, and this request will be subject to the timelines, provisions and costs for non-core records as set out in section 55 of the Act and the Regulations.

Authority of Individual Directors

As noted above, you are not automatically entitled to access all records of the Corporation simply by virtue of being elected to the Board of Directors.

Similarly, you do not have unilateral authority to instruct the Property Manager or the Management Company to provide access to records which are not provided to the Board of Directors as a whole as part of the fulfillment of their daily operations.

Accordingly, as noted above, these requests for access to additional records need to be approved by the Board of Directors.

Allegations Against Fellow Board Member & Management

One of the most concerning threads in your emails is the extensive allegations that you are making about a fellow member of the Board of Directors, and the previous Property Manager. Based upon my review of the information that has been provided, as well as the historical records that my office has on file, these allegations are completely false and without merit. Accordingly, these types of communications are inappropriate and may well be deemed to be harassing.



The communications to the Property Manager, and the nature of the requests being made, also contain an impliedly “threatening” tone alleging that management has not been fulfilling the terms of the contract.

Again, as noted above, these types of communications are not appropriately made by a single member of the Board. If the Board of Directors believes that there are issues in relation to the fulfillment of the Contract which require a communication to Management, this must be discussed and approved by the Board of Directors. Again as noted above, you have no unilateral authority in relation to such communications, and allegations without merit can be considered harassing.

In the current climate in the condominium industry, where there is an ongoing concern of harassment and toxic environments, it is important that all members of the industry be very aware that allegations such as these will be taken very seriously. The condominium setting is also an employment setting, and such allegations must, therefore, be treated accordingly. It is important for you to be aware that such communications can give rise to claims against the Corporation pursuant to the *Occupational Health and Safety Act*. Making such allegations, without any evidence or merit, as a tool to “turn the tables” if an individual doesn’t agree with the legal obligations of the Board and Management, or decisions which have been taken by the Board and Management is a very serious matter. If you have evidence to support your allegations, please provide such evidence to me (as legal counsel) immediately. If you have no such evidence, please immediately refrain from making such allegations.

Communications Moving Forward

Moving forward, please note that the Property Manager will not be responding to individual emails from you concerning the affairs of the Corporation, in your capacity as a member of the Board of Directors. All emails received from you will be reviewed and considered at the monthly meetings of the Board of Directors, and Management will then respond as directed by the Board of Directors following the meeting.

I thank you for your anticipated cooperation and sincerely hope that the foregoing has been instructive and will help you, going forward, in duly fulfilling your role as a member of the Board of Directors.

Yours truly,

Nancy Houle

Cc: OCSCC 816 – *By Email*