



Order under Section 31 Residential Tenancies Act, 2006

Citation: Daneluk v Skyline living, 2026 ONLTB 1143

Date: 2026-01-07

File Number: LTB-T-063395-23

In the matter of: 111, 2760 5th Ave west
Owen sound ON N4K5X6

Between: Gina Blue Daneluk Tenant

And

Skyline living Landlord

Gina Blue Daneluk (the 'Tenant') applied for an order determining that Skyline living (the 'Landlord'):

- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.

This application was heard by videoconference on December 3, 2025 at 9:40 a.m., was stood down, and then resumed at 10:00 a.m.

The Landlord's representative Susan Kiekens and the Tenant Gina Daneluk attended the hearing.

Preliminary Issues:

Tenant's Adjournment Request – Lack of Time to Seek Legal Representation

1. As a preliminary matter, the Tenant requested an adjournment of the proceedings citing a lack of time to prepare for the hearing and retain new legal representation, claiming her previous representative, Mr. Hedden, no longer returned her phone calls from October 2025 up until the date of the hearing. The Tenant submitted that after a short period of unresponsiveness from her previous representative, she contacted the Law Society of Ontario ("LSO") and was informed by email in early October 2025 that Mr. Hedden was no longer licensed by the LSO. The Tenant further claimed the Tenant had not received the Notice of Hearing until late September 2025. Taking in submissions from both parties at this hearing, I determined the adjournment was not to be granted. My reasons for denying this adjournment are as follows.

2. The Landlord's representative did not take a position on the adjournment request but submitted the Landlord was prepared to proceed, and the matter was previously adjourned on June 18, 2024 while the Tenant was represented.
3. Section 183 of the *Residential Tenancies Act, 2006* (the 'Act') states that the Board shall adopt the most expeditious method of determining the questions arising in a proceeding that affords to all persons directly affected by the proceeding an adequate opportunity to know the issues and be heard on the matter.
4. I find that the Tenant received adequate notice of the hearing and had a reasonable opportunity to obtain legal representation, including being represented on this matter from June 2023 until early October 2025. Further, I find the Tenant did not make any attempts to advise the Landlord or the Landlord's representative that the Tenant intended to request an adjournment in advance of the date of the hearing. While Section 10 of the *Statutory Powers Procedures Act* (1990) provides there is a right to representation, this right is not absolute; the responsibility rests with the party to obtain such representation. In this case, the Tenant was previously represented, and the matter was previously adjourned on June 18, 2024. Both sides were present at the hearing, and I am therefore satisfied that the Tenant had an adequate opportunity to know the issues and be heard on the matter.

Request to Amend - Remedies

5. The Landlord's representative raised a preliminary issue that the remedy being sought in the Tenant's application was inappropriate, therefore submitted the Tenant's application ought to be dismissed.
6. The Tenant's T2 application seeks only one remedy: an order requiring the Landlord to provide the Tenant with another apartment. After reviewing the application with the parties, the Tenant acknowledged submitting the application and further acknowledged the sole remedy being sought in the application was a request ordering the Landlord to provide her with a new unit, citing she was unclear of what remedies to seek at the time of submitting the application.
7. The Board does not have the legal authority under *the Act* to make this type of order as a 'replacement unit' is not a remedy available under sections 29 through 31 of *the Act*.
8. When a party seeks a remedy the Board cannot grant, the Board may consider whether an amendment to the application is appropriate; accordingly, I permitted the Tenant to make a request to amend their application. The Tenant sought an amendment to their application to include the additional remedy of compensation.
9. The Landlord's representative opposed the request, citing the Tenant was made aware of potential defects on June 18, 2024 when the matter was previously adjourned before the Board, has had over a year to submit an amendment to the application, but chose not to do so. The Landlord's representative further submitted that an amendment at this stage would represent a significant change and prejudice the Landlord as the Landlord would have had no time to prepare.

10. Section 201(1)(f) of *the Act* states:

The Board may, before, during or after a hearing, on its own motion and on notice to the parties, amend an application if the Board considers it appropriate to do so and if amending the application would not be unfair to any party.

11. LTB Rule of Procedure 15 states that an applicant seeking to amend their application shall request this amendment in writing by serving the amended application to all other parties and filing the amended application and a Certificate of Service with the Board. The request to amend the application is then decided at the hearing.

12. However, Rule 15.4 allows the Board to exercise its discretion to grant a request to amend made at the hearing if satisfied the amendment is appropriate, would not prejudice any party, and is consistent with a fair and expeditious proceeding.

13. The request to amend the application at the hearing was denied. The Tenant did not provide the Landlord or the Board with prior notice of their request to amend the application and the Landlord had not been advised of the amount of compensation being sought or the reasons or details regarding the request. In this case, the requirements of Rule 15.1 of the Board's Rules of Procedure were not complied with, so the request was not properly before the Board; and I find should the amendment be permitted at the hearing, it would result in a denial of procedural fairness for the Landlord given the scale and scope of the amendments being requested.

14. An adjournment to amend the application was also denied on the basis that this file has been ongoing since 2023. The issues have been known to the Tenant for a considerable period, and the Tenant has had multiple opportunities to amend the application to seek remedies that fall within the Board's jurisdiction and chose not to do so. At this late stage, allowing a substantial amendment would cause prejudice to the Landlord and allowing an adjournment would further delay the proceeding. For these reasons, I exercised my discretion not to permit an amendment on this basis.

15. Because the Board cannot grant the remedy requested, and because no amendment has been permitted, there are no remaining remedies before the Board that can be adjudicated under the Tenant's T2 application. In these circumstances, the application cannot proceed whereas the Board cannot conduct a hearing on an application that seeks no valid or available remedy under *the Act*. Accordingly, the Tenant's T2 application is dismissed

It is ordered that:

1. The Tenant's T2 application is dismissed.

January 7, 2026
Date Issued

Greg Witt
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.