



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: Behrens v Rise Property Solutions, 2026 ONLTB 1131

Date: 2026-01-06

File Number: LTB-T-039933-23-RV

In the matter of: 3, 987 MOHAWK RD E
HAMILTON ON L8T2R9

Between: David Behrens Tenant

And

Rise Property Solutions Landlord

Review Order

David Behrens (the 'Tenant') applied for an order determining that Rise Property Solutions (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.

This application was resolved by order LTB-T-039933-23 issued on August 27, 2024.

On September 26, 2024, the Landlord requested a review of the order and that the order be stayed until the request to review the order is resolved.

On September 27, 2024, interim order LTB-T-039933-23-RV-IN was issued, staying the order issued on August 27, 2024.

On January 14, 2025, interim order LTB-T-039933-23-RV was issued, amended by LTB-T-0399933-RV-IN2, issued on April 1, 2025, granting the Landlord's request to review and sending the application to be heard *de novo*.

This application was heard by videoconference on September 4, 2025.

The Landlord's legal representative, A. Smith, and the Tenant attended the hearing.

Determinations:

Preliminary Issue:

1. The Landlord moved to dismiss the application for being confusing, unclear and lacking in dates and details. The Landlord submits that the Tenant was aware that the application

was deficient. The matter was adjourned on June 2, 2025, and the Member noted that the Tenant was aware of the deficiencies in the application. The Tenant was provided a further chance to amend the application.

2. The Landlord further submits that the remedy requested in the application is speculative, as it is based on a possibility, rather than the concrete fact, that the Tenant would have to park elsewhere. The Tenant has now moved out of the rental unit, so that allegation is moot in any case.
3. The Tenant said that they did not amend the application because they were waiting for an interim order to tell them what to do to amend the application.
4. The Tenant did not amend their application after the adjourned hearing on June 2, 2025.
5. I dismissed the application because I found that the application contained allegations that either lacked sufficient dates or details for the Landlord to understand the case they would need to meet. The application also had speculative allegations about the possibility, rather than the actuality, of the Tenant being obliged to park somewhere other than where he had habitually parked. I find that the Tenant was informed that his application would have to be amended in order to be able to proceed, and he failed to amend it in the three months since the last hearing.
6. Rule 15.3 of the Board's Rules of Procedure provide that the Board may exercise its discretion to permit a request to amend, considering various factors such as its timeliness, or the prejudice to any party by accepting the amendment. In this case, the Tenant did not request to amend his application at all, even though made aware of its necessity. Section 183 of the *Residential Tenancies Act, 2006* (the 'Act') provides that the Board shall adopt the most expeditious method of determining the questions arising in a proceeding, and it is not an expeditious use of Board time to adjourn this matter a further time to provide the Tenant yet another opportunity to perfect his application. It is also not for the Board to instruct the Tenant how to properly amend his application.

It is ordered that:

1. The previous orders, LTB-T-039933-23 issued on August 27, 2024, interim orders LTB-T-039933-23-RV-IN issued on September 27, 2024, and LTB-T-039933-23-RV issued on January 14, 2025, as amended by LTB-T-039933-23-RV-IN2 issued on April 1, 2025, are all cancelled. They are replaced by the following order.
2. The Tenant's application is dismissed.

January 6, 2026

Date Issued

Nancy Morris

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

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