



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-016315-24

In the matter of: 202 SEVENTH ST
WYEBRIDGE ON L4R3Z5

Between: Caley White Tenant

And

Amanda Tolles Landlord

Caley White (the 'Tenant') applied for an order determining that Amanda Tolles (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 heard by videoconference on August 18, 2025.

The Tenant, the Tenant's Legal Representative Julie Shirk and the Landlord attended the hearing.

Procedural History:

1. This matter appeared before the Board on February 18, 2025, the then Tenant's Legal Representative Mr. Lund failed to upload any evidence to support this application. He requested an adjournment which I granted.
2. An interim order was issued giving the Tenant until February 21, 2025, to submit their evidence. This date was chosen by Mr. Lund.
3. As part of the interim order, specifically paragraph 10, I stated: "If a party does not comply with the deadlines for disclosure in paragraphs 4, 5, and 6, the Member may refuse to accept the evidence or consider the issues not disclosed."
4. On August 18, 2025, Ms. Shirk appeared and stated this file was handed to her because an unforeseen circumstance involving Mr. Lund, she had to step in. Mr. Shirk requested an adjournment to prepare the file and upload evidence. When I questioned Ms. Shirk about what the unforeseen circumstances surrounding Mr. Lund, she stated "Mr. Lund had flown somewhere".

5. The explanation provided by Ms. Shirk regarding the unforeseen circumstances was vague and lacked sufficient detail to justify granting an adjournment. Simply stating that Mr. Lund had flown somewhere does not establish a compelling reason for the delay or demonstrate why the Tenant could not comply with the disclosure deadlines. When considering the history of this file, it is evident that the application was filed on February 27, 2024, and, apart from the initial filing, no substantive steps were taken by the Tenant to advance the matter. This prolonged inactivity reflects a lack of diligence and undermines the integrity of the process, which relies on timely disclosure and preparation by both parties. Additionally, this undermines the interim order I issued with deadlines.
6. The matter first appeared before the Board on February 18, 2025. At that time, the Tenant had not uploaded any evidence to support their application. Recognizing the importance of procedural fairness, I granted an adjournment to allow the Tenant additional time to comply with disclosure requirements. Along with this adjournment, I issued an interim order setting clear deadlines for both parties, including a specific deadline of February 21, 2025, for the Tenant to upload their evidence. It is critical to note that this deadline was not arbitrarily imposed nor was this date suggestive. This was a date requested by Mr. Lund, who represented the Tenant at that time. Despite this accommodation, the Tenant failed to meet the deadline, demonstrating disregard for the interim order and the procedural obligations necessary to move the matter forward.
7. The application appears before the Board again on August 18, 2025, and no evidence was uploaded nor was there any effort to advance the file.
8. The Tenant's failure to serve evidence on the Landlord and comply with the interim order constitutes a serious breach of procedural fairness. Hearings before the Board are not intended to proceed in an 'ambush' style, where one party is deprived of the opportunity to understand and respond to the claims against them. The disclosure process ensures transparency and fairness, making it incumbent upon the Tenant to provide particulars well in advance of the hearing. By ignoring the instructions set out in the interim order and taking no steps to advance their application, the Tenant has not only delayed the resolution of this matter but also compromised the Landlord's right to prepare a proper defense. This lack of compliance and engagement with the process cannot be condoned.
9. The Landlord's right to know the claims being made against them and providing the Landlord the adequate opportunity to know the issues in a timely manner, outweighs the prejudice to the Tenant who had ample opportunity to perfect their T2 Application during the life cycle of this matter.
10. As a result, the Tenant's application shall be dismissed, as the Tenant breached paragraphs 4 of the Interim Order and has done nothing to advance their application.
11. For all these reasons, I denied the adjournment request. The Tenant did not follow the interim order, and in the 18 months since the application was filed, nothing has been done to advance the file.
12. As a result, the Tenant did not upload any evidence to support their claims, the application shall be dismissed.

It is ordered that:

1. The Tenant's application is dismissed.

January 7, 2026
Date Issued

Anthony Bruno
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.