



Order under Sections 30 and 135 of the Residential Tenancies Act, 2006

File Number: LTB-T-052058-23-HR

In the matter of: D, 29 CHILTON RD
EAST YORK, ON M4J3C7

Between: Ariz Zubair Tenant

and

N5R and Roman Bodnarchuk Landlord

HEARING ORDER

Ariz Zubair (the 'Tenant') applied in a T1 and T2 application seeking an order determining that N5R and Roman Bodnarchuk (the 'Landlord') owes a rebate of money and about tenant's rights.

This application was heard by videoconference on August 22, 2024. The Tenant attended the hearing. As of 11:34am (the hearing was scheduled to start at 9am) the Landlord was not present or represented at the hearing.

There was no proof in the LTB's file that the Landlord had been issued the Notice of Hearing. Although the LTB had emailed the parties the Notice of Hearing on April 4, 2024, the Landlord had not consented to service by email from the LTB.

Despite the lack of service of notice of the hearing on the Landlord, the Tenant's applications were dismissed, as explained below. Therefore, the lack of service and the Landlord's non-attendance at the hearing was a moot issue.

Unfortunately, the Member who heard the application left the LTB without issuing an order.

The Associate Chair of the LTB determined that the prior Member is unable to issue a decision in this matter. The application was therefore reassigned by the Associate Chair's authority under section 4.4(1) of the *Statutory Powers Procedure Act* (the 'SPPA'). As the reassigned adjudicator, I have elected under section 4.4(6) of the SPPA to make a decision on the basis of listening to the existing hearing recording from the August 22, 2024 hearing, and by reviewing the file in the Tribunals Ontario Portal (TOP).

Determinations:

1. The hearing Member raised as a preliminary issue that the Applicant/Tenant did not claim anything in the T1 or T2 applications. There were no reasons checked off on the forms. There were no descriptions or particulars written in the applications.
2. The Tenant advised that he had called Legal Aid, but had not received any legal advice for preparing his applications.
3. The hearing Member could not consider any of the evidence or documents submitted by the Tenant into the Tribunals Ontario Portal (TOP) because it was done only yesterday.
4. The Member advised the applications must be dismissed because of the total lack of particulars.
5. After reviewing the file and listening to the recording, I agree that the applications cannot be adjudicated due to a total lack of any claims or allegations.

It is ordered that:

6. The applications are dismissed.

January 8, 2026

Date Issued

Michelle Tan

Vice Chair, 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.