



Order under Section 69 Residential Tenancies Act, 2006

Citation: Main Street East Ltd. v Boahene, 2026 ONLTB 2838

Date: 2026-01-13

File Number: LTB-L-051584-25

In the matter of: 407, 1160 MAIN ST E
HAMILTON ON L8M0A4

Between: Main Street East Ltd. Landlord

And

Kenneth Boahene Tenant

Main Street East Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Kenneth Boahene (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on October 20, 2025.

Only the Landlord's agents Wing Chu and Savan Chandaria attended the hearing.

As of 10:14 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. Per the Landlord, the Tenant vacated the rental unit on September 16, 2025, when he was evicted from the rental unit pursuant to LTB Order LTB-L-029163-25.
2. As such, the Landlord's application to terminate the tenancy is moot. The application for daily compensation is also moot as this was ordered in LTB-L-029163.
3. The Landlord sought to amend its application to include claims for compensation under sections 88.1 and 89 of the Act. The Landlord sent a copy of the proposed amendments to

the application to the Tenant via email. The Tenant did not attend the hearing to confirm they received a copy of the Landlord's proposed amendments ahead of the hearing.

4. After considering the factors set out in Rule 15.3 of the LTB Rules, I denied the Landlord's request to amend the application. The Tenant would experience significant prejudice if an order was made based on the proposed amendments, as the Landlord claimed significant amounts under both sections 88.1 and 89.
5. By the time the amendments were sent to the Tenant, the Tenant was no longer in possession of the rental unit. As far as the Tenant was aware, the issues live in the Landlord's applications had been moot since the Tenant vacated the rental unit on September 16, 2025. Without any indication that the Tenant became aware of the amendments sought, I do not feel comfortable allowing such a substantive amendment.
6. Further, the Tenant had vacated the rental unit before the Landlord sought to amend their L2 Application. A tenant must be in possession of a rental unit for a Landlord to be able to file an L2 Application; the appropriate process for seeking recourse from a former tenant is an L10 Application, which is subject to different procedures and requirements.
7. After the application was denied, I canvassed the Landlord's agents about their intention to proceed with the application, giving that it is moot. They declined to withdraw the application.
8. The Landlord's agents continued to seek costs from the Tenant in the amount of the costs of filing the application.
9. The decision to order the application fee as costs is a discretionary decision in the hands of the Member hearing the application: Rule 23.1 of the LTB Rules of Procedure.
10. I do not think it is appropriate in this case to award the filing fee to the Landlord, even if they prove the merits of their allegations of substantial interference. The Landlord's request to amend their application is, essentially, an inappropriate attempt to turn one type of application into another.
11. The application before me was moot, and it is an inappropriate use of Board resources to consider and adjudicate the merits of a moot application. This would be directly contrary to the Board's obligation to resolve applications before it in the most expeditious manner: section 183 of the Act.

It is ordered that:

1. The Landlord's application is dismissed as moot.

January 13, 2026
Date Issued

Jeremy Henderson
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.