



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-005609-24

In the matter of: 1601, 35 Walmer Road
Toronto ON M5R2X3

Between: Kelli Gastman Tenant

And

IMH Pool XII LP Landlord

Kelli Gastman (the 'Tenant') applied for an order determining that IMH Pool XII LP (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 December 18, 2025.

The Landlord's representative, Sean D. Beard, the Landlord's agent, Sean Yu, the Tenant's representative, Chequincia Williams, and the Tenant attended the hearing.

At the hearing, the parties agreed to amend the application to correctly identify the Landlord as IMH Pool XII LP. Since the parties consented to this amended, I agreed to amend the application to correctly reflect the name of the Landlord.

Determinations:

1. This application was filed with the Board on January 30, 2024. On December 19, 2024, the Tenant filed an amended application. The parties agreed the Tenant served the Landlord with a copy of the amended application at least 7 days prior to the hearing date. Since there was no prejudice on either party, I agreed to accept the amended application.
2. At the hearing, the Landlord raised a preliminary concern with respect to the amended application. Specifically, the Landlord submitted that the application lacked specific details for them to know the case to be met.
3. The Divisional Court has held that in order to be considered, a claim must have sufficient details or particulars, including dates and times of the alleged offensive conduct, together with a detailed description of the alleged conduct complained of, to allow the person against whom the claim is made to know the case to be met and to prepare for the hearing accordingly. (Ball v. Metro Capital Property, [2002] O.J. No. 5931).

4. Although the Ball case related to the details required in a landlord's notice of termination, it reflects the general principles of procedural fairness, which include a party's right to know the case to be met. I cite the Ball case solely for this principle as I find it applies equally to tenant applications. The legal principles of fairness and natural justice demand that a party has a right to know the case against them and that they be provided sufficient details of the issues to determine whether to defend the claim.
5. As it pertains to the Tenant's Application regarding their claim for substantial interference, I am not satisfied that the Tenant's application contains sufficient details for the Landlord to know the case to be met. The application states the issue to be addressed is noise stemming from October 2022. However, October 2022 would be out of time as per section 29(2) of the Act.
6. The only other date is October 2023, but no specific details about said noise during this period, therefore the application lacks particulars. As such, I accept the submission of the Landlord that the Tenant's substantial interference claim should be dismissed for lack of details as the Landlord did not have the sufficient detailed required to defend that claim. The Tenant's application is dismissed.

It is ordered that:

1. The Tenant's application is dismissed.

January 9, 2026
Date Issued

Vishal Nanda
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.