



Order under Section 30 Residential Tenancies Act, 2006

Citation: McConnell v Torbill Holdings Ltd., 2026 ONLTB 5397

Date: 2026-01-21

File Number: LTB-T-007745-24

In the matter of: 3 Scheldt Court SS12
Picton ON K0K2T0

Between: Patricia McConnell Tenant

And

Torbill Holdings Ltd. Landlord
Bill Torbill

Patricia McConnell (the 'Tenant') applied for an order determining that Torbill Holdings Ltd. and Bill Torbill (the 'Landlord') failed to meet the Landlord's maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing or maintenance standards.

This application was heard by videoconference on January 12, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

1. As explained below, the Tenant's is dismissed.
2. The Tenant's application alleges various maintenance concerns with rental unit. However, the application does not contain sufficient details for the Landlord respond. There are no dates of when the alleged breaches occurred or any indication as to when the Tenant made the Tenant aware of the maintenance concerns. Further, the application does not set out any remedy they are seeking from the Landlord.
3. While the Tenant may well have intended to lead direct evidence of the alleged misconduct of the Landlord or his agents through witness testimony or other evidence at the hearing, the problem lies in the actual text of the originating document – their application – which is the document against which the respondent Landlord must craft his answer. I find on the balance of probabilities that the vague allegations contained in this application frustrate the Landlord's ability to fully and properly respond to the application.

4. In the case *Jaldhara v. Hussain, 2018 ONSC 6715 (CanLII)* the Divisional Court held that a court may not determine a case on issues which have not been clearly identified or plead in a party's pleadings. The Court stated at paragraph 28,

Absent some special circumstances it is unfair for a case to be decided on an issue not identified by the parties in the pleadings. Under such circumstances the case may be dismissed or a new trial maybe ordered where judgment has been granted on the basis of an unpleaded claim or defence: Garfin v. Mirkopoulos, 2009 ONCA 421 (CanLII), [2009] O.J. No. 2038 at para. 20 (Ont. C.A.); see also Kalkinis supra

5. A hearing was held on December 16, 2024. The hearing was adjourned for the purpose of allowing to amend their application. While an interim order was not issued, the Tenant has had over a year to perfect their application and has not done so. It would be unreasonable to adjourn the hearing again to allow the Tenant to amend their application.
6. Allowing the Tenant a further opportunity to amend the application would result in undue prejudice to the Landlord and would undermine the Board's obligation to adopt the most expeditious method of determining the questions arising in a proceeding that affords to all persons directly affected by the proceeding an adequate opportunity to know the issues and be heard on the matter.
7. Given the deficiencies with the Tenant's application, and the fact the Tenant has not filed an amended application, I find it appropriate to dismiss the Tenant's application.

It is ordered that:

1. The Tenant's application is dismissed.

January 21, 2026

Date Issued

Bryan Delorenzi

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.

