



Order under Section 30 Residential Tenancies Act, 2006

Citation: Freemantle v Lavallee, 2026 ONLTB 5386

Date: 2026-01-20

File Number: LTB-T-017904-24

In the matter of: 8, 549 Victoria St S
Kitchener Ontario N2M3A8

Between: Jesus Omari Freemantle Tenant

And

Lavalle Holdings Inc. Landlords
George Lavallee

Jesus Omari Freemantle (the 'Tenant') applied for an order determining that Brent Lavallee (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 Tenant attended the hearing. The Landlord's agent Brent Lavallee.

Determinations:

1. As explained below, the Tenant did not comply with a prior interim order of the Board requiring amendment of the application and proof of service. As a result, the application is dismissed.
2. The interim order issued February 18, 2025, amended the application to add George Lavalle and Lavallee Inc. as named Landlords.
3. The Tenant was directed to serve a copy of an amended application on the Landlords and filed a Certificate of Service on or before February 28, 2025. The Tenant did not provide a certificate of service. When questioned about what e-mail address the Tenant used to serve the Landlord, he was unable to provide a response.
4. I find on a balance of probabilities the Tenant did not comply with the interim order to serve a copy of the amended application on the Landlords.

5. The interim order was clear, specific, and issued to cure fundamental defects in the application. The hearing had already been adjourned once to provide the Tenant with an opportunity to comply.
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. As such the Tenant's request to amend the application is denied.
7. I find the application itself to be unduly vague and lacks necessary references to specific dates and times for the conduct alleged. 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.
8. 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

9. I find that the Tenant's claim was not plead in his pleadings as filed with the Board. I find that it would be improper to "craft" pleadings from the Tenant's oral and documentary evidence led in the course of the hearing. I find that it is not sufficient for the Tenant to expect the Landlord to piece together the case to be met. Accordingly, the Tenant's application is dismissed.

It is ordered that:

1. The Tenant's application is dismissed.

January 20, 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.