



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-065372-22

In the matter of: UNIT 2, 4028 COUNTY ROAD 43 EAST
KEMPTVILLE ON K0G1J0

Between: Vadim Fotinov Tenant

And

10717720 Canada Inc. Landlord

And

Tejas Patel Landlord's Agent

Vadim Fotinov (the 'Tenant') applied for an order determining that 10717720 Canada Inc. (the 'Landlord') and Tejas Patel (the 'Landlord's Agent'):

- entered the rental unit illegally.
- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.

This application was heard by videoconference on January 19, 2026.

The Landlord's agent, the Landlord's legal representative, Deepinder Loomba, and the Tenant attended the hearing.

Determinations:

1. As explained below, the Tenant did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed

Illegal entry

2. Subsection 29(2) of the *Residential Tenancies Act, 2006* (the 'Act') relating to tenant applications states that no application may be made more than one year after the day the alleged conduct giving rise to the application occurred.

3. The Tenant asked to present evidence about an illegal entry in April 2021 and related impacts and health concerns. Because the entry occurred more than one year before this application was filed, the Board has no jurisdiction to consider the allegation.

Substantial interference and harassment

4. The Tenant asked to present evidence about the impacts of multiple eviction notices and falsification of evidence by the Landlord. No specific eviction notices were identified on the application or at any time prior to the hearing, rather the Tenant had prepared a timeline which he wished to read into evidence for the Landlord to respond to. Similarly, no specific incidents of falsification of evidence were identified on the application.
5. It is a principle of natural justice and procedural justice that a party to an application must know the case against them in order to be able to prepare a response and meaningfully participate in the proceedings. *Ball v Metro Capital Property* [2002] O.J. No. 5931 is a frequently cited case detailing the need for notices or originating documents to contain particulars, including 'dates and times of the alleged offensive conduct together with a detailed description of the alleged conduct engaged in'.
6. In this case there are insufficient details and particulars contained in the T2 application or the amended application for the application to proceed on the grounds of multiple eviction notices of falsification of evidence.
7. The Tenant also claimed ongoing substantial interference and harassment by the Landlord as a result of an ongoing refusal to accept rent from the Tenant. As this is an ongoing complaint, I found there were sufficient details for the Landlord to respond. The Tenant chose not to proceed with this portion of the application because it was too intertwined with the aspects of the application which could not proceed. I confirmed with the Tenant that this aspect of the application could proceed and receive a determination on its merits, but he chose not to proceed.

Request to amend denied

8. The Tenant's request for an adjournment to amend the application to include the necessary details was denied. A case conference was held on May 2, 2024 which resulted in the Tenant being given a deadline of July 31, 2024 to amend the application to clarify pleadings and make any other necessary amendments.
9. Rule 15 provides guidelines for addressing requests to amend applications. As the Tenant was previously given an opportunity to amend the application – and did in fact make amendments – I am not satisfied that the current request to amend the application was requested as soon as the need for it was known and I am not satisfied that a further adjournment for this reason is reasonable.

Request for costs denied

10. The Landlord requested an order for costs on the basis that the application was repetitious and an abuse of process, and the Tenant filed voluminous materials which took substantial time to review. The Landlord asserts that this application repeats the allegations in the

Tenant's prior application, EAT-4768962-21. I do not have a copy of that application, to confirm, however the final order references issues which are certainly similar to those in this application.

11. I note that the Landlord played a role in the protracted nature of the proceedings both by making last minute adjournment requests and making repetitive submissions at the hearing. Accordingly, I am not satisfied that an order for costs is required or appropriate.

It is ordered that:

1. The application is dismissed.

January 26, 2026

Date Issued

Dawn Carr

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.