



Order under Section 130 Residential Tenancies Act, 2006

File Number: LTB-T-068585-25

In the matter of: 2, 29 RAGLAN AVE
YORK ON M6C2K7

Between: Sarah Blanchard Tenants
Todd Hutchinson

And

Fredrick Green Landlord

Sarah Blanchard and Todd Hutchinson (the 'Tenants') applied for a reduction of the rent charged for the rental unit due to:

- a reduction or discontinuance in services or facilities provided in respect of the rental unit or the residential complex.

This application was heard by videoconference on January 20, 2026.

The Tenants' Legal Representative, J. Gangadin, the Tenants, the Landlord's Legal Representative, J. Taylor, and the Landlord attended the hearing.

Determinations:

Preliminary Issue – limitation period

1. At the outset of this hearing, the Landlord's Legal Representative submitted that this application was filed on July 30, 2025 which is more than one year after the stated alleged reduction/discontinuance in a service or facility on July 19, 2024 and is therefore outside the limitation period.
2. The Tenants' Legal Representative submitted that although the application was stamped received by the LTB on July 30, 2025, it was prepared and mailed by the Tenants on July 4, 2025 which was within the one-year limitation period. He submitted that the delay in receipt by the LTB is unknown.
3. This application was filed pursuant to section 130 of the *Residential Tenancies Act, 2006* (the 'Act'). Subsection 130(5) of the Act provides that no application may be made more than one year after a reduction or discontinuance in a service or facility.
4. Therefore, in accordance with subsection 130(5) of the Act, and given that this application was filed on July 30, 2025, we were satisfied that the allegation of a reduction or

discontinuance of a service or facility that occurred on July 19, 2024 in this application is outside the one year limitation period and cannot be considered.

5. The filing date for any application before the LTB is the stamped received date. A date provided by an applicant on the application form is not the date filed. To find otherwise would be absurd as an applicant could simply put any date on the form, then file the application, and any limitation periods set out in the Act would be pointless. An applicant is responsible to ensure that their application is received by the LTB on the date they intended.

Preliminary Issue – service or facility – insufficient details

6. The Landlord's Legal Representative submitted that the application lacked details with respect to the alleged service or facility reduced/discontinued and as such the Landlord is not able to properly respond to this allegation.
7. In this application, the Tenants allege that the Landlord reduced/discontinued the use of the "communal front yard" as of May 12, 2025. At the hearing, the Tenants' Legal Representative submitted that the Landlord erected a fence or fenced off a patio used by the Tenants at the residential complex.
8. Section 2 of the Act provides that "services and facilities" includes,
 - (a) furniture, appliances and furnishings,
 - (b) parking and related facilities,
 - (c) laundry facilities,
 - (d) elevator facilities,
 - (e) common recreational facilities,
 - (f) garbage facilities and related services,
 - (g) cleaning and maintenance services,
 - (h) storage facilities,
 - (i) intercom systems,
 - (j) cable television facilities,
 - (k) heating facilities and services,
 - (l) air-conditioning facilities,
 - (m) utilities and related services, and

(n) security services and facilities;

9. Based on the evidence before us, we were not satisfied that a “communal front yard” as described in this application by the Tenants meets the definition of a service or facility in accordance with section 2 of the Act. Additionally, this allegation was not clear and seems to relate to a patio. Nevertheless, a patio is also not included in the definition of a service or facility under section 2 of the Act.
10. In the alternative, if the Tenants were asserting that the “communal front yard” is a common recreational facility, the allegations in the application were insufficient as were the submissions at this hearing.
11. We find it more likely than not that the Tenants’ allegations relate to an interference with the Tenants’ reasonable enjoyment of the rental unit and/or residential complex which is not the basis for an application filed pursuant to section 130 of the Act. The Act provides for other applications that are applicable to these allegations.
12. Consequently, the application is dismissed.

It is ordered that:

1. The application is dismissed.

Lisa Del Vecchio
Member, Landlord and Tenant Board

January 28, 2026
Date Issued

Rosemarie Ortiz
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.