



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-092300-23

In the matter of: 6438 CULP ST
NIAGARA FALLS ON L2G2C1

Between: Alves Gabriela Tenant
Rebecca Alves

And

Brick Properties Inc. Landlord

Alves Gabriela and Rebecca Alves (the 'Tenant') applied for an order determining that Brick Properties Inc. (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.
- harassed, obstructed, coerced, threatened or interfered with the Tenant (T2 Application).

The Tenant also applied for an order determining 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 (T6 Application).

This application was heard by videoconference on January 21, 2026.

The Landlord's legal representative Judith Callender, the Tenants' legal representative Jelisa Phillips, and the Tenants attended the hearing.

Preliminary Issue:

1. The Landlord raised a preliminary issue surrounding the evidence of the Tenants. Specifically, the Tenants served and filed their evidence on January 19, 2026, only two days prior to the hearing.
2. On November 22, 2024, the Board issued Order LTB-T-092300-23-IN, directing the Tenants to serve and file all evidence they intended to rely on at the hearing no later than December 15, 2024.
3. The Tenants' representative provided submissions explaining the late filing of evidence. The representative cited their unavailability due to an illness "for the last few months" and referred to certain evidence as allegedly previously unavailable. However, when asked to

identify which specific documents could not have been provided by the December 15, 2024 deadline, the representative was unable to direct the Board to any particular item. All items, on its face, were available prior to December 15, 2024.

4. Rule 19.1 of the Board's Rules of Procedure state:

19.1 Unless the LTB has directed or ordered otherwise, all parties to a matter that has been scheduled for a CMH or a hearing must provide the other parties and the LTB with a copy of all documents, pictures and other evidence that the party intends to rely upon at least 7 days before the CMH or hearing . The evidence must be provided to the other parties using one of the methods of service identified in the RTA or Rule 3.

5. After considering the parties' submissions, and having regard to the November 22, 2024 interim order, Rule 19.1, and the fact that this hearing date was marked peremptory on the Tenants, I found the evidence to be inadmissible. The Tenants had ample opportunity to serve and file their materials by the December 15, 2024 deadline, or at the very least no later than seven days before the hearing. Their failure to do so results in prejudice to the Landlord.
6. Subsequently, the Tenants sought to withdraw the T2 and T6 applications and I consented to the request. The Landlord did not oppose.
7. The application having been withdrawn, the LTB's file is closed.

January 30, 2026
Date Issued

Brett Lockwood
Member, Landlord and Tenant Board

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