



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-100284-24

In the matter of: 105, 93 MILFORD AVENUE
WATERLOO ON N2L 3Z5

Between: Abdullah Mousa
Zahra Ahmedeen Tenants

and

Sugarbush Gardens inc. Landlord

Abdullah Mousa and Zahra Ahmedeen (the 'Tenants') applied for an order determining that Sugarbush Gardens inc. (the 'Landlord') and Leo Corsetti:

- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- withheld or interfered with their vital services or care services and meals in a care home.

The Tenant also applied for an order determining that 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 29, 2026.

The Tenant Abdullah Mousa and the Landlords' legal representatives Tammy Murray and Leo Corsetti attended the hearing.

Determinations:

1. I have find the application must be dismissed because I have determined that a fair hearing is not possible.
2. At the start of the hearing, the Landlord raised several preliminary issues and requested that the Tenant's application be dismissed. First, the Landlord says the applications contain narrative allegations that seemingly sound in disrepair without the particulars necessary for understand the Tenants' concerns. Second, the Landlord pointed out no dates are pleaded in support of the allegations and some of them at least appear to be historic and may be statute-barred by the one-year limitation period in subsection 29(2) of the *Residential Tenancies Act, 2006* (the 'Act'). For example, one pleading claims "We had

mold for a very long time. My landlord takes time to treat the mold” but without details of when the problem began and when it was treated.

3. Third, the Landlord says that the Tenants’ evidence is too voluminous and disorganized making it impossible for them to anticipate what is to be presented against him. And lastly, the Landlord points out that all of these frailties in Tenants’ applications were explained to them during the case management conference of June 25, 2025 and instructions given to them by the Board both orally and in interim order of July 3, 2025. On having further case management discussions with the Tenant Abdullah Mousa, I agree with the Landlord on all these points and find that the application must be dismissed because the Board cannot resolve the disputes in a fair and expeditious hearing as mandated by section 183 of the Act.
4. I find the allegations lack sufficient particulars for the Landlord to be able to investigate the issues alleged and to prepare a response. Nor can the Board satisfy itself that it has jurisdiction over the dispute because the pleadings contain no dates.
5. Furthermore, the Tenants’ evidence is not presented in a manner conducive to a fair and expeditious hearing. The Board attempted to address this issue in its interim order issued on July 3, 2025. The Board directed the Tenant to remove repetitious materials and included the following instructions:

All documents, photographs and other items provided to the parties and the LTB must:

- 1) be readable
 - 2) have consecutively numbered pages; and
 - 3) include a list or table of contents identifying each item in order, and by page number, if more than one item is being submitted.
6. Despite these instructions, the Tenants have not presented their evidence any discernable fashion. They advised that they were unable to do so because the Tribunals Ontario Portal would not accept the volume of materials they wished to present. They have sent a series of emails containing an assortment of images and documents but without descriptive filenames or other indication of how they relate to the issues raised in the application.
7. The Tenants acknowledged that, during the case management hearing of June 25, 2025, they were advised on how to present their evidence and pleadings. They have not done either of those things.
8. I invited the Tenants to seek an adjournment to overcome the problems in the presentation of their pleadings and evidence so that their concerns can be adjudicated in a fair and expeditious hearing. The Tenant Mr. Abduallah Mousa advised that he was unable to do so because his local legal clinic had declined to help him. He advised that his searches on Google had yielded no assistance either. He had not tried to enlist any other legal representation although instructions for doing so were given to the Tenants in the two notices of hearing as well as the Board’s interim order of July 3, 2025.
9. The Board’s *Rules of Procedure* and processes allow for a great deal of flexibility aimed at ensuring disputes are resolved on their merits at a fair, expeditious and timely hearing. To

that end, the Board will relieve a party from filing irregularities and breaches of its orders and directions where it would foster the Board's mandate contained in section 183 of the Act. The Board will also entertain requests for adjournments where it is warranted to achieve those objectives. This is not such a case.

10. I find the Tenants' unparticularized pleadings coupled with the large volume of disorganized evidence means the Landlord is not in a position to adequately to know the case against it to defend himself. On considering the factors identified in Rule 21.8 of the Board's *Rules of Procedure*, I have determined that any further adjournments would not result in an adequate hearing but would result in significant prejudice to the Landlord. For these reasons, I find that the Tenant's application must be dismissed.
11. The Tenants submitted that the Landlord's legal representative had been incorrectly named as a respondent. An order will go removing him.

It is ordered that:

1. The application and style of cause are amended to remove Leo Corsetti as a respondent.
2. The application is dismissed.

February 4, 2026
Date Issued

Nersi Makki
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.