



**Order under Section 21.2 of the
Statutory Powers Procedure Act and Section 30
of the Residential Tenancies Act, 2006**

Citation: Dunbar v Gagnon; Baizhiyenov v. Dunbar, 2026 ONLTB 13700

Date: 2026-02-11

File Number: LTB-T-087885-24-HR

In the matter of: A, 324 MacAlpine South Avenue
Welland Ontario L3B1V2

Between: Sheri-Lee Dunbar
Johnathan Dunbar-Secord Tenants

and

Damir Baizhiyenov Landlord/Interested Party

and

Jackie Gagnon Former Landlord

AND

File Number: LTB-L-086070-25-BIR

In the matter of: A, 322 MCALPINE AVE S
WELLAND ON L3B 1V2

Between: Damir Baizhiyenov Landlord

and

Sheri Dunbar Tenant

Sheri-Lee Dunbar and Johnathan Dunbar-Secord (the 'Tenants') applied for an order determining that Jackie Gagnon 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 February 3, 2026.

Before the Tenant vacated the rental unit, ownership of the residential complex transferred from Jackie Gagnon to Damir Baizhiyenov and Damir Baizhiyenov became the Landlord and Jackie Gagnon became the Former Landlord.

As part of the sale the Landlord and Former Landlord agreed that, at a minimum, the Former Landlord was responsible up to the date of transfer. While it was understood that the Tenant's claims on her application were solely directed towards the Former Landlord, it was not certain whether other claims she may have would be so limited.

Initially, the Tenant, Sheri-Lee Dunbar, on her own behalf and on behalf of the other tenant, the Former Landlord's Legal Representative, Judith Callendar, and the Former Landlord attended the hearing.

Subsequently, the Landlord, who had attended the hearing as a witness and so was excluded, was brought into the hearing and added as an interested party.

Following the addition of the Former Landlord, Duty Counsel, Mandip Grewal, attended and the hearing was held down for the Tenant to speak with them.

After consultation between all parties with the assistance of Duty Counsel and the Former Landlord's Representative, the parties present consented to the following order.

At the hearing, the parties agreed:

1. This consent order resolves all issues arising as a result of the Tenants' tenancy in Unit A at 324 MacAlpine South Avenue in Welland, Ontario, between the Tenants and both the Landlord and Former Landlord.
2. The Landlord and Former Landlord further agree that this order resolves all issues with respect to the tenancy that may arise as between themselves.
3. On October 10, 2025, the Landlord applied for an order to terminate the tenancy and evict the Tenant because the Tenant did not pay the rent that the Tenant owed (L1 Application). This application was resolved by Order LTB-L-086070-25 issued on January 9, 2026.
4. The Tenant claims they were not reasonably able to participate in the hearing of application LTB-L-086070-25 on January 5, 2026.
5. Before me the Landlord and Tenant consented to a Board Initiated Review of Order LTB-L-086070-25 dated January 9, 2026.

On consent it is ordered that:

L1 Application - LTB-L-086070-25

1. The Board Initiated Review of Order LTB-L-086070-25 issued on January 9, 2026, is granted.
2. Order LTB-L-086070-25 issued on January 9, 2025, is cancelled and the Landlord's application is dismissed as withdrawn.

T6 Application - LTB-T-087885-24

3. The Former Landlord shall pay \$2,500.00 to the Tenants at the email address provided to the Former Landlord's Legal Representative during the hearing.
4. If the Former Landlord does not pay the Tenants the full amount owing in paragraph 3 on or before February 22, 2026, the Former Landlord will start to owe interest. This will be simple interest calculated from February 23, 2026, at 4.00% on the balance outstanding.

February 11, 2026
Date Issued

Rebecca Case
Vice Chair, 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.