



Order under Section 30 Residential Tenancies Act, 2006

Citation: Tensay v Silvester, 2026 ONLTB 15013

Date: 2026-02-13

File Number: LTB-T-097178-23

In the matter of: 204, 65a Hillside Drive
Toronto ON M4K2M3

Between: Helen Tensay
Marta Ayanaw
Tenants

And

Leonel Lopez
Sue Silvester
Jeff Bennett
IMH POOL VI-A LP
Landlords

Helen Tensay and Marta Ayanaw (the 'Tenants') applied for an order determining that Leonel Lopez, Sue Silvester Jeff Bennett, and IMH POOL VI-A LP (the 'Landlords') 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 February 12, 2026. The Landlord's Agent, Jeff Bennett, and Legal Representative Matt Anderson, and the Tenant, Helen Tensay, attended the hearing on behalf of both Tenants.

Determinations:

1. For the following reasons, the Tenants' application is dismissed.
2. By way of background, the parties had been before the Board on November 20, 2024. The matter was adjourned at this time. The presiding Member issued an interim order LTB-T-097178-23-IN on November 28, 2024. The Tenants were ordered to, on or before December 15, 2024, **"...file with the Board and serve on the Landlord a copy of their amended application reflecting the correct named Landlord."** The adjournment sheet also includes the same information.
3. The Landlords' Representative advised he did not receive a copy of the Tenants' amended application.

4. A request to amend the Tenants' application was filed with the Board on December 13, 2024, along with the Tenants' Certificate of Service ('COS'). These were e-mailed to the Board, but do not identify any other recipients.
5. The Tenants' COS states that the Landlords were served on November 29, 2024, by mail to 145 Cosburn Avenue. The box entitled "Other" is checked and the name of the document that was served is identified as "order."
6. The Tenant states she is certain she sent a copy not only of the Board's Interim Order, but also the amended application to the Landlords and / or the Landlords' Legal Representative, by e-mail.
7. The Landlords' Representative states that he did receive an e-mail from the Tenant on or about November 29, 2024; however, it attached only the Interim Order. However, he states that neither he, nor his client, were ever provided with a copy of the Tenants' amended T6 application.
8. The matter was stood down for 10 minutes to give the Tenant an opportunity to find the e-mail.
9. When the matter resumed, the Tenant advised that she could not find a copy of the e-mail because it was a long time ago. The Tenant was offered a further opportunity to look through her e-mail to see if she could find evidence to support that the amended application was provided to the Landlords. However, she felt she may have mailed the amended application. She then stated that she may have dropped it off to the Landlords because she lives nearby.
10. I am not satisfied that the Landlords were served with the amended T6 application. I say this because the Certificate of Service states that the "order" was served by mail. However, the Landlords' Representative states he did not receive anything by mail, but did receive an e-mail on that date with the interim order. Further, the Tenant could not find a copy of the e-mail. Further still, the Tenant then stated she may have mailed it, or she may have dropped it off.
11. The Tenant then suggested that the Landlord knew, or ought to have known, that the amended application was in the Tribunals Ontario Portal ('portal'). However, I note that this is not considered service under the Board's Rules unless both parties consented to service through the portal. There is no notation in either the adjournment sheet or the interim order that states that the parties consented to portal service.
12. Further, even if the Landlords could have looked in the portal for the amended application, the Tenants were subject to the Board's interim order which clearly indicates that they must serve their amended application on the Landlords.
13. The Tenant states that the amendment was not of significant merit as IMH POOL VI-A LP is listed as a party to the original application. Therefore, there is little prejudice to the Landlords in proceeding.

15. The Landlords refute this argument. Because the Tenants are of the view that the current property manager, Greenwin, were a party to the application, and because the Landlords did not get a copy of the amended application, the Landlords' Representative was not retained to represent Greenwin. Further, because the Landlords were unaware of the amended application, they did not take steps to secure witnesses who would be material to their defence, because they were unaware it would be necessary to do so. The Landlords submit that they believed, coming to the hearing this morning, that the application had been abandoned because they were never served with the amended application.
16. I am not persuaded that the Landlords would not be prejudiced by moving forward with the application despite the Tenants' inability to provide evidence that the Landlords were properly served with the amended application. I agree with the Landlords' submissions and find it reasonable for the Landlords to have assumed the matter was abandoned having not been served with an amended application.
17. The Tenant submits that she was having difficulty recalling exactly how the Landlord was served with the amended application because it was "a long time ago." For the same reason, this is also prejudicial to the Landlords. Witnesses have come and gone. The Tenants were given an opportunity to rectify an error in their application, but it is essential that they can prove this came to the Landlords' attention.
18. Given all of the above, I am of the view that the Tenants' application should be dismissed.

It is ordered that:

1. The Tenants' application is dismissed.

February 13, 2026

Date Issued

Jane Dean

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.