



Order under Section 31 Residential Tenancies Act, 2006

Citation: BRENNEN v RACINE, 2026 ONLTB 14393

Date: 2026-02-18

File Number: LTB-T-004986-26

In the matter of: 1010 SOUTHLANE
Sudbury ON P3G1N9

Between: AMY BRENNEN Tenant

And

TAMMY RACINE Landlord

AMY BRENNEN (the 'Tenant') applied for an order determining that TAMMY RACINE (the 'Landlord'):

- did not give the Tenant 72 hours to remove their property from the rental unit or from some place close to the rental unit after the Sheriff evicted the Tenant.

This application was heard by videoconference on February 10, 2026.

The Landlord's Representative Marc Goldgrub, the Landlord Tammy Racine, the Landlord's Agent Jason Bebawy and the Tenant attended the hearing.

Preliminary Issue:

1. The Landlord's Representative raised the issue that the Tenant's T2 application is invalid due to insufficient details and the remedies requested were addressed in an Order from the Divisional Court.
2. The Tenant submitted that the evidence she was going to be providing would support the allegations in the application.
3. In the T2 application, the Tenant alleges, in part, the following:

There is a Divisional Court date of January 28, 2026, to deal with the occupancy of the unit. It was requested that the eviction be held until then.

On January 13th it was still executed. There were numerous emails sent requesting it not be executed.

The landlord is very aware of the severe mental health issues of my fiancé.

It was requested that we come back this week when we would have help and a moving truck. The entire unit is a 3 level house with crawl space garage and several outbuildings.

It is requested that the removal be halted until the 28th or alternative dates be set further evidence will be filed.

4. On it's face, the T2 application does not articulate how the Landlord failed to provide the Tenant 72 hours to remove her property.
5. According to the Ontario Divisional Court's decisions in both *Kuzyk v. S.K. Properties* (November 22, 2001) and *Ball v. Metro Capital Property and Lockhurst* (December 19, 2002), if a Notice of Termination issued by a landlord is confusing to the degree that a reasonable person could not understand the precise actions or omissions that caused the landlord to pursue eviction, a Member would find it defective. I find that this reasoning 2022 CanLII 82054 (ON LTB) would apply equally to applications brought by Tenants. I say this because the underlying legal principle here is that the parties are entitled to know the case they must meet, and they are entitled to know how they ought to prepare an effective response.
6. I find that there are insufficient details in the Tenant's application to support the allegation and as such, the Landlord could not possibly know the case to be met before the Board and could not prepare an effective response. As the Tenant's application does not meet the requirements of the law, it must be dismissed.

It is ordered that:

1. The Tenant's application is dismissed.

February 18, 2026

Date Issued

Brenda Mercer

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.