



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-070832-24

In the matter of: 6 HOLBEACH RD
ETOBICOKE ON M9W3K3

Between: Duane Edward French Tenant

And

Frank D'urzo Landlord

Duane Edward French (the 'Tenant') applied for an order determining that Frank D'urzo (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.

This application was heard by videoconference on October 27, 2025. The Landlord and the Tenant attended the hearing. Yolanda French, the Tenant's wife also attended the hearing.

Preliminary Issue:

1. At the hearing, the Tenant requested to amend the application to add an abatement of rent in the amount of \$10,000.00, and I denied the request.
2. Section 183 of the *Residential Tenancies Act, 2006* ('the Act') states that the Board shall adopt the most expeditious method of determining the questions arising in a proceeding that affords to all persons directly affected by the proceeding an adequate opportunity to know the issues and be heard on the matter.
3. The Tenant filed the application on August 31, 2024, and they have had a substantial amount of time to request to amend the application before the hearing today, and they have not done so, nor provided sufficient reasons for not having done so.

Determinations:

4. The Tenant brought an application before the Board and stated the following reasons in the application:

Never did the major repairs the tribunal required by the October 2023 deadline. Just does not care to spend a cent on our safety and we feel no sense of security living here. I reminded him of the work that needs to be done before winter, his response was to give us 90days to move.

5. The Tenant did not request any remedies in the application.

Analysis

6. Applications must provide sufficient detail to allow the opposing party to know the specific allegations being made so that the opposing party can be in a position to know the case that must be met and determine whether to raise a defence. Natural justice and procedural fairness require nothing less.
7. MacDougall J. wrote in *Ball v. Metro Capital Property*, [2002] O.J. No. 5931 that, "Particulars should include dates and times of the alleged offensive conduct together with a detailed description of the alleged conduct..." While this case involved a notice of termination served to a tenant, in my view, the case supports the principles of procedural fairness regarding the need for particular and details to permit one to know the case against them, which applies equally to tenant applications.
8. These principles are confirmed in the Court which states that the various purposes for requiring a party to provide reasons and details include the responding party's need "to know the specific allegations made so that she/he can be in a position to know the case that must be met; to decide whether to dispute the allegations made before the Tribunal; and to consider whether to stop the conduct or activity or correct the omission..."
9. In the matter before me, the application was not only unclear as to what the Tenant's issues were but did not contain sufficient information to provide any detail to the Landlord to understand the claim being made. I note that the application was filed on August 31, 2024, and the Tenant was provided sufficient time to amend the application to include further information and clarity, and to include remedies.
10. As a result, I am satisfied that the lack of details provided in the application was not sufficient for the Landlord to understand the case to be met and to make a decision concerning whether or not to dispute the allegations at a hearing. I also find that the Tenant has been given sufficient time to amend the application. As such, the Tenant's application will be dismissed.

It is ordered that:

1. The Tenant's application is dismissed.

March 3, 2026

Date Issued

Colette Myers

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.

