



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-088384-23

In the matter of: 171 Saint Anthonys crt
Richmond Hill ON L4C4T4

Between: Michael Laurenza Tenant

And

Gil Tamir Landlord
Rachel Danny Tamir

Michael Laurenza (the 'Tenant') applied for an order determining that Gil Tamir and Rachel Danny Tamir (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 April 28, 2025.

The Tenant attended the hearing. The Landlord's legal representative, Ian Shemesh and the Landlord attended the hearing.

Determinations:

1. As explained below, the Tenant did not prove the allegations contained in the application on a balance of probability. Therefore, the application is dismissed.
2. Board records indicate the Tenant filed a T2 application on November 8, 2023.
3. An ACC hearing was held on October 24, 2024 and the application was not resolved.
4. The Landlord's legal representative raised two preliminary issues:
 - 1) The Tenant did not disclose the evidence to the Landlord prior to the hearing; and
 - 2) The Tenant's application is lacking sufficient reasons and details for the Landlord to know the case to be met.

Landlord submissions

5. The Landlord's legal representative stated the Tenant did not provide proper disclosure for evidence and as of the day of the hearing the Landlord has not received the evidence the Tenant intends to rely on.
6. The Landlord's legal representative stated the Tenant failed to provide any evidence to the Landlord in accordance with the Board Rules of Procedures section 19.1.
7. The Landlord's legal representative stated that evidence disclosure was raised at the ACC held on October 24, 2024 and the Tenant has not complied.
8. The Landlord's legal representative also stated that the application is lacking sufficient reasons and details for the Landlord to know the case to be met. The Tenant was advised at the ACC that the Tenant had until the next hearing to amend the application and the Landlord's legal representative stated the Tenant has failed to do so.
9. The Landlord's legal representative stated that the Tenant's application provides an alleged date of discovery of a dead squirrel in the Tenant's chimney on March 22, 2023 and identifies the removal of the dead animal on June 5, 2023.
10. The Landlord's legal representative stated that the Tenant has failed to identify any other details specifically the dates of any communication with the Landlord between March 22, 2023 and June 5, 2023.

Tenant submissions

11. The Tenant does not dispute he did not provide evidence disclosure to the Landlord. The Tenant's position is he understood that when he uploaded documents to the portal the Landlord was made aware of them by Board notification.
12. The Tenant's position is at the ACC it was pointed out that he had an opportunity to amend the application prior to the next hearing if he chose to do so.
13. The Tenant stated he did not amend the application as he felt the details of his claims were sufficiently identified in the application and he did not need to amend the application.

Analysis

14. The leading case regarding the requirement for sufficient reasons and details is Ball v. Metro Capital Property, [2002] O.J. No. 5931. This case stands for the proposition that the kinds of particulars that should be contained in a notice should include "dates and times of the alleged offensive conduct together with a detailed description of the alleged conduct engaged in by the tenant". The Court held that the tenant needs to know the specific allegations against him/her for three purposes:

- a. to know the case that must be met;

- b. to decide whether to dispute the allegations; or
 - c. to consider whether to void the notice.
15. The onus rests with the applicant, in this case the Tenant to provide sufficient details to support their claim for substantial interference.
16. The requirement for adequate particulars required within any notices of termination or as is in this case Board applications, has long been established by case law. The leading case regarding the requirement for sufficient reasons and details is *Ball v. Metro Capital Property*, [2002] O.J. No. 5931. This case stands for the proposition that the kinds of particulars that should be contained in a notice should include “dates and times of the alleged offensive conduct together with a detailed description of the alleged conduct engaged in by the tenant”. The Court held that the tenant needs to know the specific allegations against him/her for three purposes:
 - a. to know the case that must be met;
 - b. to decide whether to dispute the allegations; or
 - c. to consider whether to void the notice.
17. The Board’s T2 application forms have been developed with instructions to elicit the necessary details required for the Landlord to make a claim and provide sufficient reasons and details. For example, under the “REASONS FOR FILING THIS APPLICATION” section the form states:
 - What happened?
 - What were the dates and times of the events?
 - Who caused the problem?
 - What were the names and titles (such as superintendent) of all the people involved?
18. Although the decision in *Ball v Metro* applies to a Landlord’s N5 notice, I note that the same level of details like dates and times of incidents identified above are required in a tenant T2 application like this in order for the Landlord to know the case to be met.
19. The Tenant’s application in part states the following:

“After failed attempts to get their daughter to handle it here, and after I told them it was not my responsibility to handle the squirrel (they tried to have me call someone and pay for it up front), the landlord hires contractor to handle the issue. This person either via ignorance or lack of IQ somehow managed to trap the squirrel in chimney where it obviously proceeds to starve and die. Verbal exchanges were made both in person and on the phone regarding the near immediate and pungent smell now that the landlords had returned to Canada.”

[emphasis added]

20. The bold sections above regarding “failed attempts”, “...the Landlord hires contractor...” and “Verbal exchanges were made both in person and on the phone”, fail to identify dates and times as indicated in the Board application form and who the Tenant was communicating with.
21. For procedural fairness, Ball v. Metro Capital and Board forms require applicants to be the ones to provide sufficient details for the claims that are being made. Only then can the respondent fairly have a chance to respond to those claims.
22. In my view the Tenant has not provided the level of detail required in the application and the Tenant’s application must be dismissed.
23. With respect to the Landlord’s legal representative’s submission regarding disclosure not being met, I find it not necessary to make a finding on this submission as the application is dismissed for the reasons above.
24. Although this order does not specifically address each piece of evidence individually or reference all the testimony, I have considered all of the evidence presented at the hearing and all of the oral testimony when making my determinations.
25. This order contains all reasons for the determinations and order made. No further reasons will be issued.

It is ordered that:

1. The Tenant’s application is dismissed.

March 3, 2026
Date Issued

Greg Brocanier
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.

