



Order under Section 31 Residential Tenancies Act, 2006

Citation: Cox v DESTARON PROPERTY MANAGEMENT, 2026 ONLTB 18233

Date: 2026-02-26

File Number: LTB-T-018828-23

In the matter of: 704, 1260 MARLBOROUGH CRT
OAKVILLE ON L6H3H5

Between: Renisha Cox

FEB 26, 2026

Tenant

And

DESTARON PROPERTY MANAGEMENT

Landlord

Renisha Cox (the 'Tenant') applied for an order determining that DESTARON PROPERTY MANAGEMENT (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.
- withheld or interfered with their vital services or care services and meals in a care home.
- failed to meet their 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 25, 2026.

The Tenant attended the hearing. The Landlord was represented at the hearing by Mark Ciobotaru.

Determinations:

Preliminary issue – disclosure of evidence

1. The parties attended an Adjudicative Case Conference (ACC) on May 16, 2024. The Board's records show neither party disclosed any evidence prior to the ACC.
2. The ACC did not resolve the application, and the Board issued an interim order on May 30, 2024, which set out deadlines for disclosure of evidence. The interim order required the Tenant to serve the Landlord and upload her evidence to the Tribunals Ontario Portal (TOP) by June 15, 2024.
3. The Tenant did not upload any evidence to TOP until February 26, 2026, the date of the hearing.

4. The Landlord's representative objected to the inclusion of the Tenant's evidence, submitting that neither he nor his office received the Tenant's disclosure prior to the hearing and noting that no certificate of service had been filed.
5. The Tenant acknowledged that her evidence was not uploaded to TOP until the day of the hearing. The Tenant submitted that she had previously served the evidence on the Landlord and had emailed it to the Landlord's representative's office on February 19, 2026.
6. The ACC did not achieve a resolution, and the application was to be scheduled for a merits hearing. The Board issued an interim order May 30, 2024, setting out deadlines for disclosure by the parties.
7. I am not satisfied, on a balance of probabilities, that the Tenant served her evidence in accordance with the interim order. There is no certificate of service and no record of the evidence having been uploaded to TOP prior to the hearing.
8. Even if the Tenant emailed the evidence to the Landlord's representative on February 19, 2026, this would not constitute compliance with the interim order, which required disclosure by June 15, 2024. The Tenant did not provide a reasonable explanation as to why she did not comply with the interim order.
9. Interim Orders of the Board are not mere suggestions of what needs to be done. Interim Orders are legally binding orders, and the Board must uphold and enforce its order and there has to be consequences for breaching orders from the Board.
10. Moreover, Rule 19.1 of the Board's Rules of Procedure requires parties to disclose relevant evidence at least seven days before the hearing. Disclosure on the day of the hearing, or less than seven days before the hearing, does not comply with this Rule.
11. The purpose of disclosure requirements is to ensure procedural fairness. Procedural fairness requires that parties have a reasonable opportunity to know the case against them and respond to it.
12. I considered whether to grant an adjournment to allow the Landlord to review the Tenant's evidence. However, this application was filed in 2023, and the Tenant has had ample opportunity to comply with the interim order.
13. In these circumstances, granting an adjournment would be inconsistent with the Board's obligation under section 183 of the Act to 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.
14. Therefore, in my view it is not appropriate to allow the Tenant to rely on evidence not disclosed by the deadline set out in the interim order.

Withdrawal of the Application

15. After I advised the parties that the Tenant's documentary evidence would not be considered, the Tenant stated that she did not wish to proceed based solely on viva voce evidence.

16. The Tenant requested to withdraw her application. The Landlord did not object and I consented to the withdrawal of the Tenant's application.

It is ordered that:

1. The Tenant's application is withdrawn; and the Board's file is closed.

February 26, 2026
Date Issued

Bryan Delorenzi
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

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