



Order under Section 57 Residential Tenancies Act, 2006

File Number: LTB-T-093498-23

In the matter of: 2, 1434 HUNT CLUB RD
Ottawa ON K1T1M6

Between: Joshua Cohen Tenant

And

Bozo Cavar Landlord

Joshua Cohen (the 'Tenant') applied for an order determining that Bozo Cavar (the 'Landlord') gave a notice of termination in bad faith.

This application was heard by videoconference on November 20, 2025.

The Tenant and the Landlord's Legal Representative James Moak attended the hearing.

Procedural History:

1. This application appeared before the Board on August 13, 2024, and adjourned on consent.

Preliminary Issue:

1. I raised the concern that the details of the T5 application were lacking and did not set out the minimum information required for either the Landlord/Respondent or the Board to understand the claims being made. The first deficiency was understanding what specific issues were being raised since they were not clearly written in the T5 application.
2. I considered the case of *Ball v. Metro Capital Property [2002] O.J. No. 5931 (Divisional Court)* ("*Ball v. Metro Capital*"). The facts in *Ball v. Metro Capital* were distinguishable in that the details were lacking in a Notice of Termination in the landlord's application. Notwithstanding that the present case is a tenant application instead of a landlord application, the legal premise of requiring adequate particulars so that the opposing side can understand and respond to the claims being made against them has been long established.

3. The types of particulars expected in notices and applications include dates, times, and a detailed description of the alleged conduct or behaviour. This allows the responding party to know the case they have to meet and to prepare their defence.
4. The missing information is not minor. This is not simply a matter of adding dates or a missing name. The amendments needed would amount to a substantial overhaul of the T5 Application, effectively changing its scope and substance.
5. The history of this matter has been lengthy. The application was filed on or about November 28, 2023. At the last hearing date of August 13, 2024, the Board issued an interim order because the Tenant had served his disclosure on the Landlord's legal representative, Mr. Moak, on the day of the hearing. To the Tenant's credit, he did meet the disclosure deadlines; however, he failed to amend his application to include events that occurred after he moved out, as well as the relevant information explaining what occurred that led him to believe the Landlord served the notice of termination in bad faith.
6. I considered the prejudice to the parties if an adjournment was requested. The Tenant was self-represented when he filed the T5 application in November 2023. His explanation for the lack of details was that he did not know those details were required. There was no reasonable explanation provided why he did not amend to include more details for more than two years.
7. I also considered the prejudice to the Landlord if the adjournment to amend were granted. Further delay would result. Sometime later this year the Landlord may learn for the first time, the necessary details in the amended T5 Application involving alleged bad faith they are being accused for, several years after they allegedly arose. The Landlord would then have to navigate trying to defend against those claims by coming up with submissions, evidence, documents, and witnesses.
8. Considering all of the above, The Landlord's right to know the claims being made against them and providing the Landlord the adequate opportunity to know the issues in a timely manner, outweighs the prejudice to the Tenant who had representation and ample opportunity to perfect their T5 Application during the life cycle of this matter.
9. Since there are insufficient particulars provided to the Landlord to which to respond to the allegations, the bad faith claims cannot be adjudicated, and the Board cannot make any determinations.
10. For the reasons given above, the T5 Application shall be dismissed.

It is ordered that:

1. The Tenant's application is dismissed.

March 12, 2026
Date Issued

Anthony Bruno
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.