



**Order under Section 69
Residential Tenancies Act, 2006**

File Number: LTB-L-092942-25

In the matter of: 804, 375 BRUNSWICK AVE
TORONTO ON M5R2Z3

Between: Brunswick Terrace Landlord

And

Peter Latka Tenant

Brunswick Terrace (the 'Landlord') applied for an order to terminate the tenancy and evict Peter Latka (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 13, 2026.

The Landlord's legal representative Bryan Rubin and the Tenant attended the hearing.

Determinations:

1. The Board received an unsolicited post-hearing submission from the Tenant, which includes a document authored by The Oakman Group Inc., a licenced insolvency trustee.
2. In light of this information, I issued an endorsement on March 3, 2026, requesting written submissions from the parties on their positions with respect to whether the Landlord's application is stayed due to the application of the *Bankruptcy and Insolvency Act R.S.C.*, 1985, c. B-3 (the '*BIA*'), ss. 69-69.3.
3. Both parties submitted written submissions in response to the March 3, 2026, endorsement.
4. Based on the submissions received, I am satisfied that all rent owed to the Landlord up to February 5, 2025 (the date the Tenant filed an assignment in bankruptcy), are claims provable in bankruptcy and therefore, pursuant to section 69.3 of the *BIA*, the Landlord's application is stayed.
5. In their written submissions, the Landlord requested that the Board amend the application to reflect only those arrears which have been incurred by the Tenant since February 6, 2025. The Tenant opposes such an amendment on the basis that the entire proceeding is stayed and, in the alternative, that allowing such an amendment without a further hearing would be procedurally unfair.

6. I am satisfied that the entirety of the Landlord's application is stayed as of February 5, 2026.
7. I acknowledge the possibility of amending an application to include only rent that became owing after the Tenant filed an assignment into bankruptcy, pursuant to *Edward v. Niagara Neighbourhood Housing Co-Operative Inc.*, 2006 CanLII 16485 (ON SCDC). However, such a request is typically made at the hearing. The decision whether to grant a request to amend is a discretionary decision by the Board: Rule 15.4 of the LTB Rules of Procedure.
8. I acknowledge that it was not possible for the Landlord to make this request at the hearing and that the Tenant has provided written submissions in response to the Landlord's request to amend.
9. However, considering the factors identified at Rule 15 of the LTB Rules of Procedure, I am not satisfied that the requested amendment is appropriate and have concerns that it would not be consistent with a fair and expeditious proceeding. Therefore, the Landlord's written request to amend the application is denied.

It is ordered that:

1. Pursuant to section 69.3 of the BIA, the Landlord's application is stayed.

March 30, 2026
Date Issued

Jeremy Henderson
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.