



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-085578-25

In the matter of: 5 WESTHAMPTON WAY
STONE CREEK ON L8E6C8

Between: Jaiminkumar Patel Landlord

And

David John Klassen Tenants
Lauren Lawson

Jaiminkumar Patel (the 'Landlord') applied for an order to terminate the tenancy and evict David John Klassen and Lauren Lawson (the 'Tenants') because:

- the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant

The Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was heard by videoconference on February 2, 2026.

Only the Landlord and the Landlord's Legal Representative Taff Butters attended the hearing.

As of 9:51 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

Preliminary Issue: Amendment Request

1. At the commencement of the hearing the Landlord requested to amend their application to include the Landlord's reasonable out-of-pocket expenses that are the result of the Tenants' failure to pay utility costs the Tenants were required to pay under the terms of the tenancy agreement.

2. The Landlord's Legal Representative stated that the amended L2 application was served on the Tenants and filed with the Board prior to the hearing.
3. The Landlord testified that pursuant to the tenancy agreement the Tenants were responsible for all utilities.
4. The Landlord further testified that utilities were in his name and that once he received an invoice he would pay the invoice and text or email a copy to the Tenants for reimbursement.

Analysis

5. Although an amended application was filed with the LTB no request to amend or Certificate of Service were filed pursuant to Rule 15.1 of the LTB Rules.
6. In considering a request to amend at the hearing pursuant to LTB Rule 15.3 the Board shall consider:
 - a. Whether the amendment was requested as soon as the need for it was known;
 - b. Any prejudice a party may experience as a result of the amendment;
 - c. Whether the amendment is significant enough to warrant any delay that may be caused by the amendment;
 - d. Whether the amendment is necessary and was requested in good faith; and
 - e. Any other relevant factors.
7. LTB Rule 15.4 states: The LTB may exercise its discretion to grant a request to amend at the hearing if satisfied the amendment is appropriate, would not prejudice any party and is consistent with a fair and expeditious proceeding.
8. The evidence of the Landlord is that the Tenant vacated the rental unit on November 22, 2025. The Notice of Hearing was sent via mail to the Tenants at the rental property on January 7, 2026 after the Tenants had vacated the rental unit.
9. The amended application was filed with the board on January 29, 2026 mere days prior to the hearing. Additionally the Landlord claims to have served the Tenants with a copy of the amended application via email although no Certificate of Service was filed.
10. In considering the LTB's rules regarding amending applications I am not satisfied that the amendment is appropriate and would not prejudice any party and is consistent with a fair and expeditious proceeding for the following reasons:
 - a. The proposed amendment to include unpaid utilities dealt with utilities that had been unpaid by the Tenants prior to the filing of the original application. The request to amend was not made as soon as the need for it became known to the Landlord.
 - b. I can not be satisfied that the Tenants either received or were aware of the amended application as it was purported to have been served on them via email mere days prior to the hearing.

- c. The amendment to the application is not necessary the Landlord can commence a separate application for unpaid utilities against the Tenants.

11. To grant the amendment would be prejudicial to the Tenants and inconsistent with a fair hearing. As such, the Landlord's request to amend the application is denied.

L2 Application

12. The Tenants were in possession of the rental unit on the date the application was filed.

13. The Tenants vacated the rental unit on November 22, 2025.

14. The Landlord produced no evidence in support of a claim for daily compensation, and sought to proceed only with respect to the amended portion of their application as the Tenants had vacated the rental unit.

15. As the Tenant has vacated the rental unit, the application for termination is now moot and Landlords request to amend their application to include further grounds was denied, the Landlord's application will be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

March 26, 2026
Date Issued

Sean Ramage
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.