



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: MALUKI v CUPIDO, 2026 ONLTB 25482

Date: 2026-03-25

File Number: LTB-L-073602-25-RV

In the matter of: BASEMENT UNIT 1, 4200 CAWTHRA ROAD
MISSISSAUGA ON L4Z1A1

Between: JANE MALUKI Landlord

And

ANTHONY CUPIDO Tenant

Review Order

JANE MALUKI (the 'Landlord') applied for an order to terminate the tenancy and evict ANTHONY CUPIDO (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-073602-25 issued on March 2, 2026.

On March 21, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing. In determining this request, I reviewed the materials in the LTB's file as well as the audio recording for the appearance on November 6, 2025.

Determinations:

1. The Member who issued the order under review refused to hear the Tenant's issues raised under s.82 of the *Residential Tenancies Act, 2006* (the 'Act') for two reasons:
 - (1) the Tenant had been directed to pay rent to the Landlord pending the next hearing date, was told the consequence of failing to do so would be their s.82 issues may not be heard, then the Tenant did not pay rent to the Landlord as directed; and
 - (2) the Tenant had not set out clear remedies in their s.82 issues form.
2. The Tenant submits that because the direction to pay rent to the Landlord was not in a written interim order, it was not enforceable. This is incorrect. An oral direction has the same force as a direction contained in an interim order. The issue here is whether the direction and the consequence of failing to comply with the direction were sufficiently clear to the Tenant when the direction was given.

3. I listened to the recording for the hearings held on November 6, 2025. At the end of the block the Member adjourned this matter. The Landlord stated that they are prejudiced by an adjournment because the Tenant had not been paying rent. The Member stated that he could issue an interim order requiring the Tenant to pay rent to the Landlord until the next hearing date. The Member explained to the Tenant that he intended to issue an interim order directing the Tenant to pay rent to the Landlord until the next hearing date and if the Tenant fails to comply with this direction the Tenant may not be able to raise his s.82 issues at the next hearing. When the Member asked if the Tenant understands, the Tenant stated that he does but he does not agree with such a direction. The Member explained that he was making the direction because the Tenant had not been paying rent and the adjournment prejudices the Landlord unless the Tenant is directed to pay rent in the interim.
4. The recording for November 6, 2025 shows that the Tenant understood the direction and the consequence of failing to comply with it.
5. The Member who issued the order also refused to hear the Tenant's s.82 issues because the Tenant had not provided sufficient details about these issues on the s.82 form. The form submitted by the Tenant has four issues on it. For two of these issues the nature of the issue and the dates it occurred are not sufficiently set out. The remedies requested for three of the issues are "fine or rent abatement" with no amount stated and the remedy requested for the fourth issue is "fine" with no amount stated.
6. The Tenant submits that they had a right to raise s.82 issues once they served and filed their s.82 issues form properly. The Tenant's submission fails to account for subs. 82(2) of the Act, which provides that a tenant who raises s.82 issues must give advance notice to the landlord of the issues to be raised. Key parts of the advance notice to be given to the landlord are the nature of each issue, when it occurred, and what remedy is claimed. The landlord needs to know the case to be met and the extent of their potential liability. In this case, the Tenant did not provide sufficient information about the nature of the issue and occurrence dates for two of the issues, as well as the remedies claimed for any of the issues. That was a sufficient reason to refuse to hear the Tenant's s.82 issues. It would have been procedurally unfair to hear these issues given that the Landlord was not put on notice as to the amount of rent abatement or fine requested.
7. For the above reasons, I am not satisfied that the Member who issued the order seriously erred by refusing to hear the Tenant's s.82 issues.
8. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.

It is ordered that:

1. The request to review order LTB-L-073602-25 issued on March 2, 2026 is denied. The order is confirmed and remains unchanged.

March 25, 2026
Date Issued

Renée Lang
Vice Chair, Landlord and Tenant Board

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