



**Order under Section 57
Residential Tenancies Act, 2006**

File Number: LTB-T-009473-24

In the matter of: 1, 1422 Bellamy Street
Ottawa ON K2C1S3

Between: Oudone Aphayavong Tenant

And

Ignazio Maniscalco Landlord

Oudone Aphayavong (the 'Tenant') applied for an order determining that Ignazio Maniscalco (the 'Landlord') gave a notice of termination in bad faith.

This application was heard by videoconference on March 23, 2026, as of 1:47pm

The Tenant's representative, Danna Aphayavong, the Landlord, Ignazio Maniscalco, and the Landlord's Support Person, Steven Maniscalco, attended the hearing.

The Tenant joined the proceedings as of 2:32pm.

Determinations:

Tenant and Named Applicant

1. At the start of the hearing, the Landlord raised a preliminary issue, stating that the application ought to be dismissed, as the application (DOC-2704246) only reflected Danna Aphayavong (hereafter referred to as being 'D.A') as being the applicant and a named tenant.
2. The Landlord indicated that D.A was not a tenant, but instead an occupant, as D.A's parent, Oudone Aphayavong, was the sole Tenant under the tenancy at the time that the parties entered into an agreement in 1998. All of their dealing with respect to tenancy-related matters, such as rent payments or maintenance concerns were communicated directly between the Landlord and Oudone Aphayavong.
3. D.A stated that the application reflected both themselves and Oudone Aphayavong as being named tenants, as it appears from a copy of the manually uploaded T5 Application dated February 2, 2024 (DOC-2704226).

4. The parties agreed that D.A was a minor (fourteen years old) at the time that the tenancy started on June 15, 1998, and that the parties never amended the agreement nor did they enter into a new tenancy which recognized D.A as being a tenant.
5. Subsection 2(1) of the *Residential Tenancies Act, 2006* (hereafter referred to as the 'Act'), reads as follow:

2 (1) In this Act, "tenant" includes a person who pays rent in return for the right to occupy a rental unit and includes the tenant's heirs, assigns and personal representatives, but "tenant" does not include a person who has the right to occupy a rental unit by virtue of being,

(a) a co-owner of the residential complex in which the rental unit is located, or

(b) a shareholder of a corporation that owns the residential complex;

6. Although the Act does not define the term "occupant"; an occupant is considered to be a "person who is not a tenant but who lives in a rental unit as their principal place of residence" and does not have a "contractual relationship with the landlord."¹
7. On the basis of the evidence and submissions before me, I was satisfied, on a balance of probabilities, that Oudone Aphayavong was the sole Tenant and that D.A, as their child, was considered to be an occupant throughout the course of the tenancy. The submissions provided by both parties were consistent and substantiated one another.
8. It appears that the application was filed simultaneously on February 2, 2024, through the *Tribunals Ontario Portal* (DOC-2704246) and manually (DOC-2704226), with the former designating D.A as being the sole tenant, and the latter showing both D.A and Oudone Aphayavong as being tenants.
9. With both applications being filed simultaneously, I find that it is more likely than not that a clerical error occurred at the time of the filing and that the original intent was to show both D.A and Oudone Aphayavong as being the tenants and named applicants.
10. Under the circumstances, and with D.A having been determined to be an occupant (as opposed to a tenant) I found it appropriate to amend the application to reflect Oudone Aphayavong as being the sole named applicant and Tenant. The style-of-cause was amended accordingly.²
11. The Landlord's request to dismiss the application on this basis was therefore denied.

Application Filed by a Representative

12. The application submitted to the Board on February 2, 2024, was electronically signed³ by "Danna Aphayavong," who was found to be an occupant.

¹ *Interpretation Guideline 21: Landlords, Tenants, Occupants and Residential Tenancies.*

² Rule 1.6h) of the Board's *Rules of Procedure*.

³ Section 59 of the *Ontario Regulation 516/06*.

13. D.A, in their capacity as the Tenant's child, sought to represent the Tenant for the purposes of the hearing. They confirmed that they were not a member of the *Law Society of Ontario*.

14. Section 185 of the Act reads as follows:

185 (1) An application shall be filed with the Board in the form approved by the Board, shall be accompanied by the prescribed information and shall be signed by the applicant.

(2) An applicant may give written authorization to sign an application to a person representing the applicant under the authority of the Law Society Act and, if the applicant does so, the Board may require such representative to file a copy of the authorization.

15. The clear and obvious purpose of section 185 of the Act is to ensure that the named applicant is truly the driving force behind the claim being asserted and the Board and the respondent – in this case the Landlord - can rest assured the applicant can rightly be held responsible for the conduct of the litigation.

16. As such, although D.A, in their capacity as a family member who is not in the business of providing legal services and who does not receive any compensation for the representation, was authorized to represent the Tenant during the hearing,⁴ they were not authorized to submit or file the application on behalf of the Tenant.

17. D.A was provided an opportunity to contact the Tenant in order to have them join the proceedings. The Tenant signed into the videoconference hearing at 2:32pm.

18. Based on the testimony and submissions provided by the Tenant, it was apparent that they were not reasonably informed as to the contents of the application that was filed on their behalf and the claim intended to be presented.

19. Under the circumstances, I did not find it appropriate to have the Tenant endorse the application, which was seemingly submitted and spearheaded by D.A.

20. Accordingly, as the application was filed in contravention of the Act, the application was dismissed.

It is ordered that:

1. The Tenant's application is dismissed.

March 31, 2026
Date Issued

Alexandre Traboulsi
Member, Landlord and Tenant Board

⁴ Practice Direction on Representation before the 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.