



## **Order under Section 31 Residential Tenancies Act, 2006**

**File Number:** LTB-T-098272-24

**In the matter of:** 1, 414 FRANKLIN ST N  
KITCHENER ON N2A 1Z1

**Between:** Yesenia Cardona Tenant

**And**

Marcin Pawlowski  
Yaquelin Osorio Aguilar Landlords

Yesenia Cardona (the 'Tenant') applied for an order determining that Marcin Pawlowski and Yaquelin Osorio Aguilar (the 'Landlords'):

- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- withheld or interfered with their vital services or care services and meals in a care home.

This application was heard by videoconference on March 25, 2026.

The Tenant, her support person Noemi Cardona, the Landlord Marcin Pawlowski and the Landlords' legal representative Alushe Stafa attended the hearing.

### **Determinations:**

1. At the start of the hearing, the Landlord raised a preliminary issue and requested that the Tenant's T2 application be dismissed. For reasons that follow, I agree with the Landlord that a fair and expeditious hearing is not possible and that proceeding with the application would be prejudicial.
2. The T2 application form lists an assortment of claims under "Reason 2 – Substantial Interference" which sound in disrepair, bad faith eviction and several other things besides but are entirely inscrutable. It includes the following notation "PLEASE REFER TO ATTACHED DOCUMENTS THAT HAVE MORE INFORMATION THAT DOES NOT FIT IN THIS BOX, THANK YOU."
3. Filed contemporaneously with the application is a 17-page document entitled "November 2023 Matthew basement tenant blocked me said this is how it 2". It continues a chronological narrative voicing disparate concerns sounding in disrepair, invasion of privacy, conflicts with a neighbour, disputes over lawn maintenance, etc.

4. The Tenant advised that review of her 99-page package of photographs and further 51-page chronology of events would clarify the issues.
5. The Board attempted to address the problem in the Tenant's pleadings during the case management conference of October 16, 2025. By Interim order of October 20, 2025, the Board invited the Tenant to seek an amendment particularizing her claims and remedies. The Tenant's response was to file a request to amend specifying that she seeks global compensation of \$50,000.00 but without particulars. The substance of the allegations are not revised.
6. On discussing her concerns with the Tenant, it became apparent that she intends to raise further issues of disrepair, substantial interference and reduction of services and facilities that are not included in her pleadings and not the subject of a request to amend. Quite apart from the fact the many of the allegations rely on causes of action that are not the proper subject of a T2 application, I agree with the Landlord that it is not reasonable to expect the Landlord to examine every piece of evidence or pages of narrative in order to discern the allegations or determine what claims are being advanced.
7. The Board's *Rules of Procedure* and processes allow for a great deal of flexibility aimed at ensuring disputes are resolved on their merits at a fair, expeditious and timely hearing. To that end, the Board will relieve a party from filing irregularities, breaches of its orders and directions or want of proper productions where it would foster the Board's mandate contained in section 183 of the *Residential Tenancies Act, 2006*. This, sadly, is not such a case. I find the Tenant's vague application means the Landlords are not in a position to adequately to know the case against them. I find that proceeding with the application would not result in a fair or expeditious hearing but would result in significant prejudice to the Landlords who are faced myriad, inscrutable allegations scattered across hundreds of pages seeking a substantial monetary award without particulars.
8. The Tenant is still in possession of the rental unit and advised that all of her concerns remain unresolved. While I make no findings, I observe that the Tenant remains at liberty to raise her issues and seek appropriate redress in properly pleaded application(s). Proper pleadings involve a concise statement of material facts identifying each issue and the cause of action being advanced.
9. The Tenant is encouraged to seek legal advice if she chooses to apply again. To find her local legal clinic, the Tenant may contact Legal Aid Ontario at 1-800-668-8258. The Law Society of Ontario's referral service can also assist parties in finding a suitable lawyer or paralegal. That service may be accessed by telephone at 1-855-947-5255 or by email at [lsrs@lso.ca](mailto:lsrs@lso.ca).

**It is ordered that:**

1. The application is dismissed.

**March 30, 2026**  
**Date Issued**

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Nersi Makki  
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.