



Order under Section 31 Residential Tenancies Act, 2006

Citation: Shantz v Martel, 2026 ONLTB 28473

Date: 2026-04-08

File Number: LTB-T-023205-25

In the matter of: 1604, 129 WELLINGTON ST
BRANTFORD ON N3T5Z9

Between: Cortney Shantz Tenant

And

Mickey Martel Landlord

Cortney Shantz (the 'Tenant') applied for an order determining that Mickey Martel (the 'Landlord'):

- withheld or interfered with their vital services or care services and meals in a care home.

An Adjudicative Case Conference (ACC) was held by videoconference on April 2, 2026.

Only the Tenant attended the ACC.

As of 9:27 am, the Landlord was not present or represented at the ACC. The Board record confirms the Notice of Hearing was returned by Canada Post as undeliverable.

Determinations:

1. The Notice of ACC notes that the matter may proceed to a merits hearing on the day of the ACC.
2. The matter proceeded as uncontested.
3. As explained below, the Tenant's application is dismissed as defective.
4. The Tenant filed the T2 application on March 24, 2025.
5. The application provides details on what information is required. However, the Tenant failed to include sufficient reasons and detail to support the claims made against the Landlord. Additionally, the Tenant did not include the remedies sought.
6. As explained to the Tenant, the Divisional Court has held that in order to be considered, a claim must have sufficient details or particulars, including dates and times of the alleged offensive conduct, together with a detailed description of the alleged conduct complained

of, to allow the person against whom the claim is made to know the case to be met and to prepare for the hearing accordingly. (*Ball v. Metro Capital Property*, [2002] O.J. No. 5931).

7. Although the *Ball* case related to a landlord's notice of termination, it applies the long-standing common law principle of the right to know the case to be met; I cite the *Ball* case solely for this principle as it applies equally to tenant applications. The legal principles of fairness and natural justice demand that a party has a right to know the case against them and that they be provided sufficient notice and details of the case against them to allow them to determine whether to defend the claim and how to mount a defence.
8. The application was void of sufficient detail with respect to the claim related to vital service.
9. Additionally, in *Beauge v. Metcap Living Management Inc.*, 2012 ONSC 1160 (Div. Ct.) ('Beauge') the Divisional Court found that the Board had erred in awarding damages that were not claimed in the tenant's application. I am bound by *Beauge* and so I cannot order any remedy that has not been claimed in the Tenant's application.
10. The Tenant's application is dismissed.
11. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The Tenant's application is dismissed.

April 8, 2026
Date Issued

Dana Wren
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.