



Order under Section 31 Residential Tenancies Act, 2006

Citation: Heydon v Genuardi, 2026 ONLTB 29574

Date: 2026-04-14

File Number: LTB-T-008923-25

In the matter of: 110 HYDE PARK AVE
HAMILTON ON L8P4M7

Between: Robert Heydon Tenant

And

Cinzia Genuardi Landlord

Robert Heydon (the 'Tenant') applied for an order determining that Cinzia Genuardi (the 'Landlord'):

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

This application was heard by videoconference on April 8, 2026.

Only the Tenant and the Tenant's legal representative, Jodi Feldman ('JF'), attended the hearing.

As of 11:05 a.m., the Landlord 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 Tenant's evidence.

Determinations:

1. At the outset of the hearing, I raised a preliminary issue relative to the adequacy of the particulars in the Tenant's application.
2. When a party commences an application before the LTB, the application must contain details that are sufficient for the other side to know the case to be met. These details should include dates and times together with a detailed description of the alleged offensive conduct: *Ball v. Metro Capital Property*, [2002] OJ No 5931, paras 10 & 12; *Tugui v. Miltowne Creek Investments Inc.*, 2021 CanLII 146888 (ON LTB).
3. In the application, the Tenant alleges that the Landlord withheld or interfered with the reasonable supply of electricity by failing to pay the electricity bills for the unit on two occasions. The application, however, does not identify any dates or time periods during which the Tenant alleges this occurred.

4. This lack of detail in the application raises two issues. First, the Landlord would not know precisely the case to be met because the application does not identify when this is alleged to have happened. Second, given the lack of dates, it cannot be determined if the alleged breaches of the Act occurred within the statutory limitation period prescribed by ss. 29(2) of the *Residential Tenancies Act, 2006*.
5. The Tenant did not deliver a request to amend the application in advance of the hearing pursuant to rule 15.1 of the LTB's *Rules of Procedure*. I do not find that it would be appropriate in the circumstances to grant an amendment on the basis of an oral request to amend the application at the hearing pursuant to rule 15.4 of the LTB's *Rules of Procedure*.
6. Even though the Landlord was not present at the hearing, they were still entitled to know the case to be met. The Landlord did not attend the hearing to defend the application as filed, but if I were to grant an amendment requested orally at the hearing, the Landlord would not have had any notice of the precise allegations being made until after the hearing concluded. This would be prejudicial to the Landlord and inconsistent with a fair and expeditious hearing.
7. The Tenant's application is dismissed because it contains insufficient particulars. I have not heard evidence or made any determination relative to the substance of the Tenant's allegations, and this dismissal is therefore without prejudice.

It is ordered that:

1. The Tenant's application is dismissed, without prejudice.

April 14, 2026
Date Issued

Mark Melchers
Member, Landlord and Tenant Board

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