



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-102230-24

In the matter of: Unit 4, 298 Altha Ave
Ottawa ON K1L7C5

Between: Emilian Dimitrov Tzenev Tenant

And

Marcin Kosniewski Landlord

Emilian Dimitrov Tzenev (the 'Tenant') applied for an order determining that Marcin Kosniewski (the 'Landlord'):

- entered the rental unit illegally.
- altered the locking system on a door giving entry to the rental unit or residential complex without giving the Tenant replacement keys.
- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.

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

The Landlord's Legal Representative, Trevor Jacquard, the Landlord and the Tenant attended the hearing.

Preliminary Issue:

1. When this matter first came before the Board on June 17, 2025, for an Adjudicative Case Conference, the Board advised the Tenant that the application did not set out any remedy and gave the Tenant an opportunity to amend it. On June 20, 2025, the Board issued Interim Order LTB-T-102230-24-IN, which required the Tenant, on or before July 20, 2025, to provide the Landlord and file with the Board any proposed amendment to the application. The order also required that any amended application clearly identify the amended portion of the application:
2. When the matter returned to the Board for a hearing on the merits on April 8, 2026, the Tenant had not filed an amended application and had not identified any amended portion of the application. The remedy portion of the application remained blank.

3. The Tenant explained that, after being evicted in an earlier application brought by the Landlord, he had been living in his car and did not have the resources to attend a legal clinic to amend the application.
4. I am not satisfied with the Tenant's explanation for failing to amend the application between June 2025 and April 2026, a period of almost 10 months. The Tenant did not provide a satisfactory reason for failing to amend the application and specify a remedy, particularly where the interim order also provided detailed Legal Aid Ontario contact information and the online registration information for Tenant Duty Counsel.
5. In *Beauge v. Metcap Living Management Inc.*, 2012 ONSC 1160, the Divisional Court held that the Board cannot award a remedy that has not been requested in the application. In the circumstances of this case, it would be unfair to the Landlord and not appropriate for the Board to grant a remedy that was never set out in the application, particularly after the Tenant was expressly given an opportunity to amend and failed to do so. As no remedy has been identified in the application, it is not necessary for me to make findings on the merits. Accordingly, the application is dismissed.

Cost:

6. At the hearing, the Landlord's Legal Representative requested costs for attendance and file preparation, arguing that the Tenant's failure to comply with the interim order caused an unnecessary appearance.
7. I am not satisfied that the Tenant's conduct rises to the level of unreasonable conduct warranting a costs award under Interpretation Guideline 3. The Landlord's legal costs are the type of costs ordinarily incurred in litigation and were not shown to have resulted from unreasonable conduct by the Tenant.
8. The Landlord's request for costs is denied.

It is ordered that:

1. The Tenant's application is dismissed.

April 17, 2026
Date Issued

Joy Xiao
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.