



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-058488-25

In the matter of: 1005, 63 CALLOWHILL DR
ETOBICOKE ON M9R3L6

Between: Mykola Ogir Tenant
Nataliya Ogir

And

Charles Berman Landlord

Mykola Ogir and Nataliya Ogir (the 'Tenant') applied for an order determining that Charles Berman (the 'Landlord'):

- harassed, obstructed, coerced, threatened or interfered with the Tenant.

This application was heard by videoconference on April 16, 2026.

The Tenant attended the hearing.

As of 11:41 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. The Tenant filed a T2 application. Only the Tenant attended the hearing. As explained below, I find that the application must be dismissed on a preliminary basis because it does not raise a proper claim for relief under a T2 application.
2. At the hearing, the Tenant confirmed that the substance of his claim was not a new incident in the tenancy but his disagreement with the outcome of the Landlord's earlier applications from 2022 and 2023. The Tenant stated that the Landlord had filed false information in those earlier proceedings and asked the Board, in effect, to revisit or correct those prior outcomes. The Tenant also referred to alleged rent overcharges and unpaid rent deposit interest over many years.
3. I am not satisfied that this T2 application is the proper procedure to address those complaints. A T2 application cannot be used to reopen, relitigate, or reconsider the outcome of earlier Board proceedings that have already been decided or otherwise

concluded. If the Tenant wished to challenge the result of those earlier applications, the proper course was to pursue the remedies available in those proceedings. This application cannot be used as a substitute for a review request or an appeal.

4. Furthermore, I find that the Tenant's claims regarding unpaid rent deposit interest and rent overcharges are not properly before the Board in a T2 application. Under the *Residential Tenancies Act, 2006*, these specific financial issues fall under the criteria for a T1 application (Tenant Application for a Rebate of Money the Landlord Owes) rather than the harassment or interference provisions of sections 22 or 23. Because the Tenant has filed a T2, which deals strictly with tenant rights and interference, these separate monetary disputes cannot be adjudicated in this proceeding.
5. The Tenant did not identify any current or ongoing conduct by the Landlord that meets the requirements for a T2 application. The core of the Tenant's claim is a request for the Board to revisit or overturn decisions made in previous 2022 and 2023 matters. As the Board does not have the jurisdiction to reopen concluded cases through a new T2 filing, and there is no evidence of fresh interference with the Tenant's rights, this application must be dismissed.
6. This order contains all of the reasons for the decision. No further reasons will be issued.

It is ordered that:

1. The Tenant's application is dismissed.

April 23, 2026
Date Issued

Joy Xiao
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.