



**Order under Section 30
Residential Tenancies Act, 2006**

File Number: LTB-T-045071-23

In the matter of: 808, 77 ROEHAMPTON AVE
TORONTO ON M4P3B8

Between: Zachary Novack Tenant

And

The R.W. 77 Land Corporation Landlord
Westdale Properties

Zachary Novack (the 'Tenant') applied for an order determining that The R.W. 77 Land Corporation, Westdale Properties (the 'Landlord') failed to meet the Landlord's maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing or maintenance standards.

This application was heard by videoconference on February 11, 2026. The Landlord's Representative, A. S. Kassam, and the Tenant attended the hearing.

Determinations:

Preliminary issues

1. The Tenant filed the application on June 6, 2023. At the first hearing on June 20, 2024, the hearing was adjourned. On July 2, 2024, interim order LTB-T-045071-23-IN was issued providing the Tenant until July 23, 2024, to provide any documents they were going to rely on at the hearing or make any amendments to the application.
2. At the hearing, the Landlord's representative submitted that the allegations contained in the applications are unclear and that the Landlord has been put in the unfair position of having to respond to applications containing allegations that the Landlord has no understanding of what the issues are, and no dates were included. In addition, the Tenant failed to disclose any documents he intended to rely on by July 23, 2024, as required in the interim order. Accordingly, the Landlord's representative submitted that the Tenant's T6 application should be dismissed.

3. The Tenant did not provide sufficient reasons for not complying with the interim order.

Analysis

4. Applications must provide sufficient detail to allow the opposing party to know the specific allegations being made so that the opposing party can be in a position to know the case that must be met and determine whether to raise a defence. Natural justice and procedural fairness require nothing less.
5. MacDougall J. wrote in *Ball v. Metro Capital Property*, [2002] O.J. No. 5931 that, "Particulars should include dates and times of the alleged offensive conduct together with a detailed description of the alleged conduct..." While this case involved a notice of termination served to a tenant, in my view, the case supports the principles of procedural fairness regarding the need for particular and details to permit one to know the case against them, which applies equally to tenant applications.
6. These principles are confirmed in the Court which states that the various purposes for requiring a party to provide reasons and details include the responding party's need "to know the specific allegations made so that she/he can be in a position to know the case that must be met; to decide whether to dispute the allegations made before the Tribunal; and to consider whether to stop the conduct or activity or correct the omission..."
7. In the matter before me, the application was not only unclear as to what the Tenant's issues were but did not contain sufficient information to provide any detail to the Landlord to understand the claim being made, even after the Tenant was provided the opportunity to amend their application and provide any evidence they intended to rely on. I note that, the matter was adjourned in June 2024 so that the Tenant was provided an opportunity to amend the application to include further information and clarity, including additional remedies. There was no amendment filed, and no documents were submitted by July 23, 2024.
8. As a result, I am satisfied that the lack of details provided in the application was not sufficient for the Landlord to understand the case to be met and to make a decision concerning whether or not to dispute the allegations at a hearing. I also find that the Tenant has been given sufficient time to make any changes to their application and submit any documents they wished to rely on. As such, the Tenant's application will be dismissed.

It is ordered that:

1. The Tenant's application is dismissed.

April 27, 2026
Date Issued

Colette Myers
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.