



## **Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006**

**File Number:** LTB-T-090997-24-RV

**In the matter of:** 236 VELLORE WOODS BLVD  
WOODBIDGE ON L4H1Y5

**Between:** Jack Nguyen Tenant

**And**

Minh Binh Nguyen Landlords  
Huong Tran

### **Review Order**

Jack Nguyen (the 'Tenant') applied for an order determining that Minh Binh Nguyen and Huong Tran (the 'Landlords') collected or retained money illegally. (T1 Application)

The Tenant applied for an order determining that the Landlords entered the rental unit illegally. (T2 Application)

This application was resolved by order LTB-T-090997-24 issued on February 5, 2026.

On February 5, 2026, the Tenant requested a review of the order. The review request was heard by videoconference on March 16, 2026. The review was granted by way of review interim order LTB-T-090997-24-RV-IN2 issued on March 19, 2026 and a new hearing was ordered.

These applications were heard by videoconference on April 21, 2026.

The Tenant and both named Landlords attended the hearing. The Landlords were supported by their Vietnamese translator, John Van. The Tenant declined the opportunity to speak with Tenant Duty Counsel on the hearing date.

### **Determinations:**

#### T1 Application

1. At the hearing, the parties took time to speak with the Dispute Resolution Officer (DRO). After their conversation, they attended the hearing room with the DRO based on an agreed statement of fact that the Landlords had reimbursed the Tenant the amount of \$2,506.00 for the Tenant's T1 application. Accordingly, the T1 application is resolved and withdrawn.

T2 Application – Insufficient Particulars – Request to Adjourn Denied

2. The parties attended an Adjudicative Case Conference (ACC) on June 30, 2025. In this regard an interim order was issued on July 10, 2025 outlining certain procedural requirements to be completed prior to the hearing for the merits of the applications.
3. The interim order reflects that the Tenant had declined to participate in the ACC and that there were deficiencies noted in their applications and that they were encouraged to seek legal counsel on this basis. The interim order also directed the Tenant to amend their application in accordance with Rule 15 of the LTB's Rules of Procedure and directed the Tenant to serve a copy of the amended application on the Landlords and the LTB and to file proof of service in the form of a "Certificate of Service" with the Board.
4. The interim order from the ACC also directs the parties to provide disclosure to the other and to file with the LTB a copy of all of their anticipated evidence that they intend to rely on at the hearing at least ten days before the hearing date. It notes that if disclosure is not met by the deadlines, then the Member may refuse to accept the evidence or consider the issues not disclosed.
5. The merits hearing was scheduled to be heard on February 4, 2026. This means, that the parties ought to have served the other and filed with the LTB their disclosure evidence by January 25, 2026 at the latest and uploaded a completed Certificate of Service.
6. The Tenant did not attend the February 4, 2026 due to a medical condition which was noted in their request to review. Accordingly, the review was granted and a new hearing ordered. The notice of hearing for this new hearing was sent to the parties by email on March 19, 2026.
7. According to the Interim Review Order issued on March 19, 2026 the parties were instructed to provide disclosure at least seven days prior to this hearing. The order further notes that pursuant to Rule 19.7 of the LTB's Rules, a party who fails to comply with an order for disclosure may not be permitted to rely on evidence that is not properly disclosed.
8. Despite the Review Interim order and despite the Interim Order from the ACC, neither party served the other any materials they intended to rely on at the hearing. They only upload material to the Portal without directly serving the other side. Neither party was aware of the other parties uploaded documents.
9. This is important to note because on October 26, 2025 the Tenant uploaded a request to amend their application and they also uploaded their respective evidence. They neither served the Landlords a copy of their amended application or their evidence despite the ACC interim order instructing them to do so.
10. On February 2, 2026 the Landlords uploaded a declaration to the Portal without providing the Tenant a copy of their declaration. This was also despite the ACC interim order and it was also short of the 10 day requirement to serve the Tenant and submit such evidence.
11. At the hearing the Landlords denied every being aware of the amended application in the portal and indicated that they uploaded their declaration based on the allegations of illegal entries and illegal charges, but they were unsure at the time what illegal charges specifically were being claimed and therefore they provided a timeline for the tenancy.

12. The Tenant submits that the Landlords must have been aware of the amended application on the basis that they submitted their declaration in defence of it. However, I accept that the Landlords had no knowledge of the amended application as they make no specific reference to any of the additional allegations in the Tenants amended application and for one reason or another, they make reference to garage access which is not even mentioned in the Tenant's application or amended application.
13. The issue with the Tenant's original application is that it has an essentially blank T1 application and the T2 application alleges three illegal entry dates but makes no request for any remedy on the applications are noted.
14. Additionally, the Tenant originally filed their application on November 5, 2024. Pursuant to subsection 29(2) of the *Residential Tenancies Act, 2006* (the 'Act'), a remedy on a tenant's application can only extend back to the one year prior to the filing of the application. In this case, that would be during the period on or after November 6, 2023.
15. Out of the three alleged illegal entries, two of them allegedly occurred prior to the remedy period in the Tenants application. Those being on June 30, 2023 and July 7, 2023.
16. Even if I were considering the allegation of an illegal entry on November 5, 2024, there is no remedy listed in the application. Allowing an amendment on this hearing date would be prejudicial to the Landlord and they declined permission for the Tenant to proceed on any amended application or proposed remedies at the hearing submitting that it would be procedurally unfair to do so.
17. The Tenant then requested an adjournment to be given another opportunity to correctly serve the Landlords with their amended application. The Landlords were opposed to adjournment because they have waited to have the merits of the application heard and the dispute resolved after having to wait so long.
18. Section 183 of the Act states that the Board shall adopt the most expeditious method of determining the questions arising in a proceeding that affords to all persons directly affected by the proceeding an adequate opportunity to know the issues and be heard on the matter.
19. Subsection 201(1)(f) of the Act states that the Board may amend an application if amending the application would not be unfair to any party.
20. The Tenant has had ample time to amend their application and to seek legal advice regarding their application since the application was filed almost one and a half years prior to this hearing and had already gone through the review process with the LTB and an ACC process. Additionally, not only was the interim order from the ACC explicit with respect to amending the application and service of the documents on the Landlords, but the Tenant still did not serve their amended application on the Landlords even though they had an additional opportunity to do so after the review was granted.
21. I find that adjourning the hearing in order to provide the Tenant an opportunity to amend their application would be greatly prejudicial to the Landlord and for the reasons above I denied the Tenant's adjournment request.

22. Accordingly, the T2 application must be dismissed as it lacks sufficient particulars and also fails to identify any particular remedy the Tenant is seeking. Although I would not condone any conduct regarding an illegal entry, proceeding with the merits without a requested remedy would be frivolous and a misuse of the Boards limited resources.

**It is ordered that:**

1. The T1 application is resolved and withdrawn.
2. The Tenant's T2 application is dismissed.

**April 30, 2026**  
**Date Issued**

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Terri van Huisstede  
Member, Landlord and Tenant Board

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