



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-080976-25

In the matter of: 36, 525 STONE CHURCH RD E
HAMILTON ON L8W3B2

Between: Kim Ha Tenant

And

Victoria Park Community Homes Landlord

Kim Ha (the 'Tenant') applied for an order determining that Victoria Park Community Homes (the 'Landlord'):

- 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 March 16, 2026.

The Landlord's Agent Shaunalee Derkson, Landlord's Legal Representative Patrick Langille, and the Tenant Kim Ha attended the hearing.

Determinations:

1. As explained below, the Tenant's T2 application is dismissed for lack of particulars.
2. The Tenant filed the T2 application with the Board on September 9, 2025. The application lists that the Landlord: substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household and that the Landlord harassed, obstructed, coerced, threatened or interfered with the Tenant. However, the Tenant failed to provide further clarification on the particulars of the case such as dates, times, names, or locations.

3. In *Ball v Metro Capital Management Inc.* [2002] OJ No 5931 (Div Crt), the Divisional Court considered subsection 43(2) of the Act and found that the purpose of requiring that a landlord provide reasons and details in a notice was to: (a) allow the tenant to be in a position to know the case to be met; (b) allow the tenant to decide whether or not to dispute the allegations made by the landlord; and, in the case of a voidable notice, and (c) allow the tenant to stop the conduct or activity or correct the omission. Thus, to comply with subsection 43(2) of the Act, a notice should include the dates and times of the alleged conduct, together with a detailed description of the alleged conduct.
4. While *Ball* dealt with a notice of termination under s. 64 of the Act, I find that the test applies equally to tenant applications, including those brought under section 31, of the Act.
5. I find that the T2 application lacked the specific detailed information needed to put the Landlord on notice to know the case to be met in preparation of the hearing. The Landlord cannot be expected to respond to vague allegations on an application. It would be unfair to the Landlord to learn of the details for the first time at the hearing. Therefore, the application must be dismissed.

It is ordered that:

1. The Tenant's application is dismissed.

May 6, 2026
Date Issued

Kyle Anderson
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.