



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-102479-24

In the matter of: 5, 58 Elizabeth
Port Burwell ON N0J1T0

Between: Jocelyn Racheal Spears Tenant

And

Port Burwell Family Residences Landlord

Jocelyn Racheal Spears (the 'Tenant') applied for an order determining that Port Burwell Family Residences (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 April 14, 2026.

The Landlord's representative, Robert Rose, and the Tenant attended the hearing.

Determinations:

1. At the onset of the hearing, the Landlord raised the following preliminary issues: that the Tenant failed to provide particulars in the applications, the Tenant failed to disclose evidence in advance, and that the issues the Tenant intended to raise are out of time.
2. After a review of the applications, I expressed my concern with regards to the lack of particulars in the T2 application. The Tenant alleges that the Landlord substantially interfered with their reasonable enjoyment, and provided the following details in support of that allegation:

“Unit 6 has made my life hell since 2 months of moving in. maintenance know, Landlord knows, she’s got other no contact orders with other tenants and she’s still here, most recently she phone police to have my charges when I wasn’t even here to have done it and my phone tracked were I was. I’m tired and I have children to raise I don’t need to have to walk on eggshell because of my neighbour its not ok”

3. The Tenant alleges that the Landlord has the Landlord harassed, obstructed, coerced, threatened or interfered with the Tenant and:

“Tina the office lady has lied to my face said I could put up the barrier between our units so I have some privacy then after unit 6 complains she threatened to fine me if I don’t remove it. I would like to have it up please for my own safety and peace of mind. The Landlord claimed its unsafe when it wasn’t I had it reinforced so it would stay up and they stated it still need to come down cause I didn’t ask permission to have it so I asked permission and was denied. Tina also told unit 8 that it was okay she also build one and has no issues with their unit doing it but because unit 6 didn’t like it she couldn’t see my every move and what time I was arriving home is why I had to remove it being harassed and stalked from unit 6”

4. I considered the case of *Ball v. Metro Capital Property* [2002] O.J. No. 5931 (Divisional Court) (“*Ball v. Metro Capital*”). The facts in *Ball v. Metro Capital* were distinguishable in that the details were lacking in a Notice of Termination in the landlord’s application. Notwithstanding that the present case involves tenant applications instead of a landlord application, the legal premise of requiring adequate particulars so that the opposing side can understand and respond to the claims being made against them has been long established. This is a matter of procedural fairness. The respondent landlord must have notice of the case to be met.
5. I find there is insufficient detail in the Tenant’ T2 application to allow the Landlord to know the case being alleged against them, as well as understanding what remedies the Tenant is seeking for the T2 application.
6. While the Tenant submits that her testimony will provide the Board and the Landlord all the details required, I find that allowing the application to proceed with be unfair to the Landlord as the Landlord would not have had an opportunity to prepare adequately.
7. I do not find that adjourning the hearing for the Tenant to amend their T2 6 application and/or submit evidence would result in the most expeditious or fair outcome. Given that the applications were filed on December 13, 2024 and the parties attended an Adjudicative Case Conference hearing on October 29, 2025, I find that the Tenant has had ample time to perfect their T2 application as they were provided oral directions and an interim order was issued on October 31, 2025 from the member that there was issues with adequacy of particulars with respect to the dates and times the issues were communicated to the Landlord and issues with limitation period. The Tenant provided that she did not understand the Member’s direction and she did not have any help as such that is why she did not amend.
8. The dismissal of the T2 application was communicated to the parties at the hearing.

It is ordered that:

1. The T2 applications are dismissed.

May 22, 2026
Date Issued

Vinuri Sivalingam
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.