



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

Citation: Graham v Kirk, 2026 ONLTB 38119

Date: 2026-05-11

File Number: LTB-T-101617-23-RV

In the matter of: Unit 1, 11 Victoria Ave N
Lindsay ON K9V4E6

Between: Deborah Graham Tenant

and

Despina Kirk Landlord

Review Order

Deborah Graham (the 'Tenant') applied for an order determining that Despina Kirk (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.
- withheld or interfered with their vital services or care services and meals in a care home.

This application was resolved by order LTB-T-101617-23 issued on May 7, 2026.

On May 7, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.
2. The Tenant submits that it was a serious error for the presiding Vice Chair to dismiss their application because although the Tenant did not particularize her claims, she misunderstood that she was required to. The Tenant does not appear to dispute that her application lacked particulars for the Landlord to know the case to be met. Rather, the Tenant appears to take issue with not being given another opportunity to amend her application to correct the deficiencies.

3. The Vice Chair correctly states in paragraph 2 that the deficiencies were explained to the Tenant at the ACC and she was directed to amend her application to include appropriate details of her claims, including dates and times of incidents. The presiding Member at the ACC also suggested that the Tenant seek legal advice from a local clinic to assist. The Tenant did not do either of these things and, as stated in paragraph 4 of the order, did not provide any reasonable explanation for failing to do so. The Tenant had 9 months to seek legal assistance and did not do so.
4. In these circumstances, it was not unreasonable for the presiding Vice Chair to refuse the Tenant a second opportunity to correct deficiencies in her application or to allow the Tenant to proceed with an application with insufficient particulars.
5. Additionally, while the Tenant states the presiding Vice Chair did not give her sufficient time during the hearing to locate her T2 application in the portal, I am not satisfied that this amounts to an error in the proceedings as it would not change the result. The Tenant's application was void of sufficient particulars whether it was before her on the screen or not. Although the Tenant believed that her uploaded evidence also formed part of the application, this is not correct. An application is required to contain sufficient particulars, and a party cannot correct those deficiencies by simply uploading evidence.
6. For the foregoing reasons, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.

It is ordered that:

1. The request to review order LTB-T-101617-23 issued on May 7, 2026 is denied. The order is confirmed and remains unchanged.

May 11, 2026
Date Issued

Candace Aboussafy
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.