



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-087766-25

In the matter of: 801, 10 Roanoke Road
Toronto ON M3A1E7

Between: James Pengelly Tenant

And

Shivanshu Sharma Landlord
Cloisters Don Holdings Inc

James Pengelly (the 'Tenant') applied for an order determining that Shivanshu Sharma and Cloisters Don Holdings Inc (the 'Landlord'):

- entered the rental unit illegally.
- 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 heard by videoconference on April 13, 2026.

The Landlord's Legal Representative, Martin Zarnett, the Landlord, and the Tenant's Legal Representative, Edward Wallerstein-Telizyn attended the hearing.

Determinations:

Tenant's Adjournment Request Denied

1. The Tenant's Legal Representative requested an adjournment. The Landlord's Legal Representative requested the application be dismissed due to the lack of particulars contained in the application. I first addressed the adjournment request.
2. The Tenant's Legal Representative requested an adjournment to afford more time to prepare for the hearing, as there was some uncertainty until recently as to the status to whether the Tenant's Legal Representative was still retained. The Tenant's Legal

Representative also requested an adjournment to amend the application. The Tenant's Legal Representative advised he was only recently retained, and that his client dropped off 400 pages of evidence this past Friday and requires time to go through the documents.

3. The Landlord's Legal Representative opposed the adjournment request as this application was filed on October 6, 2025, and the Tenant has had ample time to make any necessary amendments and noted the Tenant's Legal Representative only asked for the adjournment on the date of the hearing.
4. I note that the Tenant was not present. The Tenant's Legal Representative indicated that the Tenant was unaware of the hearing. The Notice of Hearing was emailed and mailed to the Tenant on January 15, 2026, and it was not returned by Canada Post. The Tenant was legally represented and as this is a Tenant's application, the Tenant would be required to provide evidence to support his application at a hearing. The Tenant's Legal Representative was in communication with the Tenant on the date of the hearing and no reasonable explanation was given as to why the Tenant was unable to attend.
5. Rule 21.8 of the LTB's Rules of Procedure provides that an adjudicator may adjourn a hearing where such is required to permit an adequate hearing to be held. Some factors include: the reason for the adjournment and position of the parties, the issues in the application, any prejudice that may result from granting or denying the request, the history of the proceeding including other adjournments or rescheduling, and the LTB's obligation to adopt the most expeditious method of adjudicating a fair hearing. The decision is discretionary.
6. No rescheduling request and no amendment request was made in advance. The Tenant is not present. I am not convinced that the lack of preparation from the Tenant is a compelling reason to adjourn the proceedings as the application was filed on October 6, 2025. The Tenant had plenty of time to prepare for the hearing and plenty of time to make any amendments.
7. Therefore, after considering the parties' submissions, the adjournment request is denied.

Application Withdrawn

8. At this point, the Tenant's Legal Representative indicated he sought permission from his client to withdraw the application.
9. As such, the Landlord's submissions to dismiss the application based on the lack of details and particulars were not heard.
10. I consented to the request to withdraw the application.

It is ordered that:

1. The T2 application is withdrawn. The LTB's file is closed.

May 12, 2026
Date Issued

Paula West Oreskovich
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.