



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-056264-24

In the matter of: D, 687 Water St
Peterborough ON K9H3N4

Between: Michelle Ross Crowder Tenant

And

CMHA Landlord

Michelle Ross Crowder (the 'Tenant') applied for an order determining that CMHA (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 May 6, 2026.

The Tenant's legal representative, Merve Ozademir, the Tenant, the Landlord agent, Kerri Kightley and a witness for the Landlord attended the hearing.

Determinations:

1. For the following reasons the Tenant's application is dismissed.
2. Board records indicate the Tenant filed the application with the Board on December 31, 2024 (DOC-4764166).
3. The Tenant filed with the Board a written request to amend the application on September 8, 2025 (DOC-6351272). The amendment states the Tenant wishes to amend "...due to additional complaints, ongoing issues, and the serious impact of these have had on my health and well-being."
4. The Tenant made a vague reference to amend the application to include a remedy the Tenant was seeking and states, "I am now requesting **the maximum monetary compensation available under the Residential Tenancies Act.**"
5. An Adjudicative Case Conference (ACC) was scheduled for October 21, 2025.
6. The Tenant and the Landlord agent Kerry Kightley attended the ACC.

7. The member filed an adjournment sheet (DOC-6630510) on October 21, 2025. The member's notes state:

*The Tenant is aware of the deficiencies in her application with respect to issues claimed **and remedies**.*

[emphasis added]

8. The member issued an interim order (DOC-6635862) directing the matter to a hearing. Paragraph 3 of the member's order states:

If the Tenant wishes to amend the application, they must do so on or before November 30, 2025. The Tenant shall also serve a copy of their amended application to the Landlord and shall file a certificate of service with the LTB confirming that the Landlord was served..."

9. The Tenant did not amend the application in accordance with member's order.

10. The original application filed with the Board seeks two remedies:

Remedy 2:

The tenant should have received several warnings given the time and dates provided and the time in between each complaint. All incidents are separate but not isolated and behaviour continues to interfere with me being successful in my career and the enjoyment of my home without violence.

Remedy 11

End tenancy of disturbing individual as there should have been eviction notices, but there hasn't even been any follow up to my complaints.

11. At the hearing the Tenant's legal representative requested to amend the application to include Remedy 1 for an abatement of \$13,983.63.
12. The Tenant's legal representative stated she was not aware of why the Tenant did not amend the application on or before November 30, 2025 in accordance with the interim order.
13. The Tenant's legal representative stated the Tenant's issues in the application have been resolved in accordance with the Tenant's request for Remedy 2, and Remedy 11.
14. The Landlord agent objected to the Tenant's legal representative's request to amend the application to include the abatement.
15. The position of the Landlord agent is the Landlord has met the request for remedy in the application and confirms all issues claimed by the Tenant have been resolved.
16. The Tenant's legal representative requested an adjournment to allow time to amend the application in writing, file with the Board and serve upon the Landlord.

Analysis

Request to amend day of hearing

17. The Board's Rules of Procedure section 15.4 on Amending Applications allows a member to amend an application on the day of the hearing, if, the member is satisfied the amendment is appropriate, would not prejudice any party and is consistent with a fair and expeditious proceeding.
18. In my view the Tenant has had ample time since filing the application on December 31, 2024, and has had the benefit of an ACC where the member identified potential deficiencies in the application and provided the Tenant an opportunity to amend the application to address the deficiencies before the hearing.
19. The Tenant's legal representative states the Tenant's prior legal representative did not address the interim order, however Board records indicate the Tenant attended the ACC self-represented and only acquired legal representation for this hearing.
20. I do not find it reasonable to grant the Tenant's legal representative the request to amend the application the day of the hearing to include a remedy the Landlord was not made aware of in advance of the hearing. In my view this would be prejudicial to the Landlord as the Landlord had not advance notice of the request and time to prepare a defense.
21. With the totality of the evidence and submissions before me I find The Tenant's legal representative's request to amend the application at the hearing is dismissed.

Request to adjourn to amend application

22. The Board's Interpretation Guideline 1 on Adjournments provides guidance for Board members to consider when a party requests an adjournment to perfect their application or claim.
23. The General Approach of the Board states:

Section 183 of the RTA directs the Board to "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 to be heard on the matter."

19. The decision of the Div Crt: *Solomon v. Levy*, 2015 ONSC 2556 that relied on s. 183 of the RTA concluded "the Board member must take into account the public interest in resolving a case as soon as possible. The key question becomes how to balance the rights of the parties to ensure that matters are resolved quickly while not adversely affecting their respective rights to a fair hearing."
20. The Div Crt found no denial of procedural fairness due to LTB's refusal to grant adjournment.
21. The Courts recognize s. 183 of the *Residential Tenancies Act*, 2006 (the "Act") that means the Board is required to consider the public interest in moving applications through the Board in an expeditious manner

22. It is the expectation of the courts that refusal of an adjournment request is reasonable where applications are determined to be unsubstantiated, untimely, repetitive or result from a lack of preparation.
23. Where the Member is satisfied that the party has received sufficient notice of the hearing and has been provided with an adequate opportunity to prepare their evidence and submissions, summons witnesses and obtain counsel ahead of the hearing date, an adjournment is not usually granted unless there are exceptional circumstances.
19. The Board does not generally grant adjournments to allow a party to perfect their application if the member determines the party has had reasonable time to do so.
20. In this case I find the Tenant has not provided any exceptional circumstances as to why they did not amend the application in accordance with the member's interim order.
21. The Tenant has had ample time and benefit of an ACC where the Tenant was put on notice of potential deficiencies and has failed to amend in accordance with the Board's Rules of Procedure and the interim order.
22. Therefore, the Tenant's legal representative's request to adjournment to amend the application is dismissed.
23. The Tenant's position is the Landlord has met the requested remedy in the application for Remedy 2 and Remedy 11 and there is no other remedy available to the Tenant, therefore the Tenant's application must be dismissed.
24. This order contains all reasons for the determinations and order made. No further reasons will be issued.

It is ordered that:

1. The Tenant's application is dismissed.

May 19, 2026
Date Issued

Greg Brocanier
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.