



Order under Section 57/57.1 of the Residential Tenancies Act, 2006

Citation: Hasselsjo v Drake Property Management, 2026 ONLTB 40248

Date: May 21, 2026

File Number: LTB-T-074157-25-HR

In the matter of: 911, 123 Charlton Avenue East
Hamilton, ON L8N3W3

Between: Songja Hasselsjo Tenant

and

Drake Property Management Landlord
Nikita Chandra

HEARING ORDER

On September 3, 2025, Songja Hasselsjo (the 'Tenant') applied in a T5 application seeking an order determining that Drake Property Management and Nikita Chandra (the 'Landlord') gave a notice of termination in bad faith. The Tenant also alleged the Landlord was required to allow the Tenant to move back into the rental unit under section 53 (tenant's right of first refusal) of the *Residential Tenancies Act, 2006* (the "Act") but failed to do so.

This application was heard by videoconference on April 29, 2026. The Tenant attended with her witness/spouse Leif Tony Hasselsjo. The Tenant attended using a public access terminal (PAT) in Hamilton to accommodate her disabilities. The Tenant's witness remained in another room during the hearing and was not called to testify. The Landlord's legal representative Eric Steiman (paralegal) attended on behalf of the Landlord.

Determinations:

Preliminary Issue – Application Amended to Correct Tenant's Name

1. The Tenant reversed her first name and surname on the T5 application. The style of cause was amended to reflect the Tenant's name.

Preliminary Issue – Lack of Particulars in Application

2. The Landlord's legal representative and I both raised a preliminary issue with the Tenant that the application lacked any details regarding the reason for which it was brought.
3. The Tenant's reason for applying was indicated as reason 4: the Landlord gave a N13 Notice to End Your Tenancy because the Landlord wanted to do repairs or renovations to

the rental unit; the Tenant gave written notice they wanted to move back into the rental unit once the work was done; and the Landlord did not give the Tenant the right to move back into the rental unit when the work was done.

4. The Tenant admitted that nothing in the T5 application spoke to the issue of renovations or repairs being done at the rental unit, nor did the application provide any details regarding her right of first refusal.
5. The Tenant's complaints (handwritten on page 3 of 6 of the application) were about past litigation (a prior set aside motion at the LTB in 2019, a prior appeal at Divisional Court, and a prior small claims court matter), and complaints about the Landlord which seemed to be allegations of substantial interference with reasonable enjoyment and harassing behaviour by the Landlord's staff/agents.
6. There were no claims in the application regarding a bad faith eviction after receiving a N13 Notice, nor any failure to afford the Tenant her right of first refusal after renovations/repairs were done to the rental unit. As a result, the application was ultimately dismissed because there were no issues or claims which could be adjudicated.

Inability to Canvass Adjournment Request

7. After the Tenant received my initial determination that the T5 application could not proceed as it was currently written due to a lack of details, she became belligerent. On several occasions the Tenant was unable to stop speaking in order to receive my instructions and information. It became apparent the Tenant would not stop speaking over me, thus she ultimately had to be muted as her inability to stop speaking became too disruptive to the hearing room and hearing process.
8. The Tenant was having difficulty refraining herself from interrupting, for example when the Landlord's legal representative or I were speaking. I was hesitant to mute the Tenant by force from my end, because she initially purported to be technologically inept. The PAT staff had set up the Zoom hearing for the Tenant and had left the room before the hearing started. The Tenant advised the office staff were in other hearing rooms and could not help her. I was concerned that if I muted or restricted the Tenant in any way, she may later be unable to follow my prompts to unmute herself.
9. The Tenant had initially demonstrated difficulty following instructions on how to use the mouse, how to click the buttons on both the mouse and engage with the Zoom features, etc. I had refrained from muting the Tenant by force during much of her interruptions, but it came to a point where it became necessary for me to mute the Tenant. I note that the Tenant was quickly able to unmute herself and continued interrupting. The Tenant's submissions about being technologically inept became suspect and I began to question her credibility as she started demonstrating her ability to use the computer provided at the PAT and the Zoom features.
10. I had wanted to canvas the possibility of adjourning since this matter was up for the first time for a hearing. In similar circumstances, it is not uncommon to consider an adjournment request made peremptory on the applicant to amend a tenant application, especially if it is a lay person, someone who is vulnerable, or someone who would benefit from seeking legal assistance. An adjournment may provide an applicant the chance to

salvage the current file number (without the need to pay for another application filing fee), or to try to protect their right to claim within any applicable limitation periods.

11. A potential adjournment would have provided the Applicant/Tenant with more time to seek legal advice and to request an amendment of the application to add particulars pertaining to substantial interference or harassment claims (more in the nature of a T2 application, which seemed to be the crux of the Tenant's complaints regarding the Landlord); and/or to add more particulars for a T5 application regarding a bad faith N13-based eviction and failure to afford the right of first refusal - so it could be adjudicated at the next hearing.
12. Rule 21.8 of the LTB's *Rules of Procedure* provides several factors for the Board to consider in deciding a request to adjourn. I was unable to start considering any factors because of the Tenant's constant interruptions.
13. Being cognizant of the Tenant's medical diagnoses and disabilities (cancer, stroke, wheelchair-bound, among others), I attempted to allow the Tenant more time to calm herself, to try to repeat information to her more slowly, etc.
14. I ultimately determined that it would not be prudent or reasonable to consider any adjournment since the Tenant was unable to even begin articulating any submissions for such a request. Her submissions continued to be along the nature of raising past litigation, complaints about the Landlord irrelevant to the application of bad faith eviction at hand, or in making threats.
15. Section 183 of the Act requires 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 be heard on the matter.
16. Several chances were afforded to the Tenant to have an adequate opportunity to be heard. The application was ultimately dismissed for lack of particulars, inability to adjudicate any viable issues/claims, and the Tenant's constant interruptions which made the hearing process impossible to continue.

It is ordered that:

17. The application is dismissed.

May 21, 2026
Date Issued

Michelle Tan
Vice Chair, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.