



Order under Section 31 Residential Tenancies Act, 2006

Citation: Zolnai v Maity, 2026 ONLTB 42142

Date: 2026-06-01

File Number: LTB-T-074842-23

In the matter of: BSMT, 9 VALONIA DR
Brampton ON L6V4J2

Between: Tara Zolnai Tenant

And

Vikram Maity Landlords
Malani Roy

Tara Zolnai (the 'Tenant') applied for an order determining that Vikram Maity and Malani Roy (the 'Landlords') interfered with her rights, collected or retained money illegally, and gave a notice of termination in bad faith.

This application was heard by videoconference on May 26, 2026.

The first named Landlord and the Tenant attended the hearing.

Determinations:

The Procedural History

1. The Tenant filed the combined application on September 22, 2023.
2. The matter has been adjourned on four other occasions and for various reasons. The July 15, 2025 adjournment was marked peremptory on both parties.
3. At the October 9, 2025 Adjudicative Case Conference (ACC), the Member noted that the Tenant requested to adjourn the matter because she was ill. However, the Member put the Tenant on notice of various deficiencies with the applications as filed, and directed the matter to a merit hearing. The Member also issued an interim order on October 15, 2025.
4. The interim order sets out five areas at issue with the Tenant's applications; jurisdiction and time limitations, missing documents, insufficient reasons and details, unlikely success with the T5 application and resolution to the T1 application.

5. The Member ordered the Tenant to amend the applications to clearly set out the allegations. The Member also ordered the amended applications to be served by January 9, 2026.
6. The Tenant did not comply with the interim order and did not amend the applications.

The Adjournment Request

7. At the hearing, the Tenant preliminarily requested to adjourn the matter, stating she has a late-morning medical appointment. The Tenant did not provide any documentary evidence to support this claim.
8. While the Landlord initially said he would agree to the adjournment, he also said that the parties were advised at the last ACC that there would unlikely be any further adjournments granted. He said the Tenant did not comply with the interim order and the matter should not proceed.
9. When considering the request to adjourn, the interests of both parties have been considered including the relevant considerations under Guideline 1 and Rule 21.8 of the LTB's Rules of Procedure.
10. The Board's Interpretation Guideline 1 *Adjourning and Rescheduling Hearings*, addresses the requirements for a request to reschedule the hearing and provides:

"The party seeking the hearing's rescheduling should submit a written request to the Board at least five business days before the scheduled hearing, preferably in the form provided by the Board."

11. Rule 28.1 of the Board's Rules of Procedure provides:

21.8 A CMH or hearing may be adjourned at the discretion of a Hearing Officer or Member where satisfied that an adjournment is required to permit an adequate hearing to be held. Relevant factors the LTB may consider in deciding the request include:

- a. the reason for the adjournment and position of the parties;
- b. the issues in the application;
- c. any prejudice that may result from granting or denying the request;
- d. the history of the proceeding including other adjournments or rescheduling;
- e. the LTB's obligation 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.

12. The Tenant said that she was made aware of the medical appointment last Monday and did not have ample time to request to reschedule the hearing. Rather, she opted to attend the hearing to request and adjournment.
13. Aware of the lengthy history before the Board and the Board's expectations for participation, I considered that the Tenant failed to provide any documentary evidence to support the proposition that she had a medical procedure that impacted her ability to participate at this hearing. In my view, it would have been reasonable for the Tenant to produce such evidence.
14. However, even had the Tenant provided medical documentation to support her request, I would have denied her adjournment request. I say this for the following reasons.
15. The Tenant was aware of the various deficiencies and challenges with her applications as per the October 9, 2025 ACC and subsequent October 15, 2025 interim order.
16. The Tenant failed to comply with the order to amend the applications by January 9, 2026. At this hearing, the Tenant provided no reasonable explanation for her failure to comply.
17. I have considered the nature of the multiple adjournments, and the prejudice to the Tenant as she has vacated the rental unit and this decision terminates her ability to move the matter forward with the LTB. However, I am not satisfied that a further adjournment would yield positive results. The ACC Member made it clear to the Tenant the challenges with her applications and the Tenant has made no effort to remedy the deficiencies, six months later.
18. Whether to grant or deny an adjournment is a discretionary decision to which considerable deference by the Court is given.
19. In the decision of the Divisional Court in *Solomon v. Levy*, 2015 ONSC 2556, the Court relied on s. 183 of the Residential Tenancies Act, 2006 (the 'Act') to 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 Courts consistently recognize that s.183 of the Act requires the Board to consider the public interest in dealing with applications in an expeditious manner.
21. In *Henye v. Minto*, 2005 ONSC2219, the Divisional Court found no denial of procedural fairness due the LTB's refusal to grant an adjournment. The Court again relied on *Solomon v. Levy* with respect to consideration for the balancing the public interest, with parties' rights.
22. I find it reasonable to apply *Solomon v. Levy* and *Henye v. Minto* in this case. The Tenant had the benefit of an ACC and an interim order to understand the shortcomings with her applications and was provided opportunity to amend the applications. The Tenant took no action to do so and did not provide any reasonable explanation for her failure to comply with the interim order. The Tenant filed the application in September 2023 and has been

made aware of the challenges with the applications and has not made reasonable effort to move the matter forward.

23. Given the Tenant's failure to comply with the Member's oral direction and interim order, the Tenant's adjournment request is denied and the applications are dismissed.

24. This order provides all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The Tenant's applications are dismissed.

June 1, 2026
Date Issued

Dana Wren
Member, 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.