



**Order under Section 69
Residential Tenancies Act, 2006**

File Number: LTB-L-021230-26

In the matter of: UPPER FLOOR, 23 CATHERINE DR
BARRIE ON L4N 0Y5

Between: ACMD Holdings Inc. Landlord

And

Gina-Roxana Limisca Tenant

ACMD Holdings Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Gina-Roxana Limisca (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on May 28, 2026.

The Landlord's legal representative, Kimberly Teel and the Tenant attended the hearing.

Preliminary Issue:

Landlord's Request to Withdraw L1 Application

1. Before the start of the hearing, the Landlord's representative requests to withdraw the L1 application. The Tenant is opposed because she intends to raise section 82 issues.
2. The Landlord's representative argues that the Tenant has not properly disclosed any s.82 issues the Tenant wishes to raise and failed to provide a written description of each issue they intend to raise. In fact, the Tenant filed evidence related to her T2 application (LTB-T-062750-24) which is currently awaiting determination from the Board.
3. Pursuant to section 82 of the Residential Tenancies Act, 2006 (Act), a tenant is entitled to raise these issues when responding to a rent arrears application filed by the landlord, if the tenant provides the landlord of advance notice in accordance with the Board's rules..
4. Rule 19.4 and 19.5 of the Board's Rules of Procedure state as follows:

Rule 19.4:

Unless the LTB has directed or ordered otherwise, a tenant who intends to raise issues under sections 82(1) or 87(2) of the RTA during a hearing for a landlord's application about rent arrears shall provide the other parties and the LTB with the following at least 7 days before the scheduled CMH or hearing:

1. a written description of each issue the tenant intends to raise; and
2. a copy of all documents, pictures and other evidence that the tenant intends to rely upon at the hearing.

Rule 19.5:

A tenant who fails to provide the LTB and other parties with a written description of each issue they intend to raise at the hearing as required in Rule 19.4 shall not be permitted to raise issues under sections 82(1) or 87(2) of the RTA during a hearing for a landlord's application about rent arrears unless the LTB is satisfied that the tenant could not comply with the requirements.

5. Based on the evidence before me, the Tenant failed to disclose to the Landlord a written description of each issue the Tenant intends to raise at least 7 days before this hearing for the Landlord's rent arrears application. The fact that the Tenant filed a T2 application and disclosed evidence for that matter does not serve as notice of her intention to raise issues under s.82 at this hearing. Therefore, pursuant to Rule 19.5 of the Board's Rules of Procedures, the Tenant's request to raise s.82 issues is denied.
6. Having denied the Tenant's request to raise s.82 issues, there is no prejudice to the Tenant on the Landlord's request to withdraw the L1 application. I consented to the Landlord's request. The L1 application is withdrawn, pursuant to section 200(2) of the Residential Tenancies Act, 2006, the ("Act").

It is ordered that:

7. The Landlord's application is withdrawn and the LTB's file is closed.

June 5, 2026
Date Issued

Angela Smith
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.