



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-015733-26

In the matter of: B, 284 Division Street
Kingston ON K7K3Z8

Between: Bohdan Vodicka Landlord

And

Terri Crausen Tenant

Bohdan Vodicka (the 'Landlord') applied for an order to terminate the tenancy and evict Terri Crausen (the 'Tenant') because :

- the Tenant did not pay the rent that the Tenant owes.
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.
- the Tenant, another occupant of the rental unit or someone the Tenant seriously impaired the safety of another person and this behaviour occurred in the residential complex.

This application was heard by videoconference on May 5, 2026.

The Landlord, the Tenant, and the Tenant's Legal Representative Lauren Thompson, attended the hearing.

Determinations:

1. The Landlord filed his application based on a N4 notice of eviction for rental arrears, a 1st and 2nd N5 for substantial interference, and a N7 for serious impaired safety. The Landlord uploaded evidence on the portal the day before the hearing, May 4, 2026; there is no certificate of service indicating the Tenant/Tenant's Legal Representative were served the evidence.
2. The Landlord submitted he was not aware of what a ledger/update sheet was which is why it was late; the evidence was served to the Tenant's Legal Representative on May 1, 2026, and he tried giving it to the Tenant on May 1st, but she was not home. The Landlord requested an adjournment to fix his mistakes.

3. The Tenant's Legal Representative submitted May 1, 2026, is a Friday, therefore, she did not see the email until back at work on Monday May 4, 2026; the Landlord sent 2 emails with attachments. The Landlord should not be perfecting the application after the fact; more than 7 days ago she requested a copy of the lease and ledger from the Landlord, he chose to send both with the May 1st disclosure email. Both documents were necessary for the Tenant's defense, she disputes the amount the Landlord indicates as the monthly rent and having ever signed a lease; therefore, the Tenant is prejudiced by the late disclosure, as there was insufficient time to collect the necessary reply evidence for her defense. Further, the Tenant never received any of the notices of termination. For all these reasons, the applications should be dismissed based on the Landlord's failure to comply with the rules.
4. It is not disputed that the Landlord's evidence was not disclosed/served in accordance with the rules. Rule 19 of the Boards Rules of Procedure is clear; the evidence shall be served no later than 7 days prior to the hearing and the any responding evidence must be no later than 5 days prior to the hearing. That the Landlord was 'unaware' of what the necessary documents were is not a justification for late disclosure; in the least he should have sought clarification from the Board or seek legal advice. By doing neither, the Landlord did not exercise due diligence. The Tenant's defense is based on being able to disprove the Landlord's claims that the rent is \$1,150.00 and there is a signed lease. To allow the Landlord to perfect the application(s) after the fact is untenable/unjustifiable and undermines the Act's requirements. Further, in his closing submission, the Landlord testified that he served the N4 by hand in October and gave all notices to the Tenant on February 3, 2026. These dates do not accord with the date of the notices; the N4 was dated February 3, 2026, therefore it could not have been served prior, and only the 2nd N5 was dated February 3, 2026; and there was no specific mention of the N7 notice. For all these reasons, the Landlord application is dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

June 2, 2026

Date Issued

Diane Wade

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.