



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-091885-25

In the matter of: 1139 Broadview Ave
East York ON M4K2S6

Between: Natalia Malunga Tenant

And

Tracy Burton Landlord

Natalia Malunga (the 'Tenant') applied for an order determining that Tracy Burton (the 'Landlord'):

- entered the rental unit illegally.
- 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.
- withheld or interfered with their vital services or care services and meals in a care home.
- did not give the Tenant a written tenancy agreement for their care home unit or the agreement did not include information about care services and meals and/or the charges the Tenant agreed to pay for them.

This application was heard by videoconference on June 1, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

1. As explained below, the application is dismissed.
2. The Tenant filed this application on October 31, 2025 alleging that the Landlord breached sections 21, 22, 23, and 25 of the *Residential Tenancies Act, 2006* (the 'Act'). In this application the Tenant requested that the LTB order the Landlord to refrain from these certain activities.
3. At the hearing, the Tenant confirmed that she moved out of the rental unit on December 1, 2025. By vacating the rental unit, the remedies requested in this application are effectively moot as the Tenant no longer has any interest in the tenancy.

4. The Tenant submitted that she uploaded a request to amend the application and referred to a submission filed (DOC-8015915) wherein at page 12, the Tenant wrote the following paragraph:

“I am pursuing legal remedies for rent abatement, harassment, privacy breach, interference with reasonable enjoyment and unsafe living conditions. I am also asking for reimbursement on my overpayment for the rent of November (**update: the November payment was (mostly) repaid) and any further restitution the court sees fit. I am also seeking protections from further harassment, unlawful restrictions and evictions on my unit as I seek new accommodation (**update: I have successfully moved)”

5. Rule 15.1 of the *Landlord and Tenant Board’s Rules of Procedure* (the ‘Rules’) provides that:

A request to amend an application before the hearing must be:

- a. in writing;
 - b. served with the amended application to all other parties; and
 - c. filed with LTB with the amended application and a completed Certificate of Service.
6. As per Rule 15.4 of the *Rules*, the LTB has discretion to grant a request to amend, and will only grant it if satisfied that the amendment is appropriate, would not prejudice any party, and is consistent with a fair and expeditious proceeding.
 7. The Tenant confirmed that she had not provided the Landlord with a copy of this submission as she only uploaded to the Tribunals Ontario Portal (‘TOP’) believing that the Landlord has access and would receive it there. There is no consent to service via TOP filed by the parties and therefore, I cannot find that the Landlord was served with this document.
 8. Based on the submissions before me, I was not satisfied that the Tenant properly served and filed a request to amend this application in accordance with the *Rules*. Given this and the fact that the request to amend has only occurred at this hearing, I find that it would not be appropriate or fair to grant the request to amend.
 9. The application was filed on October 31, 2025, the Tenant had ample opportunity to request an amendment prior to vacating or today’s hearing if she believed the issues in the application warranted different remedies, such as an abatement of rent or other compensation. I find that it would be extremely prejudicial to the Landlord to permit the Tenant to amend the application at this point.
 10. I was satisfied that once the Tenant vacated the rental unit, this application as filed became moot as the only remedy requested was no longer of any interest to this Tenant.
 11. Consequently, since the application as filed is moot, it must be dismissed.

It is ordered that:

1. The application is dismissed.

June 3, 2026

Date Issued

Lisa Del Vecchio

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.