



**Order under Section 88.1
Residential Tenancies Act, 2006**

File Number: LTB-L-023071-26

In the matter of: 208, 475 LAURIER AVE W
OTTAWA ON K1R7X1

Between: Dipty Saini Landlord

And

C.K. Tenant

Dipty Saini (the 'Landlord') applied for an order requiring C.K.(the 'Tenant') to pay the Landlord's reasonable out-of-pocket expenses that are the result of the Tenant's conduct or that of another occupant of the rental unit or someone the Tenant permitted in the residential complex. This conduct substantially interfered with the Landlord's reasonable enjoyment of the residential complex or another lawful right, privilege or interest.

This application was heard by videoconference on May 25, 2026.

The Landlord, the Tenant's Legal Representative, Wade Morris, the Tenant's witness, Darnel Kennedy, and the Tenant attended the hearing.

Preliminary Issues Raised by Tenant's Legal Representative ('TTR').

1. At the commencement of the hearing, the TTR raised various preliminary issues. These issues included;
 - a) The Tenant did not want observers to attend her hearing as she has been a witness to a case in relation to a gang and so requested that the hearing be closed and that her name anonymized in the order so that it appears with her initials only. The Tenant fears for her safety and requests a confidentiality order to protect her safety. The Landlord was agreeable to this. So, the order will reflect C.K. as the Tenant.
 - b) The application should be dismissed as the Landlord did not comply with section 53(3) of O. Reg. 516/06 (the 'Regulations'), and failed to upload the 1st N5 notice, the certificate of service for the 1st N5 notice, and the certificate of service for the 2nd N5 notice.

2. Hearings at the Tribunal are generally open to the public, in accordance with s. 9 of the Statutory Powers Procedure Act (“SPPA”) and the open court principle: see *Toronto Star v. AG Ontario, 2018 ONSC 2586*.
3. As open hearings are protected by s. 2(b) of the *Charter of Rights and Freedoms*, excluding the public from a hearing will be exceptional. The Tribunal may hold the hearing in the absence of the public only in very limited circumstances set out in s. 9(1) of the SPPA, where the tribunal is of the opinion that:
 - a) matters involving public security may be disclosed; or
 - b) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public.
4. Rule 7.7 of the Landlord and Tenant Board rules of practice and procedure reflects s. 9(1) of the SPPA and permits the Tribunal to restrict public access to the hearing on the same grounds.
5. The test established by the Supreme Court of Canada in *Sherman Estate v. Donovan, 2021 SCC 25 (CanLII)* for discretionary limits on court openness provides further guidance when considering whether to override the principle that tribunal hearings should be open to the public. In order to succeed, the person asking a court to exercise discretion in a way that limits the open court presumption must establish that:
 - a) court openness poses a serious risk to an important public interest;
 - b) the order sought is necessary to prevent this serious risk to the identified interest because reasonably alternative measures will not prevent this risk; and
 - c) as a matter of proportionality, the benefits of the order outweigh its negative effect.
6. The person seeking to restrict access has the onus to displace the general rule of openness. The open court principle takes primacy over privacy interests; exceptions to openness must be proven on a case-by-case basis:
7. I find that the privacy interest outweighs the public interest in openness in this case, and the matter was heard in a private hearing room excluding the public given the genuine safety concern the Tenant’s Legal Representative raised.

Determinations:

8. The Landlord did not file any certificate of service related to the 1st N5 Notice or the 2nd N5 notice, nor did the Landlord file the 1st N5 notice as this application pertained to a 2nd N5 notice given to the Tenant.
9. Section 53, paragraph 1, of O.Reg 516/06 (the “Regulations”) provides that an application with respect to a notice of termination on any ground must include both a copy of the notice of termination and a certificate of service for the notice of termination if the notice was given by the landlord.
10. In addition paragraph 3, of O.Reg 516/06 provides that an application to the Board with respect to a notice of termination due to a second contravention in six months, must be accompanied by the information required by paragraph 1, a copy of the original notice of termination and a copy of the certificate of service of the original notice of termination
11. Section 59(2) of the Regulation provides that where an application is filed electronically, the required documents must be received by the LTB within 5 days of the electronic filing of the application.
12. Section 185(1) of the *Residential Tenancies Act*, 2006 (the “Act”) provides that an application filed with the LTB shall be accompanied by the documents prescribed in the Regulations.
13. As no certificate of service was filed within 5 days of the date of filing the application, I find that there is no complete application to proceed on.
14. For the reasons above, the LTB lacks jurisdiction to grant the application.

It is ordered that:

1. The Landlord’s application is dismissed.

June 8, 2026
Date Issued

Samantha Greaves
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.