



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: kluczenko v Domalion, 2026 ONLTB 49395

Date: 2026-06-22

File Number: LTB-L-026619-26-RV

In the matter of: 7, 185 queenston
ST CATHARINES ON L2R3A3

Between: Jerzy Kluczenko Landlord

And

David Domalion Tenant

Review Order

Jerzy Kluczenko (the 'Landlord') applied for an order to terminate the tenancy and evict David Domalion (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-026619-26 issued on June 19, 2026. A hearing was held on June 2, 2026 where the Tenant was in attendance.

On June 22, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing. In determining this request, I reviewed the materials in the LTB's file as well as the audio recording for this hearing.

Determinations:

1. In the review request, the Tenant asserts that he was not reasonably able to participate at the June 2, 2026 hearing when he was denied the opportunity to raise his s.82 issues nor was he afforded an adjournment to properly serve the required documents.
2. I have reviewed the Board's application record and have listened to the June 2, 2026 hearing recording.
3. The Tenant believes it was a serious error for the Member to deny his s.82 issues. This was addressed at two separate times in the hearing. At 2:44:13 the Member preliminarily addressed the lack of required documents related to the issues the Tenant intended to raise. The Tenant did not challenge this but said "ok". At around 2:47:49 this was addressed in greater detail when the Tenant explained his challenges with uploading his documents. The Vice Chair present, addressed this and fully explained that the Tenant failed to follow the required steps. The Landlord confirmed that he did not receive any claims made by the Tenant related to the L1 application.

4. While the Tenant believes the Member made a serious error to deny his claims, I disagree. Section 82(1) sets out the Board's authority to consider tenant issues. Section 82(2) sets out the Tenant's requirements referred to in s.82(1). Both the hearing recording and the order clearly sets out that the Tenant failed to comply with the requirements to serve. It was therefore reasonable for the Member to deny the Tenant's s.82 issues at the Landlord's L1 hearing.
5. I will also note, that while the Tenant believes the matter should have been adjourned, he did not request an adjournment. For completeness, I also note, the Tenant declined to speak with Tenant Duty Counsel as offered during attendance.
6. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings or that the Tenant was not reasonably able to participate in the proceeding. The Tenant's review request must be denied.

It is ordered that:

1. The request to review order LTB-L-026619-26 issued on June 19, 2026 is denied. The order is confirmed and remains unchanged.

June 22, 2026
Date Issued

Dana Wren
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.