



Order under Section 31
Residential Tenancies Act, 2006

File Number: TST-16679-20

File Number: TST-16814-20

In the matter of: 1608, 340 ROYAL YORK ROAD WEST
TORONTO ON M8Y2P9

Between: Lucy Drumonde Tenant

and

Toronto Community Housing Landlord

Lucy Drumonde (the 'Tenant') applied for an order determining that the Landlord's superintendent harassed, obstructed, coerced, threatened or interfered with the Tenant (T2 application).

On or about July 16, 2020, the Tenant also filed an application for an order determining that the Landlord has not repaired or maintained the rental unit or the residential complex, or had not complied with health, safety, housing or maintenance standards (T6 application).

File TST-16814-20 (T6 application) was previously settled by a Mediated Agreement. The Tenant filed a request to re-open this file.

These applications were heard by video conference on October 12, 2021.

At 10:15 am the Tenant, Joanne Kraczek the Landlord's Representative and the Landlord's Agent Tony Mandarino attended the hearing.

Preliminary Issues:

1. On the date of the hearing, I noted to the parties that both the T2 and T6 applications and the allegations contained within were essentially incomprehensible as filed.
2. Additionally, I advised the parties that the allegations in both applications were illegible as well as lacked particulars as required by the *Residential Tenancies Act, 2006* (the 'Act') and elucidated upon by the Divisional Court in *Ball v. Metro Capital Property*, (2002) O.J. No. 5931.
3. On or about May 12, 2021, the Tenant filed a Request to Reopen the Mediated Agreement TST-16814-20 alleging that the other party did not meet a term of the mediated agreement or the consent order.

4. The Landlord's Representative raised the issue that the Landlord did not breach the terms of the Mediated Agreement, dated August 18, 2020 by the Tenant and August 25, 2020 by the Landlord's Representative, and that matter should not be re-opened.

Determinations:

1. The Mediated Agreement at paragraph 1 states that:

The Landlord and Tenant agree that the Landlord will speak to the Tenant Services Coordinator and the Tenant's Case Manager to assist the Tenant in obtaining a portable air purifier for the Tenant's unit.

2. It was not disputed that the Landlord had made an effort to meet the terms as outlined in paragraph 1 and that the Tenant did not provide contact details to the Landlord specific to the Case Manager.
3. It is my opinion that the Landlord did not breach the term of the Mediated Agreement. Accordingly, the Tenant's application to re-open the file will be denied.
4. The Landlord's Representative submitted that the allegations contained in the applications are incomprehensible and that the Landlord has been put in the unfair position of having to respond to applications containing allegations that the Landlord has no understanding of what the issues are. Accordingly, the Landlord's Representative submitted that the Tenant's T2 and T6 applications should be dismissed.
5. Applications must provide sufficient detail to allow the opposing party to know the specific allegations being made so that the opposing party can be in a position to know the case that must be met.
6. MacDougall J. wrote in *Ball v. Metro* that, "Particulars should include, dates and times of the alleged offensive conduct together with a detailed description of the alleged conduct..." While this case involved a notice of termination served to a tenant, in my view the general principles regarding the need for particular and details apply equally to tenant applications. In this leading case, the Court stated that the various purposes for requiring a party to provide reasons and details include the responding party's need "to know the specific allegations made so that she/he can be in a position to know the case that must be met; to decide whether to dispute the allegations made before the Tribunal; and to consider whether to stop the conduct or activity or correct the omission..."
7. In the matter before me, the applications were not only incomprehensible but did not contain the specifics as stated in paragraph 5 above.
8. As a result, I am satisfied that the lack of details provided in the applications were not sufficient for the Landlord to understand the case to be met and to make a decision concerning whether or not to dispute the allegations at a hearing. As such, the Tenant's applications will be dismissed.

9. In the event I have erred in my assessment of the request to re-open, I find that the Tenants' applications are invalid for the reasons stated above in paragraphs 5-8.
10. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The Tenant's request to re-open the file is denied.
2. The Tenant's T6 application is dismissed.
3. The Tenant's T2 application is dismissed.



Dana Wren
Member, Landlord and Tenant Board

November 24, 2021
Date Issued

Toronto South-RO
15 Grosvenor Street, 1st Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.