



Order under Section 16.1 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: Rogers v Cadieux, 2024 ONLTB 29796

Date: 2024-04-30

File Number: LTB-T-027614-22-IN

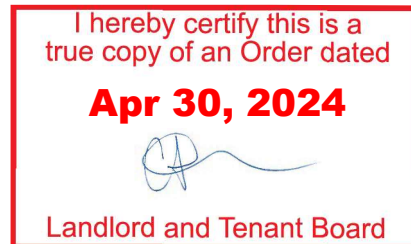
LTB-T-059412-22-IN

In the matter of: 3, 1 Water Street
Penetanguishene ON L9M1V5

Between: Daniel Rogers

and

Mike Cadieux
Nancy Cadieux



Tenant

Landlords

INTERIM ORDER

Daniel Rogers and Chantelle Laughlin (the 'Tenant') applied for an order determining that Mike Cadieux and Nancy Cadieux (the 'Landlord'):

- entered the rental unit illegally.
- altered the locking system on a door giving entry to the rental unit or residential complex without giving the Tenant replacement keys.
- 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.

This application was heard by videoconference on April 17, 2024.

The Tenants, the Landlord's Legal Representative, Lyndsey Dubois, and the Landlords attended the hearing. The Landlord's second Legal Representative, Cassandra Langevin, was also present at the hearing, however, she did not provide submissions or participate.

Determinations:

Preliminary Issue – Proper Parties

1. At the outset of the hearing, the Landlord's Legal Representative raised a preliminary issue alleging that one of the applicants, Chantelle Laughlin ('CL'), is not a tenant but rather an occupant of the rental unit and, therefore, does not have standing to file an application against the Landlords.

2. It was undisputed that when the tenancy commenced in 2012, the agreement was between the Landlords and the Tenant, Daniel Rogers ('DR'). It was also undisputed that CL did not move into the rental unit until some time in 2021. It was also undisputed that there were no discussions between the Landlords and CL regarding her moving into the rental unit.
3. DR testified that the Landlords were aware that CL was moving in as a tenant as he sought their permission prior to allowing her to move in. This was disputed by the Landlords. Both Landlords testified that although DR did not request to amend their agreement and that the Landlords are not supportive of CL so they would not have agreed to add her as a tenant.
4. Based on the evidence before me, I am not satisfied that there was a meeting of the minds to add CL as a tenant and CL is the roommate of DR. While DR may have had discussions around CL moving in, that does not automatically give her status as a tenant. Additionally, all communication surrounding her moving in the rental unit was done by DR and she had no communication with the Landlords personally regarding moving in or being added as a tenant.
5. Section 29 of the *Residential Tenancies Act, 2006* states that only a tenant or former tenant may apply to the Board. As CL is not a tenant, she does not have standing to bring this application. Accordingly, the applications are amended to remove Chantelle Laughlin.

Adjournment

6. After hearing the preliminary issue, the Landlord's Legal Representative sought to have significant portions of the Tenant's applications dismissed as the allegations do not contain sufficient details to allow the Landlords to know the claims being made and respond to them. The Landlord's Legal Representative submitted that the Landlord was not prepared to respond to these allegations due to the lack of particulars.
7. The Tenant is not represented by a licensed representative and was not made aware that the Landlord's Legal Representative would be raising this issue until the start of this hearing. In addition, all of the claims are beyond the 1-year limitation so the Tenant would not be able to refile based on those claims. While there may be some inconvenience to the Landlords, I found it would be prejudicial to the Tenant to proceed with his application as filed. As a result, I adjourned the applications so the Tenant could amend them.

It is ordered that:

1. The hearing is adjourned to a date to be scheduled by the LTB. The new hearing date shall not be before July 15, 2024.
2. The adjourned hearing is also peremptory on the Tenant to amend his T2 and T6 applications by June 17, 2024, and ensure that such amendments are in compliance with Rule 15 of the Board's *Rules of Procedure*. The amendments shall detail what the issues

are that he is claiming in the applications, when he informed the Landlords of the issues, and any dates and times of when the issue or incidents occurred, where applicable.

3. If the Tenant fails to comply with paragraph 2 of this order, the Member may dismiss the allegations contained in the applications that do not provide sufficient details at the adjourned hearing.
4. The parties shall provide their unavailable dates for the months of July, August and September to the LTB by April 24, 2024.
5. The LTB will send the parties a Notice of Hearing for the next hearing date. The parties are directed to attend the merits hearing prepared to proceed on all issues in dispute.
6. The Landlord shall give to the Tenant and file with the LTB any evidence that relates to the application. This includes any documents, receipts, photographs, recordings, or the like things the party intends to rely on at the hearing, no later than 3 weeks from the date they receive a copy of the Tenant's amended applications.
7. On or before June 17, 2024, the Tenant shall re-upload to the Tribunals Ontario Portal at www.tribunalsontario.ca/en/tribunals-ontario-portal/ a copy of any document, photograph, receipt, video, recording, or like thing upon which they intend to rely at the hearing. The Tenant shall appropriately name his documents by identifying which application that evidence is in support of and ensure that his documentary evidence is in chronological order and is organized in accordance with the Board's *Practice Direction on Evidence*. The Tenant shall also appropriately label any video or audio files uploaded with sequential numbering so that all evidence can more easily be located and retrieved during the reconvened hearing.
8. Pursuant to Rule 19.7 a party who fails to comply with an order for disclosure may not be permitted to rely on evidence that is not properly disclosed.

9. I am not seized of the matter.

April 30, 2024
Date Issued



Candace Aboussafy
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.