



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

Citation: RAJASINGHAM v ALLEN, 2026 ONLTB 4859

Date: 2026-01-13

File Number: LTB-L-077591-25-RV

In the matter of: 97 DANZATORE PATH
OSHAWA ON L1L0P9

Between: GRISHAN RAJASINGHAM
MAYURI SHANMUGANATHAN

Landlords

And

KERRI-ANNE ALLEN
KRISSANIA DACIAN ROBB
YANIQUE DACIAN GRAHAM

Tenants

Review Order

GRISHAN RAJASINGHAM and MAYURI SHANMUGANATHAN (the 'Landlords') applied for an order to terminate the tenancy and evict KERRI-ANNE ALLEN, KRISSANIA DACIAN ROBB and YANIQUE DACIAN GRAHAM (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe (L1 application) and because:

- the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlords or another tenant.
- the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex have willfully or negligently caused damage to the premises.
- the Tenants have been persistently late in paying the Tenants' rent. (L2 application)

This L1/L2 application was resolved by order LTB-L-077591-25 issued on December 23, 2025.

On January 6, 2026, the Tenants requested a review of the order.

A preliminary review of the review request was completed without a hearing. In determining this request, I listened to the audio recording for this hearing.

The review request initially filed by the Tenants was missing information: it was cut off at the right margin. The Tenants were given an opportunity to file a legible review request. On January 7, 2026, the Tenants filed a document entitled "Yanique Support Letter 1" which was identified as the review request.

Determinations:

1. The order under review was issued on December 23, 2025. The review request asserts that issuing the order immediately prior to the holiday season is a serious error. It is not. The Board may issue orders on December 23 or any other date in December that is not a weekend or a holiday. The review request submits that the December 23 issuance date presents a serious procedural irregularity because it causes a compliance issue. The only directions in the order that the Tenants can or should comply with are that the Tenants may void termination by paying the full amount owed by January 15, 2026 and that if the Tenants do not void termination, the tenancy terminates on January 15, 2026. The review request has not explained how the December 23 issuance date presents a problem with compliance.
2. The review request submits in several ways that the Member improperly exercised their discretion under s.83 of the *Residential Tenancies Act, 2006* (the 'Act'), for instance, by only delaying eviction until January 15, 2026. The review request also submits that the Member failed to consider certain of the Tenant's circumstances while exercising this discretion.
3. At paragraph 51 of the order, the Member sets out the Tenant's relevant circumstances: her income, her expenses, and that she has children under the age of 21 living with her. The review request submits that the Member failed to consider the temporary nature of the Tenant's financial hardship, potential third party assistance, the Tenant's willingness to make payments if given a reasonable time, and how the large rent increase contributed to the arrears. The Tenant did not give evidence that her financial hardship was temporary or that she was expecting to receive assistance from a third party. The Tenant's willingness to make payments was irrelevant because the Tenant does not have sufficient income to pay the monthly rent. The large rent increase contributed to the arrears but this would not change the fact that a payment plan is not feasible.
4. Paragraphs 52-54 of the order set out the Landlords' relevant circumstances (that the Tenant has not paid rent in five months and a lengthy payment plan will put a strain on them financially) and analyze whether it is fair to grant relief from eviction. These paragraphs conclude that the tenancy is not viable because the Tenant's income is not sufficient to pay the arrears or the monthly rent and the arrears are substantial. The Member decided to postpone eviction to give the Tenant an opportunity to explore financial support or find new living arrangements but also decided that this should not be a lengthy postponement because of the prejudice to the Landlords.
5. Given the above, I am not satisfied that the Member exercised her discretion unreasonably. She balanced the parties' relative circumstances and arrived at a result that is within the range of reasonable outcomes. I am also not satisfied that the Member failed to consider any relevant fact or evidence that was presented to her in the hearing. She did not mention every fact that was put into evidence but she was not required to do so. The Member set out facts that were sufficient to explain the Member's reasons for exercising discretion in the way that she did.

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.

It is ordered that:

1. The request to review order LTB-L-077591-25 issued on December 23, 2025 is denied. The order is confirmed and remains unchanged.

January 13, 2026
Date Issued

Renée Lang
Vice Chair, 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.