



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

File Number: LTB-T-016465-24-RV

In the matter of: 339, 101 SHOREVIEW PL
STONE CREEK ON L8E0K2

Between: Nicole Avolio Tenant

And

Prasathan Sadacharalingam Landlord

Review Order

Nicole Avolio (the 'Tenant') applied for an order determining that Prasathan Sadacharalingam (the 'Landlord') gave a notice of termination in bad faith and collected or retained money illegally.

This application was resolved by order LTB-T-016465-24 issued on December 17, 2025.

On January 15, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. In the review request, the Tenant disagreed with the Member's findings and provided additional evidence regarding the application.
2. The Board's review process is not an opportunity for a party to re-argue a matter that has been determined, with the hope of achieving a different result. All evidence and submissions should have been presented during the initial hearing.
3. In the review request, the Tenant submitted that the Member's analysis regarding why the Tenant vacated was unduly narrow, and that the Member relied too heavily on the Landlord's cancellation of the N12 notice of termination.
4. I am not satisfied that the Member's analysis was unduly narrow. The Member found that the Tenant had not proven, on a balance of probabilities that she vacated as a result of the N12 notice of termination the Landlord served. The Member referenced the parties' evidence and gave cogent reasons for the decision which are consistent with the

evidence presented. As such, I am satisfied that the Member considered the parties' evidence and submissions when making her determinations. The Member's exercise of discretion was therefore reasonable and is entitled to deference.

5. In the review request, the Tenant submitted that the Member failed to consider the compensation required under section 52 of the *Residential Tenancies Act* (2006) (the 'Act'). The Tenant submitted that the Member erred by failing to consider evidence regarding the Landlord's bad faith.
6. Section 52 of the Act does not apply to an N12 notice of termination given under section 48 of the Act, which was the case here. The Tenant was required to prove each element of the legal test under section 57(1)(a) of the Act. If even one part of the test is not proven, the Member is not required to consider the remaining parts.
7. 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-T-016465-24 issued on December 17, 2025, is denied. The order is confirmed and remains unchanged.

January 19, 2026
Date Issued

Kate Sinipostolova
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.