



Order under Section 31 Residential Tenancies Act, 2006

Citation: Nanthakumar v IMH POOL X LP METCAP LIVING MANAGEMENT INC., 2026 ONLTB 10424

Date: 2026-02-04

File Number: LTB-T-072926-24

In the matter of: 212, 295 Dufferin
Toronto ON M6K3G2

Between: Gana Nanthakumar Tenant

And

IMH POOL X LP METCAP LIVING MANAGEMENT INC. Landlord

Gana Nanthakumar (the 'Tenant' or GN) applied for an order determining that IMH POOL X LP METCAP LIVING MANAGEMENT INC. (the 'Landlord'):

- 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 December 18, 2025.

GN and the Landlord representative Lavinia Volney attended the hearing.

Determinations:

1. The Landlord claims that GN does not meet the definition of a tenant and the application is not properly before the Board. As an occupant, he is not entitled to bring this application.
2. GN acknowledged that he is not a tenant and has not sought to amend the application to add the tenant as a party. GN resides at the property with his father, and his father is the only named tenant on the lease. GN testified that his father instructed GN not to pursue this application.
3. This application was filed under s.29(1) of the *Residential Tenancies Act, 2006* (Act) which states, in part:

29 (1) A tenant or former tenant of a rental unit may apply to the Board for any of the following orders:

...

3. An order determining that the landlord, superintendent or agent of the landlord has substantially interfered with the reasonable enjoyment of the rental unit or residential complex for all usual purposes by the tenant or a member of his or her household.

4. An order determining that the landlord, superintendent or agent of the landlord has harassed, obstructed, coerced, threatened or interfered with the tenant during the tenant's occupancy of the rental unit.

[emphasis added]

4. This application was filed and signed by GN. It names GN as the only Tenant.

5. Subsection 2 (1) of the RTA defines a "tenant" as:

"tenant" includes a person who pays rent in return for the right to occupy a rental unit and includes the tenant's heirs, assigns and personal representatives

6. GN resides with his father and is an occupant of the rental unit. His father is noted as the tenant on the lease agreement and pays rent in return for the right to occupy the rental unit.

7. As an occupant, GN cannot file this application at the LTB relating to the tenancy against the Landlord. Moreover, GN was instructed by his father, the tenant, not to pursue this application.

8. Therefore, this application is not properly before the Board and cannot be considered.

9. The application is dismissed because the party filing the application, GN, is not a Tenant as is required for an application filed under s.29(1) of the Act.

It is ordered that:

The application is dismissed.

February 4, 2026

Date Issued

Jeanie Theoharis

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.