



## **Order under Section 135 Residential Tenancies Act, 2006**

**File Number:** LTB-T-093549-24 & LTB-T-030755-25

**In the matter of:** 214, 415 JARVIS ST  
TORONTO ON M4Y3C1

**Between:** Valentyna Yarosh Tenant  
Mabel Wang

**And**

Arjun Basu Landlord

Valentyna Yarosh (the 'Tenant') applied for an order determining that Arjun Basu (the 'Landlord') collected or retained money illegally and failed to meet the Landlord's maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing or maintenance standards. (File LTB-T-093549-24, filed November 13, 2024)

Mabel Weng (the 'Tenant') applied for an order determining that Arjun Basu (the 'Landlord') failed to meet the Landlord's maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing or maintenance standards. (File LTB-T-030755-25, filed April 12, 2025)

These applications were heard by videoconference on January 28, 2026.

The Landlord, the LLR Lisa L. Barder, and the Tenants attended the hearing.

### **Determinations:**

1. The Landlord's Legal Representative raised as a preliminary issue that the Tenants are in a joint tenancy, they both signed the lease as joint tenants, therefore only one application, with both Tenants named, can be filed. The Representative suggested that application LTB-T-093549-24, the earliest filed application, was able to proceed as it could be amended to add the Tenant Mabel Wang. The Landlord's Legal Representative agreed this amendment, but not any others, specifically, adding more issues and/or remedies.
2. The Tenants did not dispute signing the lease as joint tenants. The Tenants requested that application LTB-T-093549-24 be amended to add Mabel Wang, and that it also be amended to add the abatement requested in Ms. Wang's application.
3. This Member explained that pursuant to the Divisional Court's decision in *Beauge v. Metcap Living Management Inc.*, 2012 ONSC 1160 the Board has no jurisdiction to award

damages unless a request for damages is made in the application or the respondent is given notice and an opportunity to respond to a request to amend the application. Here, the respondent/Landlord has agreed to amend the application to add Ms. Wang as a Tenant, however, the Landlord is not agreeing to add an additional remedy. As the Landlord is not consenting to amend the remedies, I do not have the jurisdiction to amend same unless on consent. If I do have the jurisdiction to amend remedies if not consented to, I find it is not appropriate in these circumstances; this issue was raised at the Adjudicative Case Conference held June 19, 2025, and the Tenants took no steps to remedy the problem.

4. The Tenants then requested an adjournment to merge the two applications into one application. This request was denied, the Tenants have known since the Adjudicative Case Conference that they could not proceed separately, and did not take the necessary steps to address the issue. Lack of due diligence and/or ignorance of the law is not reason to grant an adjournment.
5. The Tenants were given more opportunities to discuss between themselves and request to amend application LTB-T-093549-24 by adding Ms. Weng as a Tenant. The discussions were not fruitful, and the Tenants continued to request the remedy from application LTB-T-030755-25 be added to LTB-T-093549-24. It was re-explained to the Tenants numerous times that the only amendment being allowed was adding Ms. Wang, however the option was not accepted. Therefore, as applications LTB-T-093549-24 and LTB-T-030755-25 were filed separately with only one Tenant names as the tenant, whereby the Tenants should have filed one application in both names, both applications shall be dismissed without prejudice.

**It is ordered that:**

1. The Tenants applications LTB-T-093549-24 and LTB-T-030755-25 are dismissed.

**February 6, 2026**  
**Date Issued**

---

Diane Wade  
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.

