



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

Citation: Mchelhinney v Thakurani, 2026 ONLTB 15452

Date: 2026-02-17

File Number: LTB-L-063729-25-RV

In the matter of: 212, 259 ST. PAUL ST
ST CATHARINES ON L2R3M7

Between: Nima Mchelhinney Landlord
c/o Found Spaces Property Management

And

Jugal Thakurani Tenant

Review Order

Nima Mchelhinney and c/o Found Spaces Property Management (the 'Landlord') applied for an order to terminate the tenancy and evict Jugal Thakurani (the 'Tenant') because:

- the rental unit is the superintendent's premises and the Tenant's employment as superintendent has ended.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was resolved by order LTB-L-063729-25 issued on January 23, 2026.

On January 24, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing. In determining this request, I reviewed the materials in the LTB's file as well as the audio recording for this hearing.

Determinations:

1. 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.
2. The review request submits that the Member erred by:
 - a) determining that there was a change in Landlord ownership;
 - b) misapplying section 18 and 93 of the *Residential Tenancies Act, 2006*, the ("Act"); and
 - c) failing to afford the Tenant procedural fairness.

3. Throughout the order, the Member states that the ownership has changed. However, upon review of the hearing recording, it is evident that ownership did not change and that there was merely a change in the property management company. While this amounts to an error, it is not a serious error, as it had no bearing on the outcome of the proceedings.
4. With respect to the misapplication of section 18 of the Act, as noted above, there was no change in ownership and section 18 does not apply. Although this constitutes an error, it is not a serious error, as it likewise had no impact on the outcome of the proceedings.
5. The order provides sufficient reasons supporting the finding that a superintendent relationship existed between the Tenant and the Landlord, and that this relationship ended. A property management company acts as an agent for the Landlord, and the Landlord is bound by the decisions made by the property management company on its behalf. Paragraph 17 of the order further notes that the Tenant acknowledged that he moved into the rental unit as a result of his superintendent position. The Member's determination and reliance of section 93 of the Act was therefore reasonable and does not constitute an error.
6. The review request also submits that the Tenant was not afforded procedural fairness when the Tenant was not permitted to rely on evidence that was not served on the Landlord and when he was unable to access Tenant Duty Counsel (TDC). TDC is not a guaranteed service provided by the Board. Parties are presumed to be familiar with the Board's basic processes, such as introducing evidence. Any party that has such a lack of familiarity with the Board's process that their ability to participate in the proceedings is impaired should obtain legal advice or representation. The Tenants did not obtain legal advice or representation. The hearing record also confirms that the Tenant did not seek an adjournment to retain counsel.
7. The Tenant's disagreement with the Member's determinations is not sufficient grounds for review. There is no indication that the Member applied improper principles in assessing the evidence introduced in this case or that there was insufficient evidence before the Board to support the Member's conclusions.
8. As a result, 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-063729-25 issued on January 23, 2026 is denied. The order is confirmed and remains unchanged.

February 19, 2026

Date Issued

Mayra Sawicki

Member, Landlord and Tenant Board

Toronto ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.