



Order under Section 135 Residential Tenancies Act, 2006

Citation: Kotadia v Sharma, 2026 ONLTB 17806

Date: 2026-03-04

File Number: LTB-T-084116-24

In the matter of: 2600 Bateman Trail
London ON N6L0B1

Between: Amankumar Merajbhai Kotadia Tenant

and

Prerit Sharma Landlord

Amankumar Merajbhai Kotadia (the 'Tenant') applied for an order determining that Prerit Sharma (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on February 9, 2026.

Only the Tenant attended the hearing.

Determinations:

1. This file was previously before the Board on June 3, 2025 and November 26, 2025. I was not the Member on either of those dates.
2. At the hearing on June 3, 2025, the Member determined that the Tenant had not named the proper landlord, rather, the Tenant named the Property Manager as he was unsure of the name of the landlord. The Board determined that it would be most fair in the circumstances to permit the Tenant time to determine the identity of their landlord in order to add them as a party to the application.
3. The matter came back before the Board on November 26, 2025. At the hearing on November 26, the Member determined that although the Tenant had identified the names of his landlord, he had not amended the application to include them as parties to the application or otherwise provided them with notice of the application or hearing.
4. The Board determined it would be fair to permit the Tenant another opportunity to amend the application to name the correct parties and serve all disclosure on the added parties. As such, the Board adjourned the file and on December 3, 2025, issued an interim order requiring the Tenant to:

The Tenant shall confirm the landlords' contact information, amend his application to include those landlords and serve the amended application along with any evidence that he wishes to rely upon by December 23, 2025.

5. As of February 9, 2026, when the file returned before the Board, the Tenant had not complied with the interim order.
6. The Notice of Hearing for February 9, 2026 was issued on January 13, 2026. It names the same Landlord that was found to be incorrect on June 3, 2025 because the Tenant did not submit a request to amend their application in the two months that transpired after the interim order was issued. The Tenant also did not contact or attempt to contact the parties to be added to notify them of the hearing scheduled for February 9, 2026.
7. I asked the Tenant why he had not complied with the interim order, and he responded that he did not understand that he was supposed to do anything other than provide the Board with their address.
8. Based on my review of the file and the Tenant's submissions, I concluded that it is unlikely that the correct landlords are aware of the proceedings at all, nor have they been provided with notice of this hearing. The incorrectly named Landlord did not attend the hearing to confirm whether he has notified the property owners of the application or hearing. In my view, it is more likely than not that they did not show up to the hearing because they are unaware of any hearing or application filed against them.
9. I turned my mind to Rule 15 of the Board's Rules of Procedure which addresses amendments to applications. I was not satisfied Lisa Podebry or Michael Novakowski had notice of a request to amend the applications to name them as the landlords. As such, I did not amend the applications.
10. When the file returned before the Board on February 9, 2026, I found the circumstances had not changed since November 26, 2025. The Tenant again attended the hearing in which they did not name the proper landlords or give them any notice of the hearing or proceedings. The Tenant had more than 7 months since the first appearance to comply with the interim order to ensure this precise situation was avoided.
11. I turned my mind to whether a further adjournment would be fair and appropriate in the circumstances. The Tenant submitted that if provided the opportunity, he will send a copy of the application to the correct landlords. I do not find the Tenant was diligent in ensuring compliance with the interim order and that he was prepared to proceed today. Additionally, I do not find the Tenant's explanation for failing to comply with the interim order reasonable. The interim order was clear on what was required of the Tenant, to put the landlord on notice. The Tenant could have mailed the documents to them at the address he located for them, but he did not. I find it is more likely than not that the Tenant's noncompliance was due to a lack of diligence and failure to carefully read the interim order rather than a lack of understanding of what was required of him.
12. Considering all the circumstances, I determined that it would be unreasonable to adjourn the file. More than 7 months has elapsed since the Tenant was instructed to amend the application to name the proper parties, and the Tenant was given to adjournments to do just that. I heard no reasonable explanation that accounted for the lack of action on the

part of the Tenant in amending the application and ensuring the correct parties had notice of the application and amendment sought.

13. Since the application was not amended to name Lisa Podebry and Michael Novakowski as the landlords, they have no prospect of succeeding. Therefore, the Tenant's application shall be dismissed accordingly.

It is ordered that:

1. The Tenant's application is dismissed.

March 4, 2026
Date Issued

Candace Aboussafy
Member, 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.