



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

Citation: SETH v SIDHU JAIN, 2026 ONLTB 20059

Date: 2026-03-04

File Number: LTB-L-020804-25-RV

In the matter of: 104 CANNERY DR
ST DAVIDS ON L0S1J1

Between: SUNIL SETH Landlord

And

VIPUL JAIN Former
Tenant

Review Order

SUNIL SETH (the 'Landlord') applied for an order requiring VIPUL JAIN (the 'Former Tenant') to pay the Landlord's reasonable out-of-pocket costs that the Landlord incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Former Tenant, another occupant of the rental unit or someone the Former Tenant permitted in the residential complex.

This application was resolved by order LTB-L-020804-25 issued on November 4, 2025.

On November 14, 2025, 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 listened to the audio recording for this hearing.

Determinations:

1. This review request is made on the grounds of serious error and new evidence.

Serious error

2. The Tenant submits that the Member seriously erred by failing to consider the written submissions that the Tenant filed prior to the hearing.
3. Documents filed with the Board do not become evidence in a hearing until they are referred to at the hearing. The Tenant's representatives did not direct the Member's attention to any documents during the hearing. It was therefore not an error for the Member not to consider these documents.

New evidence

4. The Tenant submits that there is new evidence now available. The new evidence is:
 - A property listing for the rental unit;
 - A written statement from the Tenant's contractor; and
 - Proof that the Tenant was not available on the date of the hearing.
5. New evidence is only a ground for review in situations where the new evidence was material to the issues in the hearing and where it was not available on the date of the hearing with the exercise of due diligence.
6. The property listing attached to the review request is not dated, so I cannot ascertain when the property was listed without furniture. In any event, if this listing was made prior to the hearing, it was available on the hearing date with the exercise of due diligence. If the listing was made after the hearing, it was not in existence on the hearing date and so it could not have been material on that date.
7. The written statement from the Tenant's contractor could have been obtained prior to the hearing with due diligence.
8. Proof that the Tenant was not available on the date of the hearing is not material. The Tenant did not request that the hearing be rescheduled and the Tenant's representatives did not request an adjournment of the hearing. This means that the Tenant's non-attendance at the hearing was not an issue and so proof of why the Tenant did not attend is not material.
9. For the reasons above I am not satisfied that there is new evidence that was material to the issues in the hearing and was not available on the date of the hearing with the exercise of due diligence.

Disposition

10. 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-L-020804-25 issued on November 4, 2025 is denied. The order is confirmed and remains unchanged.

March 4, 2026
Date Issued

Renée Lang
Vice Chair, 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.