



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

File Number: LTB-T-076660-24-RV

In the matter of: 1752 ONEIDA CRT
WINDSOR ON N8Y1S8

Between: Karly Kaylin Clark Tenant
Dakota Robert Lacoursiere

And

Abilash Sanmugalingam Landlord

Review Order

Karly Kaylin Clark and Dakota Robert Lacoursiere (the 'Tenant') applied for an order determining that Abilash Sanmugalingam (the 'Landlord') gave a notice of termination in bad faith.

This application was resolved by order LTB-T-076660-24 issued on February 6, 2026.

On February 18, 2026, the Landlord requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. The Board found that the Landlord gave the N12 notice of termination ('N12') in bad faith and awarded the Tenant the increase in rent they paid for a year after vacating the rental unit and general compensation. The Landlord argues that the Board provided insufficient reasons, made errors in the legal test to determine bad faith, unreasonably assessed the evidence, and provided a disproportionate award of general compensation.
2. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order.
3. The Supreme Court of Canada in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, provides the following guidance about what constitutes sufficient reasons in administrative tribunal decisions.

[127] The principles of justification and transparency require that an administrative decision maker's reasons meaningfully account for the central issues and concerns raised by the parties. The principle that the individual or individuals

affected by a decision should have the opportunity to present their case fully and fairly underlies the duty of procedural fairness and is rooted in the right to be heard... The concept of responsive reasons is inherently bound up with this principle, because reasons are the primary mechanism by which decision makers demonstrate that they have actually listened to the parties.

[128] Reviewing courts cannot expect administrative decision makers to “respond to every argument or line of possible analysis”..., or to “make an explicit finding on each constituent element, however subordinate, leading to its final conclusion”. To impose such expectations would have a paralyzing effect on the proper functioning of administrative bodies and would needlessly compromise important values such as efficiency and access to justice. However, a decision maker’s failure to meaningfully grapple with key issues or central arguments raised by the parties may call into question whether the decision maker was actually alert and sensitive to the matter before it. In addition to assuring parties that their concerns have been heard, the process of drafting reasons with care and attention can alert the decision maker to inadvertent gaps and other flaws in its reasoning...

4. The order provides sufficient reasons. The Landlord had to rebut the presumption of bad faith established by section 57(5) of the *Residential Tenancies Act, 2006* (‘the Act’) that was triggered because the Landlord advertised the rental unit for sale immediately after the Tenant’s vacating. The Board’s found the Landlord’s testimony vague and unclear. The Board considered the Landlord’s explanation that they had a change in circumstances because of a financial loss but ultimately found that the evidence did not support that the N12 notice was served in good faith. In arriving at that determination, the Board considered the timeline of events and that the Landlord could and should have advised the Tenant that their circumstances changed.
5. There is nothing in the order that supports that the Board incorrectly interpreted the Act or applied the wrong legal test. The Landlord submits that the Board treated the rebuttable presumption of bad faith as determinative. The order does not support that submission. The order reflects that the Board used the rebuttable presumption as a starting point but did consider the testimony of both parties to determine whether the Landlord rebutted the presumption.
6. There is nothing before me that supports that the Board member used improper principles in assessing the evidence introduced or that there was insufficient evidence before the Board to support its conclusions. The order reveals a reasonable basis for the Board’s determination that the N12 notice was served in bad faith.
7. The Board’s decision to award general compensation and the amount ordered is an exercise of the Hearing Member’s discretion and is entitled to deference. The Board will only review discretionary decisions where there are no reasons explaining the result or the result is outside the range of reasonable outcomes. In this case it was reasonable to award a significant amount of compensation. The Tenant experienced significant emotional stress from the bad faith eviction and had to cut her maternity leave short to afford the higher rent she was forced to pay. There is no merit to the Landlord’s

argument that the Tenant was provided with double recovery with the rent differential and general compensation. There is a difference between the out-of-pocket expense of higher rent and the emotional harm experienced by the Tenant having to go back to work earlier than planned and losing special time with her baby.

8. The review request is largely an attempt to reargue an application that has been finally determined. That is not the purpose of a review request. The Divisional Court in *Browne v. Henley Crescent*, 2026 ONSC 455 recently concluded that the Board made an error in law in conducting a review in the absence of a serious error. As in that case, the decision under review has the hallmarks of a reasonable decision. Disagreeing with a result is not sufficient to make a decision irrational. As the Supreme Court of Canada has pointed out, reasonable people can disagree; the fact that they do is not sufficient to make a decision unreasonable: see *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, at para. 83.)

It is ordered that:

1. The request to review order LTB-T-076660-24 issued on February 6, 2026 is denied. The order is confirmed and remains unchanged.

March 6, 2026
Date Issued

Amanda Kovats
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.