



Amended
Order under Sections 16.1 and 21.2 of the
Statutory Powers Procedure Act
and the Residential Tenancies Act, 2006
and section 21.1 of the Statutory Powers Procedures Act

File Number: LTB-L-048622-25-RV-IN2-AM

In the matter of: 1716, 15 ICEBOAT TERR
TORONTO ON M5 V4A5

Between: Janice Wai Yin Lam Landlord

And

Deepak Tewani Tenant
Preeti Tewani

The order contained a clerical error. This amended order was issued to correct the order dated February 2, 2026. The amendments are underlined for ease of reference.

Interim Order

Janice Wai Yin Lam (the 'Landlord') applied for an order to terminate the tenancy and evict Deepak Tewani and Preeti Tewani (the 'Tenant') because the Tenant did not pay the rent that the Tenants.

This application was resolved by order LTB-L-048622-25 issued on September 29, 2025.

On October 11, 2025, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On October 15, 2025, the Board granted interim order LTB-L-048622-25-RV-IN staying the order issued on September 29, 2025 and directing a hearing of the Tenant's request for review.

The request for review was heard in videoconference room 149 on November 5, 2025.

The Landlord's legal representative Brian Ng and the Tenant Deepak Tewani attended the request for review hearing.

Determinations:

1. I agree with the Tenants that the review must be granted because the Board refused to allow the Tenants to raise their disrepair issues at the September 16, 2025 contrary to section 82 of the *Residential Tenancies Act, 2006* (the 'Act'). The hearing recording reveals that the Tenants asked to raise their issues under section 82 but the Board refused

to hear them for want of compliance with the disclosure requirement in subsection 82(2) of the Act and the Board's *Rules of Procedure*. The Tenants' attempt to explain was met with a direction to file their own application.

2. The Board's decision was based on a misapprehension of the evidentiary record. The Landlord concedes that the Tenants had disclosed their issues and their requested remedies in a document delivered on September 9, 2025 (DOC- 6363630) which is compliant with subsection 82(2) and deadline in Rule 19.4 of the *Rules*. The Board's denial of the Tenants legislated right to raise properly disclosed issues under section 82 was an error of law: *Ansari, et al v. JIHC Crescent Village*, 2012 ONSC 1953 at para. 8 (Div. Ct.).
3. The Tenants' challenge to the Board's findings in respect of the lawful rent is without merit. The Board correctly instructed itself on the applicable law and found the lawful rent for the period ending January 31, 2025 to be \$2,440.00. This finding was based on the Tenants' unchallenged evidence that they had paid the increased amount for 12 consecutive months without bringing an application to challenge its validity within one year of when the increase was first charged. It is a correct application of section 135.1 of the Act to the facts of the case and discloses no error.
4. The Landlord has not requested a review and does not challenge the Board's finding her notice of termination is incapable of sustaining an application for termination. The Landlord's "arrears-only" application will be reheard subject to the Tenants' disrepair claims under section 82.

Next Steps

5. The parties must present their evidence and pleadings in a manner conducive to a fair and expeditious hearing.
6. The Tenants shall provide the Landlord and the LTB the following information about each issue by February 10, 2026:
 - (a) a description of the issue
 - (b) the date the issue started
 - (c) the date the Tenant told the Landlord about the issue
 - (d) whether the issue was resolved, and when
 - (e) what the Tenant would like the LTB to order for the issue (the remedy requested).
7. Tenants must use the LTB's form *Issues a Tenant Intends To Raise At a Rent Arrears Hearing* or one substantively similar.
8. The parties must file their evidence organized according to the Board's *Practice Direction on Evidence* by the deadlines below.
9. The Landlord must serve and file a revised "L1/L9 Information Update" as required by Rule 10 of the Board's *Rules of Procedure* in advance of the return date.
10. The Tenants incurred costs of \$58.00 for requesting this review. Costs of the review are reserved to the panel rehearing the Landlord's arrears application.

It is ordered on consent that:

1. The application and style of cause are amended to remove Pak Lun Ng who is not a proper applicant.

It is further ordered that:

2. The request to review order LTB-L-048622-25 issued on September 29, 2025 is granted. That order is cancelled and cannot be enforced.
3. The Landlord's application will be reheard on a date to be scheduled by the Board.
4. The parties shall confer with witnesses and provide their unavailable dates for the months of March to July 2026 to the LTB by February 5, 2026.
5. On or before February 9, 2026, the Tenants shall provide the Landlord and file with the LTB (with proof of service) a written description of each issue they intend to raise under section 82(1) of the Act in the LTB's form *Issues a Tenant Intends To Raise At a Rent Arrears Hearing* or substantively similar document.
6. On or before February 9, 2026, the Tenants shall provide the Landlord and file with the LTB a copy of all documents, pictures and other evidence they intend to rely on at the hearing.
7. On or before February 16, 2026, the Landlord shall provide the Tenants and file with the LTB (with proof of service) a copy of all documents, pictures and other evidence they intend to rely on at the hearing.
8. The parties shall serve and file their evidence organized according to the Board's *Practice Direction on Evidence*. All evidence submitted must be relevant and not unduly repetitious and shall be compiled in one package organized as follows:

All documents, photographs and other items provided to the other parties and the Board as evidence must:

- (i) be readable;
- (ii) have consecutively numbered pages; and
- (iii) include a list or table of contents identifying each item in order, and by page number, if more than one item is being submitted.

The table of contents shall include the date for each item of evidence.

9. If a party does not comply with the deadlines for disclosure the Board may refuse to accept the evidence or consider the issues not disclosed in accordance with Rule 19.7 of the Board's *Rules of Procedure*.
10. If parties want to make disclosure through the Tribunals Ontario Portal, they must sign and file the LTB's form called "Consent to Disclosure through Tribunals Ontario Portal" found on the LTB's website.

11. Parties may give disclosed material to the LTB by uploading the material to the Tribunals Ontario Portal ('TOP'). Uploading material to TOP does not constitute disclosure to the other party unless the parties have agreed in writing to exchange documents via TOP. Self-represented parties may also file material with the LTB by email. The LTB's e-mail address is ltb.evidence@ontario.ca.
12. The parties are directed to take all necessary measures to ensure any witnesses are available on the day of the hearing. Requests for witness summons must be made to the Board in writing and as soon as possible in accordance with Rule 7.5 of the *Rules of Procedure*. If a witness is not present at the hearing, and was not summoned to attend, the Board may proceed with the hearing and decide the application without that witness's evidence.
13. The Tenants shall pay the ongoing rent to the Landlord by the day it is due until this matter is resolved or the LTB orders otherwise.
14. If the Tenants do not comply with the requirement to pay the ongoing rent, the Board may refuse to accept or consider the Tenants' evidence and submissions.
15. I am not seized.

February 2, 2026
Date Order Issued

March 9, 2026
Date Order Amended

Nersi Makki
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.