



**Order under Section 69
Residential Tenancies Act, 2006**

File Number: LTB-L-088903-25

In the matter of: 3616, 15 ICEBOAT TERR
TORONTO ON M5V4A5

Between: Thanuya Mohanathas Landlord

And

Jiten Tayal Tenants
Yatin Kumar

Thanuya Mohanathas (the 'Landlord') applied for an order to terminate the tenancy and evict Jiten Tayal and Yatin Kumar (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on March 5, 2026.

The Landlord, and the Tenant, Jiten Tayal, attended the hearing.

Preliminary Issue:

1. The Tenants' request for an adjournment to raise s.82 issues is denied for the reasons that follow.
2. Section 82 of the *Residential Tenancies Act, 2006* (the 'Act') provides that a Tenant shall be permitted to raise any issue that could be the subject of an application if the Tenant complies with the disclosure requirements or provides a satisfactory explanation as to why they could not comply with the disclosure requirements.
3. The Act requires a Tenant to give advance notice of the issues to the Landlord within the time set out in the Rules. The Board's Rules require that disclosure must be made to the Landlord and the Board as soon as possible but no later than 7 days before the hearing of the Landlord's application.
4. The Tenants submitted no disclosure either to the Board or the Landlord. The Tenants did not provide a satisfactory explanation as to why they were unable to comply with the requirement to raise s.82 issues prior to the hearing.
5. I find it would be procedurally unfair and prejudicial to the Landlord to permit the Tenants to raise issues under section 82 at this hearing given the Tenants' lack of proper

disclosure, which affects the Landlord's ability to know the case to be met. The Tenants are not precluded from bringing their own separate application to address these issues.

Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
2. The Tenants were in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on October 31, 2025. Rent arrears are calculated up to the date the Tenants vacated the unit
4. The lawful rent is \$2,500.00. It was due on the 1st day of each month.
5. The Tenants have not made any payments since the application was filed.
6. The parties agree that the rent arrears owing to October 31, 2025, are \$5,000.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$2,500.00 from the Tenants and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.
9. Interest on the rent deposit, in the amount of \$62.50 is owing to the Tenants for the period from November 1, 2024, to October 31, 2025.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of October 31, 2025, the date the Tenants moved out of the rental unit.
2. The Tenants shall pay to the Landlord \$2,623.50. This amount includes rent arrears owing up to the date the Tenants moved out of the rental unit and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants do not pay the Landlord the full amount owing on or before March 21, 2026, the Tenants will start to owe interest. This will be simple interest calculated from March 22, 2026 at 4.00% annually on the balance outstanding.

March 10, 2026
Date Issued

Sheena Brar
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.

**Schedule 1
SUMMARY OF CALCULATIONS**

A. Amount the Tenants must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$5,000.00
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$2,500.00
Less the amount of the interest on the last month's rent deposit	- \$62.50
Total amount owing to the Landlord	\$2,623.50