



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

Citation: 11171208 Canada Inc v Khanna, 2026 ONLTB 23332

Date: 2026-03-16

File Number: LTB-L-060809-24-RV

In the matter of: Basement, 3 Brenscombe Road
Brampton Ontario L7A5E8

Between: 11171208 Canada Inc

Landlord

And

Saurabh Khanna
Priyanka Sikka Khanna

Former
Tenants

Review Order

11171208 Canada Inc (the 'Landlord') applied for an order requiring Saurabh Khanna and Priyanka Sikka Khanna (the 'Former Tenants') 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 Tenants, another occupant of the rental unit or someone the Former Tenants permitted in the residential complex.

This application was resolved by order LTB-L-060809-24 issued on March 6, 2026.

On March 13, 2026, the Former Tenant Saurabh Khanna requested a review of the order.

A preliminary review of the review request was completed without a hearing. In determining this request, I reviewed the materials in the LTB's file as well as the audio recording for this hearing.

Determinations:

1. The Former Tenants review request is based on the grounds of new evidence and serious error.

New Evidence

2. The Former Tenants submit there is new evidence in the form of email communications and text messages between himself and the Landlord that were sent between December 22, 2022 and June 25, 2024 which is before the Landlord's L10 application was filed.
3. Interpretation Guideline 8 - Review of an Order states:

A review is not an appeal or an opportunity to change the way a case was presented. The purpose of the review process is not to provide parties with an opportunity of presenting a better or different case than they did at first instance. There is nothing in the record or in the request for review to support a determination that the Member applied improper principles in assessing the evidence introduced or that there was insufficient evidence before the Board to support its conclusions. I would not interfere with the assessment of the evidence by the Member of first instance, who had the opportunity of observing the witnesses and of hearing the evidence in its totality. TSL-51694-14-IN-RV (Re), 2015 CanLII 23959 (ON LTB) at para 10

4. With respect to requesting a review on the basis of new evidence, Interpretation Guideline 8 - Review of an Order states:

Parties are expected to make every effort to produce all relevant evidence in support of their positions in the original hearing. The review will be dismissed unless the LTB is satisfied the new evidence could not have been produced at the original hearing, is material to the issues in dispute and its consideration could change the result. *First Homes Society v Henry*, [2002] O.J. No. 1754, (Div Ct.); NOL-16865-14- RV(Re), 2014 CanLII 78539 (ON LTB).

5. The Former Tenants do not state in their request for review that the text messages and emails could not be produced at the November 18, 2025 Board hearing or that they were unavailable at that time. The review request also provides no explanation as to why such dated copies of communications were not submitted at the original hearing. Unsubmitted evidence that could have been provided with the exercise of reasonable diligence does not become new evidence on review. Based on the submissions made in the request, I am not satisfied the Former Tenants have established these text messages and emails could not have been submitted at the hearing with the exercise of reasonable diligence.
6. The Board's review process is not a continuation of the hearing meant to provide parties an ongoing opportunity to submit additional evidence that could have been presented at the original hearing, nor is it an opportunity to present a better case than that originally presented. For these reasons, the Former Tenants' request for review based on new evidence is denied.

Serious Error

7. The remainder of the Former Tenants' request to review largely restates the Former Tenants' position on issues that were raised and addressed at the original hearing or could have been. The request voices the Former Tenants' disagreement with the Member's determinations. The Former Tenants' disagreement with the Member's determinations is not sufficient grounds for review. There is no indication that the Member applied improper principles in assessing the evidence introduced in this case or that there was insufficient evidence before the Board to support the Member's conclusions.

8. For example, paragraph 42 of the order shows the Member considered the Landlord's testimony and the photographs submitted showing significant damage to the flooring of the rental unit. Paragraph 43 of the order also shows the Member considered the Former Tenants' acknowledgement that they may have caused damage to the flooring. The amount awarded was based on a quote submitted from Home Depot showing the cost of the materials to replace the damaged flooring and the Member, satisfied the flooring could not be repaired, ordered the substantiated amount.
9. In the review request, the Former Tenants also assert the Member seriously erred by not considering betterment or depreciation with respect to the amount ordered for the replacement of damaged vinyl flooring with new vinyl flooring. The Former Tenants did not raise this argument at the hearing and the review process is not meant to provide parties with an opportunity to introduce new arguments after the hearing in the hopes of achieving a different outcome. In any case, the Member's findings under section 89 of the *Residential Tenancies Act, 2006* (the Act) are not clearly wrong or unreasonable and they are based on a viable interpretation of the Act.
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. As such, the Former Tenants' request for review is denied.

It is ordered that:

1. The request to review order LTB-L-060809-24 issued on March 6, 2026 is denied. The order is confirmed and remains unchanged.

March 17, 2026

Date Issued

John Cashmore

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.