



Order under Section 135 Residential Tenancies Act, 2006

Citation: Danwani v Sathiyamoorthy, 2026 ONLTB 24089

Date: 2026-03-26

File Number: LTB-T-071397-25

In the matter of: 2002, 3900 CONFEDERATION PKY
MISSISSAUGA ON L5B0M3

Between: Nandini Danwani Tenant

And

Gaabriyal Sathiyamoorthy Landlord

Nandini Danwani (the 'Tenant') applied for an order determining that Gaabriyal Sathiyamoorthy (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on March 17, 2026.

Only the Tenant attended the hearing.

As of 11:50 a.m., the Landlord was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Tenant's evidence.

Determinations:

Preliminary Issue

1. At the hearing, the Board raised a preliminary issue with respect to the Tenant's application with respect to a previous T1 application filed by the Tenant which also alleged the Landlord collected or retained money illegally, specifically a key deposit.
2. The Tenant confirmed the previous application, bearing file number LTB-T-048772-24, was heard resulting in an order being issued on January 13, 2025. The parties agreed to an order on consent and the Landlord was to pay to the Tenant \$450.00 by January 9, 2025. The same allegation and amount is claimed in LTB-T-048772-24 is identical to the application currently before the Board.
3. The Tenant explained that the Landlord has not complied with the order issued on January 13, 2025 and believed she would need to file a new T1 application to receive the money.

4. As explained at the hearing, the Tenant holds an order against the Landlord for the key deposit and was informed the LTB does not enforce their orders. The Tenant was advised she would need to enforce the other in another court of competent jurisdiction.
5. Accordingly, the Tenant's application shall be dismissed as the doctrine of *res judicata* applies. When applying the doctrine of *res judicata*, the overriding consideration is the avoidance of duplicative litigation and finality to litigation is the prime objective. The doctrine of *res judicata* has three elements: issue estoppel, cause of action estoppel, and abuse of process.
6. In *Erschbamer v. Wallster*, 2013 BCCA 76, the Court of Appeal for British Columbia provided a useful summary of the essential nature of each of the three doctrines of *res judicata* as follows:

“The general principles of the doctrine of *res judicata* were reviewed by this Court relatively recently in *Cliffs Over Maple Bay*. The doctrine has two aspects, issue estoppel and cause of action estoppel. In brief terms, issue estoppel prevents a litigant from raising an issue that has already been decided in a previous proceeding. Cause of action estoppel prevents a litigant from pursuing a matter that was or should have been the subject of a previous proceeding. If the technical requirements of issue estoppel or cause of action estoppel are not met, it may be possible to invoke the doctrine of abuse of process to prevent relitigation of matters.”

7. As stated above, the parties agreed to resolve the matter by way of an order on consent, issued on January 13, 2025. The Tenant may not relitigate a claim that has already been decided or agreed to.
8. As a result, the Tenant's application must be dismissed.

It is ordered that:

1. The Tenant's application is dismissed.

March 26, 2026
Date Issued

Susan Priest
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.