



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

Citation: Ramezani Namin v Jhunjhunwala, 2026 ONLTB 28633

Date: 2026-04-14

File Number: LTB-L-085563-24-RV

In the matter of: 608, 210 VICTORIA ST
TORONTO ON M5B2R3

Between: Zahra Ramezani Namin Landlord

And

Divya Jhunjhunwala Former Tenant

Review Order

Zahra Ramezani Namin (the 'Landlord') applied for an order requiring Divya Jhunjhunwala (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

The Landlord also applied for an order requiring the Former Tenant to pay the Landlord's reasonable out-of-pocket costs that are the result of the Former Tenant's conduct or that of another occupant of the rental unit or someone the Former Tenant permitted in the residential complex. This conduct substantially interfered with the Landlord's reasonable enjoyment of the residential complex or another lawful right, privilege or interest.

This application was resolved by order LTB-L-085563-24 issued on February 3, 2026. Since no one attended the original hearing on January 28, 2026, the Landlord's application was dismissed as abandoned.

On February 13, 2026, the Landlord requested a review of the order and that the order be stayed until the request to review the order is resolved.

On February 18, 2026, interim order LTB-L-085563-24-RV-IN was issued directing the matter to review hearing to determine whether the Landlord was not reasonably able to participate in the January 28, 2026 hearing.

This review was heard by videoconference on April 2, 2026.

The Landlord, the Landlord's representative, Sassan Emam, and the Former Tenant attended the hearing.

Determinations:

The Review

1. A first hearing dated scheduled for September 25, 2025 was rescheduled on consent because the Landlord was initially unavailable.
2. The second hearing date was scheduled for January 28, 2026. This time, the Tenant requested to reschedule the hearing because she would be out of the country. After the Landlord consented to the Tenant's request, he was led to believe that the Tenant had uploaded the proper Request to Reschedule a Hearing form to the Board's file. When the Board did not send the parties a Notice of Rescheduled hearing, the Landlord's representative prepared to attend the January 28, 2026 hearing to speak to the rescheduling request.
3. The Landlord's representative stated that due to a family emergency (i.e. his cousin's child wandering away), he chose not to attend the hearing but rather participate in searching for his cousin's child. He admitted that as a legal representative, he was aware of the consequences in not attending the hearing (i.e. dismissal). The Landlord's application was, in fact, dismissed as abandoned.
4. The Tenant testified that she intended to attend the January 28, 2026 hearing but could not do so because she was out of the country. I find this testimony disingenuous and self-serving since the Tenant was the party who requested the hearing to be rescheduled because she was out of the country. In my view, she did not intend to attend the hearing.
5. In the circumstances, while the family emergency of the Landlord's representative does not excuse his non-attendance, he had believed that that the Tenant had uploaded the Request to Reschedule a Hearing form with the Board. As such, I am satisfied that the Landlord was not reasonably able to participate in the proceeding. Therefore, the Landlord's request to review order LTB-L-085563-24 issued on February 3, 2026 is granted.

The Application

Preliminary issue

The application is amended

6. The Landlord's representative requested that the application be amended to change the amount claimed for reasonable out-of-pocket expenses from \$19,193.00 to \$2,666.50. The Tenant was not opposed to the amendment. As such, I exercised my discretion to amend the application as requested.

The Application

7. For the following reasons, the application is dismissed.
8. Section 189.0.1(2) states that the Landlord must give the Former Tenant a copy of the application and any notice of hearing issued by the Board in respect of the L10 application.

9. The Board's Rule 5.8 provides that the Landlord's application and Notice of Hearing must be served **at least 30 days** before the hearing date set out in the Notice of Hearing.
10. Section 189.01(3) states that the Landlord shall file with the Board a certificate of service on the Former Tenant in a form approved by the Board.
11. The certificate of service that must be completed for an L10 application, namely the Certificate of Service for serving a Former Tenant or a Tenant no longer in possession of the rental unit, is different from the Board's regular certificate of service. It is specifically to be completed for an L10 application.
12. The Board's Rule 5.16 states that the Landlord must file a certificate of service **at least 20 days** before the hearing date set out in the Notice of Hearing.
13. The Landlord's representative stated that he provided the Tenant with a copy of the application and the Notice of Hearing for the September 25, 2025 hearing by email on September 4, 2025. As such, service of the application and notice of hearing was only 21 days prior to the first scheduled hearing date, not 30 days as required by the Board's Rule 5.8.
14. While the Landlord's representative believed that this legal assistant may have served the application and notice of hearing on the Former Tenant prior to September 4, 2025, there is no Certificate of Service, as required by section 189.01(3) of the Act or the Board's Rule 5.16.
15. As such, I am not satisfied that the Landlord served the Former Tenant with the application and Notice of Hearing at least 30 days before the hearing in accordance with Rule 3.3 of the LTB's Rules of Procedure.
16. Given that the Landlord's representative did not offer any reasonable explanation as to why any of the Notices of Hearing were not served in accordance with the Act, nor any reasonable explanation as to why no certificate of service had been filed in accordance with the Act or the Board's Rules, I find it appropriate to dismiss the Landlord's application.

It is ordered that:

1. The request to review order LTB-L-085563-24 issued on February 3, 2026 is granted. The order is cancelled.
2. The Landlord's application is dismissed.

April 14, 2026
Date Issued

Karen Gonçalves
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.