



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

Citation: 100% Natural Inc. v Dhawn, 2026 ONLTB 30404

Date: 2026-04-13

File Number: LTB-L-005386-26-RV

In the matter of: 7925 LUNDY'S LANE
NIAGARA FALLS ON L2H1H3

Between: 100% Natural Inc. Landlord

And

Amrit Dhawn Tenant

Review Order

100% Natural Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Amrit Dhawn (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-005386-26, issued on April 1, 2026.

On April 10, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Reasons:

1. 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.
2. The Landlord applied to terminate the tenancy because of rent arrears. The day before the hearing, the Tenant filed materials consisting of claims raised under section 82 of the *Residential Tenancies Act, 2006* (RTA); documentary evidence in support of those claims; and documentary evidence of circumstances he intended to raise in support of relief under section 83 of the RTA.
3. The Member refused to allow the section 82 claims, because they had not been disclosed in advance as required by section 82(2) of the RTA, and the Tenant had not explained why he was unable to disclose them pursuant to section 82(1)(b) of the RTA. There was no error in that decision. The Tenant is free to file his own application regarding his claims.
4. The Member also refused to allow the documentary evidence offered in support of section 83 relief. On the evidence before him, the Member found that it would be unfair to

delay eviction. The Tenant argues that it was an error for the Member to exclude evidence going to section 83 circumstances.

5. I am not persuaded that the Member erred, for three reasons.
6. First, Rule 19.1 provides that parties must provide the other parties and the Landlord and Tenant Board (LTB) with a copy of all documents and other evidence at least seven days before the hearing. Rule 19.7 provides that a party who fails to comply with Rule 19.1 may not rely on the evidence that was not disclosed, unless otherwise ordered. Rule 19 does not contain any exception for evidence related to section 83 circumstances.
7. The Tenant in this case provided his documents to the LTB one day before the hearing, and did not provide them to the Landlord at all. No satisfactory explanation was given. The Member did not err by applying Rule 19.7 and finding the documents to be inadmissible.
8. Second, the Member's refusal to allow the documents would not have prevented the Tenant from putting his circumstances into evidence. He could have given testimony regarding his circumstances. It does not appear that he did so. Instead, in his review request he says that "the Tenant's representative attempted to explain" the circumstances, but the Member did not permit him to do so.
9. Representatives cannot normally give evidence. Rule 1.6(q) permits the LTB to exercise discretion to permit a representative to give evidence, but there was no reason to exercise that discretion in this case. The representative had no direct knowledge of the Tenant's circumstances, and the Tenant was available to give direct testimony of those circumstances. Further, it does not appear that the representative asked to be permitted to testify pursuant to Rule 1.6(q). Instead, he says that he tried to "explain" facts that were unsupported by evidence. The Member did not err by refusing to allow the Tenant to assert circumstances without calling evidence to prove them.
10. Third, based on the submissions in the review request, I am not satisfied that the excluded circumstances could have affected the result. The Tenant asked that eviction be delayed by five to six months. He did not propose to pay his ongoing rent during that time. It would clearly have been unfair to the Landlord to permit further arrears to accrue for five to six more months.
11. The circumstances which the Tenants says that he would have put into evidence are:
 - He had lived in the unit for many years;
 - He was elderly;
 - His income was low;
 - He originally had not understood his occupancy of the unit to be a tenancy; and

- The possibility of eviction had been causing him stress.
12. I do not see how those circumstances could have changed the Member's finding that it would be unfair to allow further arrears to accrue for five or six more months. The Tenant already owed nearly \$22,000 by the time the hearing was held.
13. In sum, section 83(2) provides that the LTB must consider all the circumstances before deciding whether to grant relief from eviction. However, the LTB can only consider circumstances that are put into evidence. In this case, the Tenant did not properly disclose his documentary evidence, and based on his review request, does not seem to have given oral evidence of his circumstances. The Member did not err by failing to consider circumstances that were not in evidence. Further, even if he had considered those circumstances, he would have reached the same conclusion.
14. As I am not satisfied that there might be a serious error in the decision, the review will be denied.

It is ordered that:

1. The request to review order LTB-L-005386-26 issued on is denied. The order is confirmed and remains unchanged.

April 13, 2026
Date Issued

Dale Whitmore
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.

