



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

Citation: Xuan v Rajuvarghese, 2026 ONLTB 32745

Date: 2026-04-21

File Number: LTB-L-084587-25-RV

In the matter of: 2, 1718 Victoria Ave E
Thunder Bay ON P7C1C7

Between: Thi Thanh Xuan Landlords
Xuan Nguyen
Christopher Pace

And

Rijoraju Rajuvarghese Tenants
Ranjitha Lakshmana

Review Order

Thi Thanh Xuan, Xuan Nguyen and Christopher Pace (the 'Landlords') applied for an order to terminate the tenancy and evict Rijoraju Rajuvarghese and Ranjitha Lakshmana (the 'Tenants') because the Landlords in good faith require possession of the rental unit for the purpose of residential occupation for at least one year.

This application was resolved by order LTB-L-084587-25 issued on March 19, 2026.

On April 20, 2026, the Landlords requested a review of the order.

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

Determinations:

1. The Landlords submit that there is a serious factual error in the order because it does not name a third person as a Tenant. The Landlords' own application names only the named Tenants as Tenants. There also is no third person listed on the N12 notice and the Certificate of Service indicates that the N12 notice was only served on the two named Tenants. It appears that until the order was issued, the Landlords did not consider this third person to be a Tenant. I note that even if there is a third Tenant who was not named, they were also not served the N12 notice and this would be a reason to dismiss the Landlords' application.
2. The Landlords submit that the Member misapplied the legal test for termination for own use by considering irrelevant factors such as past disagreements and collateral concerns between the parties.

3. One of these past disagreements was about the new lease that the Landlords wanted the Tenants to sign. The Tenants testified at the hearing that the Landlord XN told them that if they do not sign the new lease, which contained a number of new charges that are contrary to the *Residential Tenancies Act, 2006* (the 'Act'), the Landlords would serve the Tenants with an N12 notice of termination. The Tenants did not sign the new lease and shortly afterward the Landlords served the Tenants with the N12 notice that formed the basis of the Landlords' application. The Landlords do not contest any of these facts in the review request.
4. The fact that the Landlords offered the Tenants a new lease with illegal provisions in it and told them that if they don't sign it they will receive an N12 eviction notice is sufficient to support the two major determinations in the order under review: that the Landlords do not genuinely intend for XN's son to move into the unit, and that the reason for filing the application was that the Tenants had sought to secure or enforce their legal rights.
5. The Landlords also submit that the Member did not give them an adequate opportunity to respond to the assertion that XN's son was being coached during his testimony. It is not necessary for me to consider this submission. Even without the finding that XN's son's testimony was coached or otherwise lacked credibility, ultimately the Landlords' application was dismissed because they offered the Tenants a new lease with illegal provisions in it and told the Tenants if they didn't sign it they would receive an N12 eviction notice.
6. 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.

It is ordered that:

1. The request to review order LTB-L-084587-25 issued on March 19, 2026 is denied. The order is confirmed and remains unchanged.

April 21, 2026
Date Issued

Renée Lang
Vice Chair, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.