



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

Citation: Muthiah v Dharmaratnam, 2026 ONLTB 32796

Date: 2026-04-21

File Number: LTB-L-070170-25-RV2

In the matter of: 2203, 60 BRIAN HARRISON WAY
SCARBOROUGH ON M1P5J5

Between: Vadivulal Muthiah Landlord

And

Dhurkalakshmi Dharmaratnam Tenant
The Estate of the late Dharmaratnam Muttiah
Janathan Dharmaratnam

Review Order

Vadivulal Muthiah (the 'Landlord') applied for an order to terminate the tenancy and evict Dhurkalakshmi Dharmaratnam, Dharmaratnam Muttiah and Janathan Dharmaratnam (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-070170-25 issued on November 7, 2025 as a result of a hearing that took place on October 30, 2025 where the Tenant was not in attendance.

On November 17, 2025 the Tenant requested a review of order LTB-L-070170-25 and that the order be stayed until the request to review the order is resolved. On November 18, 2025 interim order LTB-L-070170-25-RV-IN was issued, staying the order issued on November 7, 2025.

This review request was resolved by order LTB-L-070170-25-RV issued on February 13, 2026 pursuant to a hearing on December 3, 2025 that the Tenant, Janathan Dharmaratnam ("JD"), the Landlord and the Landlord's Representative, Thirunabukaras Patchamuttu, attended.

On April 13, 2026, the Tenant, Dhurkalakshi Dharmaratnam ("DD"), requested a review of the order.

A preliminary review of the review request was completed without a hearing in accordance with Rule 26.9 of the Board's Rules of Procedure.

Determinations:

Request to Extend Time

1. The order under review was issued on February 13, 2026. The 30-day deadline to file a review request fell on March 15, 2026, which is a Sunday, so the date the deadline effectively fell was March 16, 2026.
2. DD initially filed a review request on April 13, 2026 along with a request to extend the deadline that provided no explanation for having missed the deadline to file the request to review and was denied on that basis.
3. On April 17, 2026, DD filed a second request to extend the deadline to file the request to review on the basis that DD had been hospitalized for extended periods since the issuance of order LTB-L-070170-25-RV, and therefore had been unable to file a request to review. This request was denied as it was a second request to extend the deadline, and insufficient evidence was provided to justify waiving the application of Rule 16.6.
4. This 3rd request to extend the deadline provides evidence that DD was hospitalized from February 12, 2026, the day before the issuance of order LTB-L-070170-25-RV, to April 4, 2026. I find on this basis that it is appropriate to waive application of Rule 16.6 in these circumstances and grant the request to extend the deadline to file a request for review.

The Request to Review

5. DD submits that they were unable to reasonably participate in the hearing on December 3, 2025 as they were in the hospital under emergency medical care at the time of the hearing. DD submits that the participation of JD was not sufficient to permit the Tenant to reasonably participate in the hearing as DD is the primary resident of the rental unit and could more fully explain the relevant circumstances.
6. Rule 26.18 states that "The LTB will not consider a further request to review the same order or to review the review order from the same requesting party."
7. I find that JD and DD are aligned in interest and considered to be the same requesting party. I note in making this finding that JD filed the initial review and attended its hearing. Further, JD has filed the request to review and requests to extend the deadline on behalf of DD. While JD states these requests are being made on behalf of DD, JD is in effect using this an opportunity to file a further review using a different name. It is also further indication that the parties remain aligned in interest. Therefore, this request is in effect is a request to review the review order from the same requesting party.
8. To proceed with consideration of the request I would have to find it appropriate to waive application of Rule 26.18.
9. Order LTB-L-070170-25-RV indicates JD did attend the hearing on December 3, 2025 and participated in it. It makes no indication that JD requested an adjournment or other accommodation to allow the participation of DD in the hearing for the review request JD

filed. There is also no indication in this request to review, filed by JD, that any such request was made.

10. It is the obligation of parties aligned in interest to raise concerns of procedural fairness based upon the inability of parties to attend a hearing when they are present at the hearing. They cannot simply proceed with the hearing without requesting to adjourn it to allow participation of that party, and then later apply to review a decision on that basis when they are unhappy with the result. This would unduly prejudice parties' interests in the finality of LTB orders, and I find the Landlord would be unduly prejudiced here if the Rule were waived in this case.

11. For the reasons above, I find it inappropriate in these circumstances to waive application of Rule 26.18, and the request to review is denied on that basis.

It is ordered that:

1. The request to review order LTB-L-070170-25-RV issued on February 13, 2026 is denied. The order is confirmed and remains unchanged.

April 21, 2026

Date Issued

Benjamin Seigel

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.