



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

Citation: Toronto Community Housing Corp v Amarasingam, 2026 ONLTB 36116

Date: 2026-05-08

File Number: LTB-L-026170-25-RV

In the matter of: 703, 1 Oak Street
Toronto Ontario M5A0A1

Between: Toronto Community Housing Corp Landlord

And

Yoganayaki Amarasingam Tenant

And

Sasikumary Amarasingam Unauthorized Occupant

Review Order

Toronto Community Housing Corp (the 'Landlord') applied for an order to terminate the tenancy of Yoganayaki Amarasingam (the 'Tenant') and evict Sasikumary Amarasingam (the 'Unauthorized Occupant') because the Tenant transferred occupancy of the rental unit to the Unauthorized Occupant without the Landlord's consent. The Landlord also applied for compensation by the Unauthorized Occupant for the use of the rental unit.

This application was resolved by order LTB-L-026170-25 issued on October 10, 2025. Only the Landlord's agent and the Landlord's representative attended the original hearing on September 24, 2025.

On November 24, 2025, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On November 25, 2025, interim order LTB-L-026170-25-RV-IN was issued, staying the order issued on October 10, 2025.

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

The Landlord's representatives, Travis King and Jathusan Ratnakumaran, the Unauthorized Occupant's Litigation Guardian, Prema Baskaran, the interpreter for the Unauthorized Occupant's Litigation Guardian, Juliana Arasaratnam, and the representative for the Unauthorized Occupant, Victoria Peter, attended the hearing.

Determinations:

Preliminary Issues

Adjournment Request

1. Initially, there appeared to be an adjournment request on consent. The Landlord's representative stated that the Unauthorized Occupant had not yet qualified for an RGI unit (i.e. more documentation had been requested). If she did qualify, then a suitable RGI would have to be found. As long as the stay remained, the parties would have time to navigate the RGI process and ensure the Unauthorized Occupant was housed. The Landlord's representative subsequently stated that they wanted to proceed with the review.
2. The Unauthorized Occupant's representative argued that the adjournment request should be granted because the Unauthorized Occupant had substantial disabilities, triggering a duty to accommodate up to the point of undue hardship.
3. Based on the submissions, I exercised my discretion to deny the request to adjourn the hearing. While the Board has a duty to accommodate a disability, an adjournment request is not simply granted because a party is disabled. There has to be a connection to the request for an adjournment and the disability in order to trigger that duty to accommodate. Other than the possibility that the request for review might be denied, no such connection was identified. I determined that there was greater prejudice to the parties if the review hearing did not proceed, given that all representatives, the Unauthorized Occupant's litigation guardian and her translator were in attendance and ready to proceed.

Litigation Guardian

4. On December 8, 2025, Prema Baskaran submitted a request to act as Litigation Guardian for the Unauthorized Occupant [Doc 6948965] in accordance with Rule A10. After reviewing the request, the Power of Attorney for Personal Care dated December 21, 2017 appointing Prema Baskaran as the Unauthorized Occupant's power of attorney for personal care and the Unauthorized Occupant's representative confirmation that there was also a Power of Attorney for Property (not attached to the request), I granted Prema Baskaran's request to act as Litigation Guardian for the Unauthorized Occupant in these proceedings.

The Review

5. For the following reasons, the Unauthorized Occupant's request to review order LTB-L-026170-25 issued on October 10, 2025 is denied.
6. The Litigation Guardian is the sister of the Unauthorized Occupant. The Unauthorized Occupant has a diagnosed major psychiatric disorder. As a result, she takes a lot of medication which causes drowsiness and she does not usually wake up before noon. She also has an intellectual disability.
7. The Litigation Guardian stated that they did not know anything about the hearing. She also stated, however, that on September 24, 2025 (i.e. the original hearing day), they were unable to wake up the Unauthorized Occupant because she had taken sleeping pills. Since the letter

regarding the hearing said that the Unauthorized Occupant had to attend the hearing and no one else could speak on her behalf, they did not attend the hearing. The Litigation Guardian also did not know how to sign into the hearing.

8. The Unauthorized Occupant is unable to live on her own and requires someone to prepare her meals. Her brother and her brother's children live in the unit with her and there is no one else with whom she can live. The Litigation Guardian and her children live in the neighbouring building and also help to look after the Unauthorized Occupant.
9. While the Litigation Guardian can read a little English, she does not understand it. After they missed the hearing, she received a letter setting out a list of lawyers they should go to see. She asked her son to translate the letter. After he explained it to her, she realized what the hearing had been about.
10. On cross-examination, the Litigation Guardian admitted that she received the Notice of Hearing and although she did not understand all of it, she did not ask her children to translate it because she thought it was unimportant. She then denied it was the September 24, 2025 hearing she tried to wake the Unauthorized Occupant up for. Instead she said it was for a 9:00 a.m. meeting following receipt of a lawyer's letter.

Analysis

11. The evidence of the Litigation Guardian was often inconsistent or vague which leads me to doubt the truthfulness of her testimony. While she stated that they were not aware of the September 24, 2025 hearing, she subsequently admitted that they received the Notice of Hearing but she ignored it because she did not believe it was important. Given that she stated that they tried to wake up the Unauthorized Occupant to attend the September 24, 2025 hearing, I do not find it credible that they discarded the Notice of Hearing or that they did not know about the hearing.
12. Although the Litigation Guardian later testified that it was actually a lawyer's meeting they had been trying to wake the Unauthorized Occupant up for, they provided no particulars of the time or date of that meeting nor produced any documentary evidence, such as a letter or an email confirming details of that meeting. Given that she stated that the Unauthorized Occupant did not wake up until noon or 1:00 p.m. because of medication, I do not find it credible that they would schedule a morning meeting with a lawyer after they missed the hearing. As such, I find it more likely than not that it was the September 24, 2025 hearing that they were waking the Unauthorized Occupant up for.
13. While the Litigation Guardian testified that the Unauthorized Occupant cannot read English and that she herself can only read a little English, but does not understand it, no evidence was provided as to whether the brother or his children, all of whom reside in the unit with the Unauthorized Occupant, read and understood English. None of those occupants attended the hearing. Obviously, someone read and translated the letter because the Litigation Guardian testified that she did not attend the hearing because the "letter" said that it the Unauthorized Occupant had to attend the hearing and that no one else could speak on her behalf. Given that the Litigation Guardian did not produce a copy of that letter to support her testimony, it is unclear where this information was derived from, especially since the Notice

of Hearing states that a party may send a representative which, in this case, would have been the Litigation Guardian.

14. I am not persuaded that the Litigation Guardian did not know how to sign into the hearing. The Notice of Hearing was mailed to the Tenant and the Unauthorized Occupant by mail on July 31, 2025 which means it was deemed served on August 5, 2025. Therefore, the Unauthorized Occupant and the Litigation Guardian had more than seven weeks to arrange for help logging into the hearing. Since the Board's file indicates that the Unauthorized Occupant (or someone on her behalf) logged into the Board's file at 4:51 p.m. on October 2, 2025 to consent to receiving communications from the Board by email, it is evident to me that someone in the unit or known to the Unauthorized Occupant or the Litigation Guardian was able to log into and navigate the Board's portal. The Litigation Guardian provided no evidence as to why she could not have phoned into the hearing if she were unable to log into the hearing on a computer or via Zoom.
15. Lastly, I am not persuaded by the submissions of the representative for the Unauthorized Occupant that any lack of due diligence on behalf of the Litigation Guardian should not constitute grounds to deny review for the Unauthorized Occupant who cannot participate themselves and relies on that Litigation Guardian. In my view, the purpose of appointing a Litigation Guardian (i.e. power of attorney for personal care and for property) is to act on behalf of the Unauthorized Occupant. In essence, the Litigation Guardian steps into the shoes of the Unauthorized Occupant.
16. The Litigation Guardian admitted that while she had limited proficiency in speaking, reading and understanding English, she had access to people (i.e. her children) who could translate for her. She provided no credible explanation as to why she did not have her children translate the Notice of Hearing when it was received.
17. Parties are required to act with diligence in proceedings before the LTB. If a party fails to attend a hearing because of their own lack of diligence, they cannot then demand that the LTB waste its resources to hear the matter again. "To allow this would undermine the ability of the administration of justice to deliver timely, cost-effective and final orders": *Q Res IV Operating GP Inc. v. Berezovs'ka*, para. 8.
18. On the basis of the evidence before me, I find it more likely than not that the Litigation Guardian, acting on behalf of the Unauthorized Occupant, was aware of the hearing on September 24, 2025 and chose not to attend. Therefore, I am not satisfied that the Tenant was not reasonably able to participate in the proceeding.

Lifting the stay

19. Other than submit that the request should be granted, the representative for the Unauthorized Occupant did not provide submissions as to when the stay should be lifted. The Landlord's representative submitted that the lifting of the stay should be delayed for six months to allow the Unauthorized Occupant(s) to submit additional documentation required to determine RGI eligibility and find a suitable RGI unit. I find this request is reasonable. As such, the stay shall be lifted on November 8, 2026.

It is ordered that:

1. The request to review order LTB-L-026170-25 issued on October 10, 2025 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on November 25, 2025 is cancelled. The stay of order LTB-L-026170-25 is lifted on November 8, 2026.

May 8, 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.