



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

File Number: LTB-T-064241-25-RV

In the matter of: 1804, 50 KINGSBRIDGE GARDEN CIR
MISSISSAUGA ON L5R1Y2

Between: Goutham Pathma Ranjan Tenant

And

Emerson Rajaram Landlord

Review Order

Goutham Pathma Ranjan (the 'Tenant') applied for an order determining that Emerson Rajaram (the 'Landlord') collected or retained money illegally.

The Tenant also applied for an order determining that the Landlord failed to meet the Landlord's maintenance obligations under the Residential Tenancies Act, 2006 (the 'Act') or failed to comply with health, safety, housing or maintenance standards.

This application was resolved in favour of the Tenant by order LTB-T-064241-25 issued on January 26, 2026 and based on a hearing that took place during an Adjudicative Case Conference (ACC) on January 19, 2026 where only the Tenant attended.

On January 28, 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 January 29, 2026 interim order LTB-T-064241-25-RV-IN was issued, staying the order issued on January 26, 2026.

This review was heard by videoconference on March 3, 2026.

The Tenant and the Landlord attended the hearing.

Determinations:

1. The Landlord alleges that they were not reasonably able to participate in the hearing that took place in their absence on January 19, 2026. They state that they received absolutely no notice of hearing despite frequently checking their email. They also indicate that they did not receive any written notice of the hearing by the LTB and that it was possible that someone may have accessed their shared mailbox in this regard in the townhouse complex.

2. The Boards records shows that the Notice of Adjudicative Case Conference (ACC) Hearing was emailed to the Landlord on October 14, 2025. It was emailed to the Landlord on the basis that they provided consent to receive LTB communications by email when they created their account in the Tribunals Ontario Portal (TOP) on August 4, 2025.
3. The Landlord confirmed that they received a copy of the order that was issued on January 26, 2025 and that it must have come from a different LTB email in this regard than the one that must have been used to send out the Notice of Hearing.
4. However, the Board's records shows that the Notice of the ACC was sent out from LTB@ontario.ca on October 14, 2025 to the Landlord. The Landlord also emailed their Request for Review to LTB@ontario.ca. the Landlord's email address is the same in all communications.
5. The Landlord also contradicted themselves when they said that they had logged in and found the Tenants email evidence on August 4, 2025 and that they also logged into the portal after this date.
6. I do not accept that the Landlord's evidence that they had no knowledge of the Tenants application or any knowledge of the hearing. Once they had accessed the portal on August 4, 2025 they would have had full access to the contents of the file which included the a In *Q Res IV Operating GP Inc v. Berezovs'ka*, 2017 ONSC 5541 (Div. Ct.) (CanLII), the Divisional Court affirmed a party to a Board application is required to exercise reasonable diligence to be aware of and to attend the scheduled Board hearing. In that case, the Court upheld the Board's finding that the landlord failed to take note of the Board's notice of hearing, which the Board served on the parties by regular mail. The Court found that the Board served the notice by mail, that the Act deemed the landlord to have received the notice five days later, and that Canada Post did not return the Board's mail as undeliverable. It was therefore reasonable for the Board to conclude that the landlord had failed to exercise reasonable diligence to identify and take note of the notice of hearing.
7. In the present case, and in keeping with the Divisional Court's decision in *Q Res IV Operating GP Inc*, I similarly find that it is more likely than not that the Landlord did not take note of the Board's Notice of Hearing package and did not act with reasonable diligence to attend the hearing.
8. A review is not an appeal or an opportunity to change the way a case was presented. The purpose of the review process is not to provide parties with an opportunity of presenting a better or different case than they did at first instance.
9. Since the Landlords testimony and evidence does not support that they were not reasonably able to participate in the hearing, albeit they lacked the diligence in attending, the request for review must be dismissed.
10. The Landlord requested a month to put their finances in order before lifting the stay to pay the Tenant the outstanding amount under the order.
11. The Tenant was not opposed to granting the Landlord until April 3, 2026 in this regard. However, since more time has passed, I find that the lifting of the stay should be immediate as there was an oral decision given at the hearing that the stay would be lifted on April 3, 2026.

It is ordered that:

1. The request to review order LTB-T-064241-25 issued on January 26, 2026 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on January 29, 2026 is cancelled. The stay of order LTB-T-064241-25 is lifted immediately.

May 11, 2026
Date Issued

Terri van Huisstede
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.