



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

Citation: JEYALETCHUMI v KANDAIYA, 2026 ONLTB 38139

Date: 2026-05-11

File Number: LTB-L-099335-25-RV

In the matter of: 1008, 8 SILVERBELL GROVE
Toronto ON M1B4Z3

Between: VASANTHAN JEYALETCHUMI

Landlord

And

PRATHAB SIVAGUN KANDAIYA
SHIRANEE SARASWATHY SRIRAM

Tenant

Review Order

VASANTHAN JEYALETCHUMI (the 'Landlord') applied for an order to terminate the tenancy and evict PRATHAB SIVAGUN KANDAIYA and SHIRANEE SARASWATHY SRIRAM (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-099335-25 issued on May 1, 2026 pursuant to a hearing held on February 4, 2026.

On May 7, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing. In determining this request, I reviewed the materials in the LTB's file as well as the audio recording for this hearing.

Determinations:

1. The Tenant submits that the order contains a serious error or a serious error occurred in the proceeding as:
 - a. The Member did not permit the Tenant to rely on documentary evidence filed on the Tribunals Ontario Portal as the Member found they were not properly served on the Landlord;
 - b. The Member did not permit the Tenant to raise issues pursuant to section 82 of the *Residential Tenancies Act*, 2006 (the "Act");
 - c. The Tenant submits there is inadequate consideration of issues disclosed pursuant to section 83(2) of the Act;

- d. The Member made findings that the Tenant failed to prove allegations related to verbal abuse, illegal entry and physical assault by the Landlord. The Tenant submits it constitutes a serious error to have made these conclusions while refusing to permit the Tenant's excluded evidence.
2. The order explains in detail the reasons that the Member did not permit the Tenant to rely on evidence filed on the Tribunals Ontario Portal but that the Member found was not served on the Landlord. A review of the recording confirms that the Member permitted the Tenant an opportunity to provide evidence that these documents had actually been served on the Landlord in accordance with the LTB's Rules. The Tenant was not able to do so.
3. The Member provides detailed and cogent reasons why in these circumstances it would be unfair to the Landlord to permit the Tenant to rely on these documents. These determinations are reasonable and I find it did not constitute an error for the Member not to permit these documents to be entered as evidence.
4. Further, the Member despite their ruling noted above, repeatedly gave the Tenant an opportunity to point the Member to evidence to substantiate the issues they wished to raise pursuant to section 83, including in relation to cockroaches, the alleged assault, and their claims related to allegations that a falsified lease had been presented by the Landlord. The Tenant was unable to point the Member to any specific document filed to substantiate any of these claims.
5. I find that the Tenant was afforded procedural fairness and an opportunity to present evidence in respect to their claims. Again, the Tenant was unable to point the Member to any evidence to support their claims in the hearing. I note the request to review still does not identify the evidence the Tenant claims would support their positions on these issues.
6. It does not constitute an error for a Member not to refer to evidence that a party does not put before them. It is not the role of a Member to review each piece of evidence filed by a party to determine what may be relevant and material to the issues they wish to raise, and present it at a hearing. If a party is not prepared to present their evidence at a hearing, they cannot ask the Board its resources to grant a review to give them a further opportunity to do so in the hopes of a better outcome.
7. The order also explains in detail why a request to combine the application with a Tenant's application, made part-way through the matter being heard, was denied. These determinations are reasonable and I find it was not an error for the Member to deny this request.
8. The Tenant also never provided to the Member a list of issues they intended to raise under section 82 of the Act as required by section 82(2) of the Act. Given this, it was not an error for the Member not to hear and make determinations of issues the Tenant wished to raise pursuant to section 82 of the Act. I note that the Tenant would have had to provide evidence that any such list was also served upon the Landlord at least seven days prior to the hearing in order to allow the Tenant to raise issues pursuant to section

82, and as noted above the Tenant was unable to prove service of any documents on the Landlord.

9. The order as paragraphs 31 and 32 provides the reasons why the Member found it unfair to grant relief from eviction. The large amount of arrears are noted, as well as the Tenant's health issues and that they are on the wait list for housing services. The order notes that extended termination may have been appropriate, but that there had already been a substantial delay in issuance of the order and that the Member considered that this gave adequate time to the Tenant. I note the order reflects the Tenant asked for a four-month delay in eviction, and the termination date in the order is more than three months from the hearing date. The Member states that in consideration of all the circumstances they outline, relief from eviction would be unfair.
10. Given the relief requested was a delay in eviction, and not a denial of it, it was clear in the hearing that the order to be issued will be an eviction order. I find given this that these reasons are sufficient to address the required analysis under section 83(2) of the Act and the order contains no error in this regard. The order reveals a reasonable basis for the Member's decision not to grant relief from eviction to the Tenant. The reasonable exercise of discretion will not be interfered with on review.
11. 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-099335-25 issued on May 1, 2026 is denied. The order is confirmed and remains unchanged.

May 11, 2026
Date Issued

Benjamin Seigel
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.