



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

File Number: LTB-L-026849-25-RV

In the matter of: 2556 Mojave Path
Oshawa ON L1L0P9

Between: Gonesh Chandra Bhajan Landlord

And

Jilian Tirbany Former Tenant

Review Order

Gonesh Chandra Bhajan (the 'Landlord') applied for an order requiring Jilian Tirbany (the 'Former Tenant') to pay the Landlord's reasonable out-of-pocket costs that the Landlord incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Former Tenant, another occupant of the rental unit or someone the Former Tenant permitted in the residential complex.

This application was resolved by order LTB-L-026849-25 issued on February 20, 2026.

On March 10, 2026, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On March 11, 2026, interim order LTB-L-026849-25-RV-IN was issued, staying the order issued on February 20, 2026.

The review request was heard by videoconference on April 16, 2026.

The Landlord, the Landlord's Legal Representative Yasmin van Maurik, the Former Tenant, and the Former Tenant's Legal Representative Rav Thind attended the hearing.

Determinations:

1. The application was initially heard on February 10, 2026. The Landlord's evidence was admitted, but the Former Tenant's was not. In the review request, the Former Tenant submitted that the Member erred by accepting the Landlord's evidence and refusing to accept their documentary evidence.
2. The Former Tenant's Representative admitted that his evidence was disclosed one day late. He submitted that the Landlord's document package only contained the L10 application, not their evidence. The Representative submitted that he sent e-mails to the

Board to obtain access to the Tribunals Ontario Portal ('TOP') and was only granted access on February 4, 2026. The Representative only saw the Landlord's evidence then and served his disclosure the same day. This was one day later than the deadline set out in Rule 19.1 of the Board's *Rules of Procedure*, which requires evidence from all parties to be served at least seven days before the hearing.

3. The Former Tenant testified that she was out of the country from the Christmas holidays to January 15, 2026, and reached out to her representative one week later after going through her mail. According to the Former Tenant, she did not become aware of the proceedings until she checked her mail in mid-January 2026. The Former Tenant was not aware of what was in the Landlord's package, as she forwarded it to her representative unopened.
4. The Landlord testified that he mailed his document package to the Former Tenant at three different addresses, which included photographs, invoices, the L10 application, and Notice of Hearing. This is confirmed by the Certificate of Service in the file.
5. I prefer the direct testimony of the Landlord over the Former Tenant's Representative's submissions and find that the Landlord's evidence was properly served. As the document package was mailed on January 9, 2026, it is deemed served on January 14, 2026. The Member did not err by accepting the Landlord's evidence.
6. The Former Tenant's Representative did not provide the e-mails he allegedly sent to the Board, requesting access to TOP. The Board's record shows one request submitted on February 3, 2026, and access was provided on February 4, 2026, the next day. As such, I am not satisfied that the Representative requested access earlier. It remains unclear why the Representative first informed the Board he was representing the Former Tenant on February 3, 2026, when the Landlord's disclosure was served several weeks earlier. It also remains unclear why the Representative could not prepare his document brief prior to obtaining access to TOP and simply submit the evidence by e-mail. The Former Tenant could have prepared evidence based on the allegations in the application, even if they had not seen the Landlord's evidence.
7. The Member did not go into as much detail in the February 20, 2026, order. However, she did provide reasons for refusing to accept the Former Tenant's documentary evidence and I came to the same conclusion. I am satisfied that the Member considered the parties' evidence and submissions when making her determinations. The Member's exercise of discretion was therefore reasonable and is entitled to deference.
8. 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-026849-25 issued on February 20, 2026, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on March 11, 2026, is cancelled. The stay of order LTB-L-026849-25 is lifted immediately.

May 29, 2026
Date Issued

Kate Sinipostolova
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.