



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

Citation: Canadian Student Living Group LP v Sribalasuhabiramam, 2026 ONLTB 45686

Date: 2026-06-08

File Number: LTB-L-015408-26-SA-RV

In the matter of: APT#509E, 1700 SIMCOE ST N
OSHAWA ON L1G4X9

Between:	Canadian Student Living Group LP	Landlord
And		
	Vidurshan Sribalasuhabiramam	Tenant

Review Order

Canadian Student Living Group LP (the 'Landlord') applied for an order to terminate the tenancy and evict Vidurshan Sribalasuhabiramam (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant failed to meet a condition specified in the order issued by the Board on November 12, 2025 with respect to application LTB-L-077964-25-SA.

The Landlord's application was resolved by order LTB-L-015408-26, issued on February 24, 2026. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-015408-26. This motion was resolved by order LTB-L-015408-26-SA issued on June 4, 2026 pursuant to a hearing held on April 7, 2026.

On June 6, 2026, the Tenant requested a review of order LTB-L-015408-26-SA.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. The Tenant submits there is a serious error in order LTB-L-015408-26-SA as they have paid the full outstanding arrears balance following the hearing date but prior to the issuance of LTB-L-015408-26-SA. Given LTB-L-015408-26-SA finds that setting aside the ex-parte eviction order would be unfair to the Landlord as the Tenant has no reasonable prospect of future compliance, the Tenant submits this makes the findings in LTB-L-015408-26-SA to be in serious error. The Tenant further asserts that this is new evidence that should be considered in the disposition of their set aside motion. The Tenant also submits that the order does not adequately consider their circumstances pursuant to section 83 of the *Residential Tenancies Act*, 2006 (the "Act"), and that this constitutes a serious error.

2. The Tenant relies on evidence that was not before the hearing Member, and that could not have been before the hearing Member, for the basis that the findings in the order constitute a serious error. It is not a serious error for a Member not to consider evidence and submissions that were not before them at the hearing.
3. A material change in circumstances after the issuance of an order is also not considered a basis to review an order absent a serious error. While a party may request to review an order on the basis of new evidence not available at the time of the hearing, that is only in respect to circumstances that were present at the time of the hearing.
4. Allowing the review of orders based upon changes to parties' circumstances after a matter has already been heard would have the potential to extend matters indefinitely and would prevent the Board from fulfilling its obligations to conduct expeditious proceedings pursuant to section 183 of the Act.
5. Section 83 of the Act is not applicable to set aside motions. However, section 78(11)(b) of the Act is, and under that provision the Member must consider whether it would not be unfair to set aside the ex-parte eviction order.
6. LTB-L-015408-26-SA sets out detailed reasons for the determinations made by the Member in respect to further relief being unfairly prejudicial to the Landlord at paragraphs 2 to 4 and establishes a reasonable basis for those determinations. Reasonable determinations and reasonable exercises of discretion will not be interfered with on review.
7. While the Tenant's submission alleges LTB-L-015408-26-SA fails to adequately address the Tenant's circumstances and hardship they will face if evicted, these submissions are made on the basis that they have now paid the arrears, and not on the circumstances as presented in the hearing.
8. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in order LTB-L-015408-26-SA or that a serious error occurred in the proceedings.

It is ordered that:

1. The request to review order LTB-L-015408-26-SA issued on June 4, 2026 is denied. The order is confirmed and remains unchanged.

June 8, 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.