



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

Citation: Abouelenin v Mahboob, 2026 ONLTB 261

Date: 2026-01-08

File Number: LTB-L-078488-25-RV

In the matter of: 49 GALLANT PL
VAUGHAN ON L4H3W7

Between: Sherif Abouelenin Landlord

And

Ruby Mahboob Tenants
Shahriar Chowdhury

Review Order

Sherif Abouelenin (the 'Landlord') applied for an order to terminate the tenancy and evict Ruby Mahboob and Shahriar Chowdhury (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-078488-25 issued on October 9, 2025. The Tenants were not present or represented at the original hearing on October 6, 2025.

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

On November 24, 2025 interim order LTB-L-078488-25-RV-IN was issued, staying the order issued on October 9, 2025.

This request to review was heard by videoconference on December 9, 2025.

Only the Landlord's legal representative, Bill Burd ('BB'), attended the review hearing. I was satisfied that the Tenants had received the Notice of Hearing and there was no request to adjourn before me. Based on this, I proceeded to hear the review at 10:11 a.m.

Determinations:

Request to Review

1. Since the Tenants did not appear at the hearing to support their review, I find that this review has been abandoned.

Costs

2. BB requested that the Tenants be ordered to pay \$700.00 in costs to the Landlord for preparation and representation fees incurred by the Landlord.
3. In most cases before the LTB, the only costs ordered are filing fees incurred to file an application by a successful party.
4. The LTB should not order costs in a way which would discourage a party from exercising their statutory rights. This includes the right to request a review of an order: *LTB Interpretation Guideline 3: Costs*; s. 209, *Residential Tenancies Act, 2006*, SO 2006, c.17; s. 21.1, *Statutory Powers Procedure Act*, RSO 1990, c S.22; rule 26, *LTB Rules of Procedure*.
5. Costs for preparation and representation fees are only ordered where a party's conduct in a proceeding was unreasonable: *LTB Interpretation Guideline 3: Costs*.
6. BB submitted that the Tenants' conduct was unreasonable because they did not attend the original hearing, then requested a review of the resulting order, and then did not attend the review hearing. I agree that the Tenants have conducted themselves in an unreasonable manner in this proceeding.
7. The basis of the Tenants' review request was that they were not reasonably able to participate in the October 6, 2025 hearing. I note tat the Member found at the October 6, 2025 hearing that the rent arrears owing to October 15, 2025 were \$25,400.00.
8. The Tenants requested a review, after which interim review order LTB-L-078488-25-RV-IN was issued. The interim review order imposed a stay on the October 9, 2025 order, and also stated at paragraph 5: "A failure to attend the review hearing may be viewed as an abuse of process and may result in costs being ordered against the Tenant[s]".
9. Since the request to review is denied because it is abandoned, and the October 6, 2025 order will remain in force, it was not necessary for me to hear the merits of the underlying application. For the purpose of considering costs, however, I considered the L1/L9 update sheet completed by BB (DOC-6897478, pp. 4-5). This document is a declaration, considered to have the same weight as an affidavit: see rule 1.5, *LTB Rules of Procedure*.
10. In the update sheet it is declared that, as of December 1, 2025, the Tenants had not made any payments toward rent or rent arrears since the Landlord's application was filed on September 18, 2025. The rent arrears owing to December 15, 2025 were \$38,100.00.
11. Given the high rent arrears and the fact that the Tenants had not paid a single dollar toward the rent or arrears over this period, combined with the fact that the Tenants failed to attend both the original hearing and the review hearing, I find it is reasonable to infer that the request to review was filed only as a delay tactic. This is an abuse of the LTB's process.
12. While I understand why BB has requested that the Tenants be ordered to pay the Landlord \$700.00 for preparation and representation fees in the circumstances (as this is the maximum amount the LTB can order for such costs), I am limited in the amount that I can order for such costs in the circumstances. Where the LTB orders costs for representation

and preparation fees, the fees shall not exceed \$100.00 per hour for the services of a paid representative: rule 23.2, *LTB Rules of Procedure*.

13. BB said he spent 2 hours of time preparing for the review hearing, and by the time the matter was complete, he had spent approximately 1.5 hours in the hearing room on December 9, 2025. I therefore find that the Landlord is entitled to recover costs for preparation and representation fees for 3.5 hours at \$100.00 per hour, totalling \$350.00.

It is ordered that:

1. The request to review order LTB-L-078488-25 issued on October 9, 2025 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on November 24, 2025 is cancelled. The stay of order LTB-L-078488-25 is lifted immediately.
3. The Tenants shall pay the Landlord \$350.00 for costs by January 19, 2026.
4. If the Tenants do not pay the Landlord the full amount owing on or before January 19, 2026, the Tenants will start to owe interest. This will be simple interest calculated from January 20, 2026 at 4.00% annually on the balance outstanding.

January 8, 2026
Date Issued

Mark Melchers
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.