



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

File Number: LTB-L-063731-25-RV

In the matter of: 623, 505 RICHMOND ST W
TORONTO ON M5V0P4

Between: Naheed Jivral Landlord

And

Mary Walker Tenant

Review Order

Naheed Jivral (the 'Landlord') applied for an order to terminate the tenancy and evict Mary Walker (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-063731-25 issued on October 27, 2025.

On October 30, 2025, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On October 31, 2025 interim order LTB-L-063731-25-RV-IN was issued, staying the order issued on October 27, 2025.

This application was heard by videoconference on November 26, 2025.

The Landlord, Landlord's legal representative Corey Carpenter, the Tenant, and the Tenant's legal representative Jimmy Gangadin attended the hearing.

Determinations:

1. The Tenant filed a Request to Review, alleging that they did not receive a Notice of Hearing for the scheduled hearing on October 14, 2025. The Tenant also claimed they did not receive any N4 Notice from the Landlord, which would constitute a serious error in the order.
2. At the review hearing, the Tenant testified that she did not receive an N4 Notice, Notice of Hearing, or Update Form regarding this application. She submits that, as a result, she had no way of knowing about the hearing date.
3. Upon reviewing the Board's records, it was noted that the Tenant's legal representative emailed the Board on October 9, 2025, requesting access to TOP (Tribunal Online Portal). The email stated:

"I am retained by the tenant Mary Walker. I believe there was a hearing held on Monday October 6th, 2025, as the only documents my client received was the L1/L9 update sheet dated 29 September 2025 which leads me to conclude the hearing was held on October 6th, 2025.

My client never received N4 or the Notice of Hearing, this is why I am requesting an access pin as soon as possible.

Sincerely,
Jimmy Gangadin"

4. At the review hearing, the Tenant's legal representative confirmed sending the PIN request and receiving the PIN on October 9, 2025. The representative also admitted that the Tenant did receive an Update Form from the Landlord on September 29, 2025, and incorrectly assumed the hearing was held on October 6, 2025 (7 days after the Update Form was received). In fact, the hearing was scheduled for October 14, 2025.
5. It is evident that the Tenant had the capability to attend the hearing on October 14, 2025. The Tenant retained legal representation, and the representative had access to TOP as of October 9, 2025. It is unclear why neither the Tenant nor their representative checked TOP or contacted the Board to confirm the hearing date.
6. The Tenant's credibility is also called into question. She testified that she did not receive any documents from the Landlord. However, her legal representative confirmed, in both the October 9 email and at the hearing, that the Tenant did receive an Update Form. This inconsistency undermines the Tenant's credibility and raises doubt about her claim of not receiving other documents.
7. As stated in *Q Res IV Operating CP Inc. v. Berezovska*, 2017 ONSC 5541: "If parties are not diligent in dealing with legal proceedings then they cannot demand that a Tribunal waste its resources by rehearing matters a second time. To allow this would undermine the ability of the administration of justice to deliver timely, cost-effective, and final orders."
8. Regarding the allegation of a serious error, it is clear on its face the Board considered the service of the N4 Notice and found that it was properly served on the Tenant. The October 27, 2025 order states "The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed". The Tenant did not provide a transcript or recording of the original hearing to establish what evidence or submissions were considered by the Member in reaching their determination. In the absence of such material, the original decision is entitled to deference.
9. The review process is not an opportunity to re-argue matters already determined in hopes of achieving a different result. As I have found that the Tenant had the ability to participate in the original hearing, all evidence and submissions should have been presented at that time.
10. Based on the submissions and evidence, I am not satisfied that there is a serious error in the order or that the Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-063731-25 issued on October 27, 2025 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on October 31, 2025, is hereby cancelled, and the stay of Order LTB-L-063731-25 is lifted effective immediately. This determination is made on the basis that the arrears are substantial and the Tenant has provided no compelling reason to justify a delay in lifting the stay.

January 5, 2026
Date Issued

Brett Lockwood
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.