



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

Citation: Rahman v Fuller, 2026 ONLTB 1938

Date: 2026-01-08

File Number: LTB-L-061857-25-RV

In the matter of: BASEMENT, 10 ANSON AVE
SCARBOROUGH ON M1M1X3

Between: Jihad Rahman Landlord

And

Shelina Ann Ashley Fuller Tenant

Review Order

Jihad Rahman (the 'Landlord') applied for an order to terminate the tenancy and evict Shelina Ann Ashley Fuller (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-061857-25 issued on October 9, 2025.

On October 16, 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 17, 2025 interim order LTB-L-061857-25-RV-IN was issued, staying the order issued on October 9, 2025.

This request for review was heard by videoconference on November 12, 2025.

The Landlord and the Tenant attended the hearing.

Determinations:

Request for Review

1. On the basis of the submissions made in the request, I am satisfied that the Tenant was not reasonably able to participate in the proceeding.
2. In the review request, the Tenant indicates she was aware of the hearing on October 1, 2025 but she had been in hospital on September 29, 2025 and her daughter was in hospital on September 30, 2025. It was due to the circumstances with her and her daughter's health that she slept through most of October 1, 2025 and missed the hearing.
3. The Tenant testified it was never her intention to not attend the hearing but due to lack of sleep from September 29 to September 30, 2025, she was unable to attend. She explained

that she does not dispute the rent arrears owed and is seeking a payment plan should the review request be granted.

4. The Landlord did not dispute the Tenant's claim relating to the request to review and did not object to the Board granting the review on the ground of not reasonably able to participate in the proceeding.
5. In *King-Winton v. Doverhold Investments Ltd.*, 2008 CanLII 60708 (ON SCDC), the Courts found, at paragraph 7,

Being reasonably able to participate in the proceeding must be interpreted broadly, natural justice requires no less. The tenant has never delayed in pursuing her remedies.

6. I find that the Tenant was not reasonably able to participate in the hearing on October 1, 2025 due to her and her daughter's medical conditions. I find it unlikely that the Tenant would knowingly or intentionally not attend the hearing given that her tenancy was in jeopardy. As a result, the Tenant's request for review is granted.
7. As the Tenant's request to review is granted, order LTB-L-061857-25, issued on October 9, 2025, is cancelled and a new hearing was held to consider the Landlord's application.

L1 Application

8. At the outset of the hearing, the Landlord testified that he was experiencing financial hardship as a result of the Tenant's non-payment of rent. When asked to provide basic financial details, including the monthly mortgage payment, the Landlord disclosed that he is not the owner of the residential complex but rather a tenant of the upper unit. He testified that the property owner allowed him to rent out the basement unit and collect rent from the Tenant. He further explained that he pays the owner \$3,400.00 per month in rent, while the Tenant is required to pay him \$2,000.00 per month.
9. As explained at the hearing, the application cannot proceed because the Board lacks jurisdiction to issue an order terminating the tenancy unless the application is brought by the actual Landlord. In this case, the individual identified as the Landlord in the application is himself a tenant of the property who rents a portion of the premises to the Tenant. In reality, the Tenant is an occupant of the rental unit, and the named Landlord is a tenant rather than the property owner.
10. As a result of this evidence, I am satisfied that the parties named in the application do not have a landlord-tenant relationship but are, in fact, roommates. The Board does not have jurisdiction to adjudicate disputes between occupants or roommates, and therefore the L1 application must be dismissed.

It is ordered that:

1. The request to review order LTB-L-061857-25 issued on October 9, 2025 is granted.
2. The interim order issued on October 17, 2025, is cancelled.

3. Order LTB-L-061857-25, issued on October 9, 2025, is cancelled and replaced with this order.
4. The Landlord's application is dismissed.

January 8, 2026
Date Issued

Susan Priest
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.