



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

File Number: LTB-L-056343-24-RV2

In the matter of: 720, 1 SHAW ST
TORONTO ON M6K0A1

Between: Susan Daniel Landlord

And

Faraz Hussaini Former Tenant

And

Malaika Pervez Interested Party

Review Order

Susan Daniel (the 'Landlord') applied for an order requiring Faraz Hussaini (the 'Former Tenant') to pay the Landlord's reasonable out-of-pocket costs that are the result of the Former Tenant's conduct or that of another occupant of the rental unit or someone the Former Tenant permitted in the residential complex.

The Landlord also applied for an order requiring 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.

This application was heard on April 22, 2025, and resolved by the order LTB-L-056343-24, issued on August 13, 2025.

On September 2, 2025, the Interested Party requested a review of the order, and that the order be stayed until the request to review the order is resolved.

On September 3, 2025, the interim order LTB-L-056343-24-RV-IN was issued staying the order issued on August 13, 2025.

The request for review was heard on September 18, 2025 and resolved by order LTB-L-056343-24-RV issued on November 19, 2025.

On December 11, 2025, the Former Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing. In determining this request, I reviewed the materials in the LTB's file as well as the audio recording for this hearing.

Determinations:

1. The review order issued on November 19, 2025 grants the Interested Party's request for review and varies the original order issued on August 13, 2025 to remove the Interested Party as a former tenant / responding party to the application.
2. The Former Tenant's request for review asserts that the November 19, 2025 review order contains a serious error.
3. 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.
4. The review order provides sufficient reasons for the Member's findings that the Interested Party was never in possession of or occupied the rental unit and therefore should be removed as a party to the Landlord's L10 application. The Member's findings are consistent with the evidence and testimony adduced at the review hearing and further provide a reasonable interpretation of the Act and the Board's Guidelines. The Member's findings are therefore rational and are entitled to considerable deference and should not be interfered with.
5. In the review request, the Former Tenant argues that the Board failed to apply or consider the Divisional Court decision of *Wu v Adler 2022 ONSC 188*. I find that this case is distinguishable from the matter in question. Unlike in *Wu*, the evidence before the Board is that although the Interested Party signed the tenancy agreement, that she was never given keys to access the rental unit by the Landlord and never held any care and control of the rental unit. As such, it was not unreasonable for the Member to find that she was never in possession of the rental unit during the time of the tenancy and therefore should be removed from any liability for the damages caused to the rental unit.
6. Although the Former Tenant disagrees with the outcome of the November 19, 2025 order, the Board's review process is not an opportunity for a party to re-argue a matter in the hope of a better outcome.
7. In the absence of a demonstrable error in the November 19, 2025 review order or that a serious error occurred in the proceedings, the request for review must be denied.

It is ordered that:

1. The request to review order LTB-L-056343-24-RV issued on November 19, 2025, is denied. The order is confirmed and remains unchanged.

January 5, 2026
Date Issued

Fabio Quattrociocchi
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.