



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

File Number: LTB-L-012968-24-RV

In the matter of: 7207 Bendigo Circle
Mississauga ON L5N1Z4

Between: Mohamad Rabah Landlord

And

Afriym Eskharon Tenant
Kitty Barsoom

Review Order

Mohamad Rabah (the 'Landlord') applied for an order to terminate the tenancy and evict Afriym Eskharon and Kitty Barsoom (the 'Tenant') because the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

This application was resolved by order LTB-L-012968-24 issued on December 4, 2025.

On January 5, 2026, the Tenant requested a review of the order.

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

Determinations:

1. 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 or that the Tenant was not reasonably able to participate in the proceeding.
2. In the review request, the Tenant submitted that the Member erred by extending the deadline for payment of the compensation required under section 48.1 of the *Residential Tenancies Act* (2006) (the 'Act').
3. The Divisional Court affirmed in *6150 Yonge GP Inc. v Boxma*, 2023 ONSC 2859 ('*Boxma*') that the Board has the authority under section 190(2) of the Act to extend the deadline for payment of compensation where a landlord has made a good faith payment, and the actions of the tenant frustrate its completion.
4. In the current matter, the Member found that the Landlord made a good faith payment by the required deadline, and it was the Tenant's refusal to sign for the letter that prevented

its delivery. The Member's decision to extend the deadline for payment aligns with *Boxma*. There is no error.

5. In the review request, the Tenant submitted that the Member erred by amending the application at the hearing to include the second-named Tenant, Kitty Barsoom ('KB'), as a party. The Tenant submitted that KB was not reasonably able to participate in the proceedings as a result. The Tenant also submitted that the Member improperly considered his circumstances under section 83 of the Act, and that terminating the tenancy in the middle of the winter school term was unfair for his five children.
6. The Member gave detailed reasons for amending the application. The Member considered the Tenant's submissions and the procedural history. The Member considered the previous adjourned hearing where this issue was not raised, as well as the fact that both Tenants were named on the N12 notice of termination and filed a separate tenant application together. The Member concluded that both Tenants were aware of the proceedings and were able to participate accordingly.
7. The Member clearly considered the Tenant's circumstances, including his children, in paragraph 32 of the order. The Member extended the termination date by three months, which is a substantial delay.
8. I am satisfied that the Member considered the parties' submissions and other relevant factors when making her determinations. The Member's exercise of discretion was therefore reasonable and is entitled to deference.
9. In the review request, the Tenant submitted that the Member erred by failing to consider the Landlord's conduct in contacting a hospital regarding the Tenant's medical discharge under the analysis of good faith. I disagree. Not only should this submission have been made at the hearing, but it is also irrelevant to the determination of good faith. The Landlord's investigation was related to the Tenant's attendance at the initial hearing.

It is ordered that:

1. The request to review order LTB-L-012968-24 issued on December 4, 2025, is denied. The order is confirmed and remains unchanged.

January 5, 2026
Date Issued

Kate Sinipostolova
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.