



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

Citation: Villa Nova Apartments v Al-Mousawy, 2026 ONLTB 4577

Date: January 12, 2026

File Number: LTB-L-098001-24-RV

In the matter of: 407, 265 North Service Road
Mississauga, Ontario L5A1A6

Between: Villa Nova Apartments Landlord

and

Abdulsalam Al-Mousawy Tenant

and

Bahaa Abou-Faour Unauthorized Occupant

REVIEW ORDER

Procedural History

On November 13, 2024, Villa Nova Apartments (the 'Landlord') applied in a A2 application seeking an order to terminate the tenancy of Abdulsalam Al-Mousawy (the 'Tenant') and evict Bahaa Abou-Faour (the 'Unauthorized Occupant') because the Landlord claimed the Tenant transferred occupancy of the rental unit to the Unauthorized Occupant without the Landlord's consent. The Landlord also applied for compensation by the Unauthorized Occupant for the use of the rental unit.

This application was resolved by order LTB-L-098001-24 issued on October 6, 2025 (the 'A2 Order'), which terminated the tenancy and evicted the Unauthorized Occupant by October 17, 2025.

On October 16, 2025, the Unauthorized Occupant requested a review of the A2 Order, alleging the order contains a serious error.

Interim review order LTB-L-098001-24-RV-IN was issued on October 20, 2025, which directed the Unauthorized Occupant's request to a review hearing, and stayed the A2 Order.

The review hearing was heard before me by videoconference on November 12, 2025. The Unauthorized Occupant attended with his legal representative Ali Golabgir (paralegal). The Landlord's agent Carlo Di Florio (general manager) attended with his legal representatives Sarah Teal (paralegal) and Tanya Dickie (paralegal).

As of 1:15pm (the review hearing was scheduled to start at 1pm), the Tenant was not present or represented at the review hearing, although properly served with notice of the hearing. There was no request to adjourn or reschedule the hearing, so the review hearing was conducted in the absence of the Tenant.

Determinations:

1. On the basis of the submissions made in the review request and the submissions made in the review hearing, I am not satisfied that there is a serious error in the A2 Order or that a serious error occurred in the A2 proceedings. As a result, the request for review is denied.
2. The Unauthorized Occupant's legal representative (Mr. Golabgir) submitted that the hearing member made several serious errors, which are each analyzed below.

No Misapplication of Law Proven

3. Mr. Golabgir submitted the hearing Member misapplied the law by referencing sections of the *Residential Tenancies Act, 2006* (the 'Act') which do not exist, and by making contradictory determinations in the A2 Order regarding the applicable time limitation for this application.
4. I note that Mr. Golabgir is correct that the Member's reference in paragraph 3 of the "Determinations" portion of the A2 Order, to section 94.1(3) of the Act is an error, since no such section of the Act exists. However, I agree with the Landlord's legal representative (Ms. Teal's) submission, that this is merely a minor typographical error which is not "serious" since it has no consequence to change the final outcome of the A2 Order.
5. I find that despite the error, a plain reading of paragraph 3 clearly explains that the Member was satisfied the application was filed within 60 days after the Landlord became aware that the Tenant had vacated the rental unit. There was no ambiguity in this paragraph with respect to the applicable time limitation of 60 days, nor the determination that the Landlord complied to file the application within that time.
6. The fact that the last sentence of paragraph 3 erroneously mentions a section of the Act which does not exist, causes no serious jeopardy to anyone reading this paragraph or trying to understand its meaning.
7. The consequence of the typo may have been worse if the A2 Order had mentioned an actual section of the Act, which contained a different time limitation than 60 days, or caused any discrepancy.
8. Since section 94.1(3) of the Act does not exist at all, I find the reference to it made no consequence whatsoever to understand the meaning of paragraph 3 or the determinations made by the hearing Member within it.
9. I suspect the Member intended to reference section 100(2) of the Act in paragraph 3, because that is the actual section of the Act which provides a 60 day time limitation for a landlord to make an application based on a claim that there is an unauthorized occupancy.

10. The Member's failure to reference section 100(2) of the Act was not a serious error. There are often LTB orders issued without specific reference to the Act for each and every determination. Such a requirement would create unnecessarily lengthy hearing orders. The absence in the A2 Order of the correct section of the Act for the 60 day time limitation determination, does not constitute a serious error.
11. Mr. Golabgir also submitted it was a serious error that paragraph 7 of the A2 Order, again referenced a section of the Act that does not exist, and also referenced a 1 year time limitation that contradicted the 60 day time limitation determined in paragraph 3. He argued that by relying on 2 different time limitations, the Member created significant confusion and prejudice to the Unauthorized Occupant.
12. For the same reasons as above, I do not find it was a serious error to reference section 94.1(3) of the Act in paragraph 7.
13. With respect to the reference in paragraph 7 of a 1 year time limitation, I agree this may have caused some confusion to the reader. However, it did not affect the outcome of the A2 Order. By common sense, any application that is determined to be filed within the 60 day limitation, must have also complied with a longer 1 year time limitation. Therefore, even though the reference to a 1 year limitation in paragraph 7 was an error, I agree with Ms. Teal that this was not a serious error, nor did it change any outcome or have any consequence on the determination that the application was filed within time.

No Failure to Consider Testimony

14. Mr. Golabgir submitted that the hearing Member failed to consider crucial and prudent testimony given by the superintend Wanda Hobson. The A2 Order only referenced her at paragraph 6, where she testified she never processed or approved lease agreements, and that no lease or application from the Unauthorized Occupant was ever forwarded or approved by head office. She also testified she never personally signed any lease with the Unauthorized Occupant.
15. Mr. Golabgir argued that Wanda Hobson's more crucial testimony was about what she admitted she knew as early as January 2024. Mr. Golabgir submitted that Ms. Hobson's admissions - that she had known the Unauthorized Occupant was in the rental unit in January 2024, that she had not seen the Tenant since the same time, and was aware the Tenant was not in possession of the rental unit as early as January 2024 - were all crucial to the application. If the Member had properly considered her testimony, the limitation issue would have been decided in the Unauthorized Occupant's favour (that the application was not filed in time). He submitted the hearing Member had commented the Landlord's discoverability of the Unauthorized Occupant was "extremely crucial" for his consideration, but then the Member did not even write about Ms. Hobson's testimony on this issue – which was a serious error that would have changed the outcome.
16. Ms. Teal submitted that while the A2 Order does not explicitly discuss Ms. Hobson's testimony surrounding what she knew in January 2024, this omission was not a serious error. She submitted that the A2 Order clearly provided reasons about the time limitation determination. She submitted that the hearing Member clearly placed weight on Mr. Di Florio's credible and consistent testimony, that he first learned on October 11, 2024 from a

call with the Unauthorized Occupant that he was the only occupant and the Tenant had moved out some time ago.

17. I agree that the hearing Member did not commit any serious error by failing to mention some portions of Ms. Hobson's testimony. I do not agree with Mr. Golabgir that the hearing Member ignored crucial testimony about the discoverability of the Unauthorized Occupant. To the contrary, the order clearly explains at paragraph 4, that the Member placed reliance on the credible and consistent testimony of the general manager.
18. It is not as if the witness Wanda Hobson was not mentioned at all in the A2 Order. I would have been more concerned if the hearing Member did not contemplate at all, that a witness had testified during the hearing or made admissions during cross examination.
19. In this case, portions of Ms. Hobson's testimony were mentioned by the A2 Order. The fact some portions of her testimony were not analyzed in the A2 Order does not constitute a serious error. The A2 Order clearly references which witness the hearing Member thought was more important to mention on the issue of discoverability and time limitation. The general manager's testimony was explicitly highlighted.
20. The Supreme Court affirmed in *R. v. Sheppard*, 2002 SCC 26 at paragraph 46, that the duty to give reasons arises out of the circumstances of a particular case. Where it is plain from the record why a decision has been made the absence of reasons provides no significant impairment to the exercise of the right of appeal. At paragraph 55 the Court says that the question is whether in all the circumstances the functional need to know has been met. In this case it has. It is clear from a plain reading of the A2 Order, that the testimony of the general manager was considered credible and consistent on the issue of discoverability of time limitation.
21. Mr. Golabgir also pointed to the specific instruction in Member Ferriss's interim order that Ms Hobson made certain admissions at 3:18:25 of the recording. Mr. Golabgir failed to disclose a transcript or recording of this section to support his submission that a serious error had been committed by failing to consider Ms. Hobson's testimony at this portion of the hearing.
22. Ms. Teal objected to the late disclosure. I agreed to listen to this portion of the hearing after the review hearing, and to reconvene if required. After listening to the record, I find no need to reconvene the review hearing.
23. The testimony of Ms. Hobson at this portion of the recording (her admission that she contacted the Unauthorized Occupant in 2022 regarding a plumbing issue), would have done nothing to change the outcome of the A2 Order, even if her testimony had been mentioned. Her testimony here only shows that she spoke to the Unauthorized Occupant in 2022 regarding a plumbing issue. It does not address or prove that an illegal transfer of tenancy has been made, or that the Tenant has vacated the rental unit, or that the Landlord knew or ought to have known there was an illegal occupant back in 2022.
24. The Member referenced Mr. Di Florio's testimony at paragraph 4 of the A2 Order, that the Landlord understood the Tenant frequently travels and sometimes has roommates.

25. The Superintendent's testimony that in 2022 she was contacted by the Unauthorized Occupant regarding a plumbing issue, supports and corroborates Mr. Di Florio's testimony that the Tenant had roommates during portions of his tenancy.
26. I note that it is not uncommon for guests, relatives, or other occupants to be able to contact superintendents regarding maintenance issues.
27. The portions of the recording that dealt with the plumbing issue - even if they had been mentioned in the A2 Order - would have done nothing to change the hearing Member's reliance on the general manager's testimony regarding the time limitation issue.
28. The A2 Order reveals a reasonable basis, using the testimony of Mr. Di Florio, for the Member's determination that the Landlord had filed the application in time. The hearing Member's determinations were rationally connected to the evidence led at the hearing. There was nothing further in the hearing recording or record to support the allegation that the Member committed a serious error.
29. I am not satisfied that the A2 Order contains any serious errors.

It is ordered that:

30. The request to review LTB-L-098001-24 issued on October 6, 2025 is denied. The order is confirmed and remains unchanged.
31. The interim order issued on LTB-L-098001-24-RV-IN was issued on October 20, 2025 is cancelled. The stay of order LTB-L-098001-24 is lifted immediately.

January 12, 2026
Date Issued

Michelle Tan
Vice Chair, 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.