



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

File Number: LTB-T-024104-24-RV

In the matter of: 1255 OTTAWA ST
WINDSOR ON N8X2E5

Between: Abbadi Ibrahim Al abed Tenant
Khawla Mahmoud Al kadro

And

13145638 ONTARIO INC. AKA BELLOCORP Former
Bello Omolasoye iysa oluwatosin Bello Landlord

And

JOSEPH TONNOS AND ASSOCIATES INC
Landlord

Review Order

Abbadi Ibrahim Al abed and Khawla Mahmoud Al kadro (the 'Tenant') applied for an order determining that 13145638 ONTARIO INC. AKA BELLOCORP, Bello Omolasoye iysa oluwatosin Bello and JOSEPH TONNOS AND ASSOCIATES INC (the 'Landlord') entered the rental unit illegally; substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household; harassed, obstructed, coerced, threatened or interfered with the Tenant; withheld or interfered with their vital services or care services and meals in a care home; and, failed to meet the Landlord's maintenance-related obligations under the Act.

This application was resolved by order LTB-T-024104-24 issued on January 6, 2026.

On January 12, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing. I have listened to the recording for this matter.

Determinations:

1. The Tenant's review request (RTR) alleges serious error and that the Tenant was not reasonably able to participate in the proceeding that took place on October 15, 2025.

2. The RTR states the hearing did not proceed on the merits and consequently the Tenants were not able to provide testimony or other evidence in support of their application. While admittedly the merits of the Tenant's application was not heard, the order dated January 6, 2026 (the "Order") dismissed the Tenant's application based upon a preliminary issue raised by the Landlord. The hearing recording confirms that the preliminary matter was raised by the Landlord at the commencement of the proceeding and that the Tenant's representative provided fulsome responding submissions and also referred the member to supporting documentation. Although the matter did not proceed to a merits hearing, I do not find that the Tenant was not reasonably able to participate in the proceeding because the matter was dismissed based upon a preliminary matter.
3. The RTR states the member erred in finding there was agreement to vacate the property "*by November 15, 2023*". While the Tenant clearly disputes there was ever an "*agreement to terminate*" with the Landlord, the hearing recording shows the Landlord provided testimony that upon becoming aware of the Tenants' presence, there was a request made by the Tenant's then agent to allow the Tenants until November 15, 2023 to locate alternative accommodations. Regardless, I do not find the purported agreement to terminate, or lack thereof, to be a material issue that would potentially change the result of the order. Here, the member found the Board lacked jurisdiction as the Tenants' occupation was covered by the exemption described under subsection 5(f) for short-term emergency shelter. In the alternative, the member also found the Board lacked jurisdiction as there was never a 'meeting of the minds' or agreement to lease the subject property and there was never any rent paid or agreement to pay any rent to the Landlord (or prior landlord).
4. The RTR also notes that (i) the Tenants were served with a Form N4 for rent arrears by the Landlord; and, that (ii) the member "overlooked" a consent order in LTB-L-041077-24, both of which purportedly speak to an "agreement between the parties" and/or "security of tenure".
5. With respect to the Form N4, the hearing recording shows the Landlord - a mortgagee in possession – testified the N4 notice was only served out of an abundance of caution before the Landlord was apprised of all available facts between the Tenants and the prior landlord/mortgagor.
6. The purported consent order in LTB-L-041077-24 dated February 6, 2025, while raised by the Tenants in the RTR, was admittedly not raised or brought to the member's attention at the hearing. Regardless, and for completeness, I note that the "consent order" appears to have been entered into by the Tenant with a subsequent landlord of the property and does not appear to speak to the period of time at issue in the current application. I therefore find no inconsistency between the Order and the noted consent order. Similarly, I do not find any conflict between the Order and a prior LTB order in LTB-T-019606-24 which is in relation to a different property and did not involve the current Landlord/mortgagee in possession.
7. The Landlord was a mortgagee in possession and became aware of the Tenants' occupation of the purported rental unit upon seeking possession through the Court

Enforcement process. The application filed with the Board by the Tenants specifically stipulates it was the Tenants' understanding – as per their discussion with the former landlord and before the current Landlord sought possession through the Court enforcement process - that the Tenants would be living at the subject property “*for a short period of time (10 days) until the renovations*” at another property (“682 Windsor Ave”) were completed. While the Tenant's RTR notes that the Tenants retained possession for “*over one and a half years*”, the duration of occupation, on its own, does not create a ‘meeting of the minds’ or agreement to lease. In the absence of such an agreement, express, implied or written, I find no error in the member's findings that the Board lacked jurisdiction in the current situation.

8. As I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings and/or that the Tenant was not reasonably able to participate in the proceeding, the Tenants' RTR must therefore be dismissed.

It is ordered that:

1. The request to review order LTB-T-024104-24 issued on January 6, 2026 is denied. The order is confirmed and remains unchanged.

January 14, 2026
Date Issued

Peter Nicholson
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.