



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

Citation: Javadi v Kafaiezdtehrani, 2026 ONLTB 6077

Date: 2026-01-16

File Number: LTB-L-064781-25-RV

In the matter of: 302A, 9088 YONGE ST
RICHMOND HILL ON L4C0Y6

Between: Ali Javadi Landlord

And

Majid Kafaiezdtehrani Tenant

Review Order

Ali Javadi (the 'Landlord') applied for an order to terminate the tenancy and evict Majid Kafaiezdtehrani (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-064781-25 issued on January 12, 2026.

On January 14, 2026, the 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 Tenant states that their infant child is battling health issues. The Tenant states that an eviction would risk their child's health and put them at risk of homelessness. The Tenant requests a temporary stay until March 2026 when they will have the funds to void the order. The Tenant also repeats information provided at the hearing about their circumstances and says that they asked for duty counsel and a mediator at the hearing. The Tenant submits that the hearing was procedurally unfair because they were not given an opportunity to provide supporting documentation.
2. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order, that a serious error occurred in the proceedings, or that the Tenant was not reasonably able to participate in the proceeding.
3. The review request is largely an attempt to reargue an application that has been finally determined. That is not the purpose of a review request. Although I am mindful of the Tenant's circumstances, the Divisional Court affirmed at paragraph 27 in *So v. Canadian Mental Health Association, Toronto Branch*, 2024 ONSC 3371 (Div. Ct.) that the

discretionary power to deny or delay an eviction pursuant to section 83(1) of the Act does not have a second, independent applicability at the review stage of the Board's process. The Tenant already had an opportunity at the hearing to provide evidence related to relief from eviction. I am not satisfied that the Board unreasonably exercised its discretion in arriving at the decision made.

4. The Tenant attended the hearing and actively participated. The notice of hearing that was provided to the parties provides information about how to seek legal advice and tells parties to do so before the hearing. The Tenant provides no information in the review request about any steps they took to do so. Many parties before the Board represent themselves and I am not satisfied that because tenant duty counsel was not available on the day of the hearing that the Tenant was not reasonably able to participate in the proceeding.
5. The Board's docket reflects that the Landlord was not interested in mediation. Mediation requires the consent of all parties. The Board does not force parties to reach terms of consent. I am not satisfied that the lack of mediation resulted in the Tenant not being able to participate in the proceeding.
6. I have listened to the hearing recording. Nothing in the recording supports that the Tenant was denied procedural fairness. The recording reflects that the Tenant understood the relevant issues and was given an opportunity to be heard on those issues. The only evidence filed by the Tenant and mentioned during the hearing was evidence about their spouse receiving social assistance. The order reflects that the Board considered that the Tenant's spouse was on social assistance and the order does not raise any concerns about supporting documentation regarding the Tenant's spouse's social assistance. The order raises a concern that the Tenant provided no supporting documentation about the Tenant's "anticipated bonus, approval of short-term disability benefits, or any concrete plan to repay the arrears". At no point in the hearing did the Tenant seek to introduce supporting documentation about those issues. The notice of hearing makes clear that evidence needs to be filed in advance of the hearing. I also note that the Tenant was clearly aware how to file evidence because he filed evidence about his spouse's social assistance. That the Tenant did not file their relevant evidence does not establish that they were denied a procedurally fair hearing.

It is ordered that:

1. The request to review order LTB-L-064781-25 issued on January 12, 2026 is denied. The order is confirmed and remains unchanged.

January 16, 2026
Date Issued

Amanda Kovats
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.