



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

File Number: LTB-L-087745-25-RV

In the matter of: 1014, 9471 YONGE ST
RICHMOND HILL ON L4C0Z5

Between: Sohilasghar Vaezzadhasadi Landlord

And

Alireza Ataeiyar Tenant

Review Order

Sohilasghar Vaezzadhasadi (the 'Landlord') applied for an order to terminate the tenancy and evict Alireza Ataeiyar (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-087745-25 issued on January 14, 2026.

On January 22, 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. 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.

Not Reasonably Able to Participate

2. The hearing recording confirms the Tenant attended the January 8, 2026 Board hearing and had his son assist him with translation. The Tenant took part in the proceedings, gave testimony and submitted evidence through TOP. The order and the recording show the Tenant was aware of the issues to be determined and exercised his right to address those issues. As such, there is no merit to the Tenant's submission that they were not reasonably able to participate in the proceeding.

Serious Error

3. The Tenant submits that late evidence and a request to amend the application was submitted late by the Landlord yet it was accepted by the presiding Vice Chair at the

hearing. The Tenant also asserts that because of this, they were denied the opportunity to submit critical response evidence. The recording does not show the Tenant made any objection to the Landlord's evidence or voiced any opposition to the evidence being relied upon in support of the Landlord's application for rent arrears. The Tenant did not seek to introduce the additional evidence referred to in the review request nor do they ask for an adjournment or additional time to do so. The recording does not show the Vice Chair refused to consider the evidence the Tenant did submit at the hearing.

4. The Tenant is not permitted to raise issues on review that were not raised at the original hearing as this would permit the Tenant to present a better or different case than they did at first instance in the hopes of achieving a different outcome. In *Sutton v. Patterson and Morrow*, 2021 ONSC 1403, the Divisional Court at paragraph 6 affirmed that a party who has a procedural fairness concern is obligated to make their objections known, not wait until the appeal to raise their fairness concerns.
5. In addition, the additional evidence referred to in the review request is in support of an issue the Tenant raised at the hearing, not in response to one raised by the Landlord. The Tenant, in raising the issue, had ample opportunity to submit this other evidence in advance of the hearing along with the evidence they did file. Failing to submit evidence in support of the Tenant's own issue they intended to raise falls at the feet of the Tenant and is not a serious error in procedure on the part of the Board. For reasons stated, ground for review is denied.
6. The Tenant submits the Landlord alleged he had fabricated a copy of the lease agreement and forged a signature on the document. The Tenant claims this was done without notice and that they had no opportunity to respond to allegations of fraud or misrepresentation. The review request asserts it was an error to rely on the allegation and that the Board does not have jurisdiction to determine criminal matters.
7. The hearing recording does not show this is what took place. The Tenant raised an issue concerning the validity of the N4 notice. The Tenant in support of their position, submitted a copy of the lease agreement into evidence. The Landlord also submitted a copy of the lease. The Landlord's copy was signed and executed and the Tenant's copy was not. The Vice Chair preferred the executed copy of the lease as the best evidence when determining the issue.
8. The recording and the order shows the Vice Chair made no findings or even considered fraud, misrepresentation or any criminal conduct in reaching her conclusion that a signed lease was more persuasive than an unsigned one. I am not satisfied the Tenant has established any procedural unfairness resulted over this issue and this ground is denied.
9. The Tenant submits a serious error occurred because the order found the Tenant was the sole Tenant of the rental unit. The review request asserts the Tenant's wife is also a Tenant of the unit and that she was denied the opportunity to participate in the hearing because she was not named as a party or served notice of the application. The Tenant submits it was a serious error for the Board to issue the order naming him as the sole Tenant without hearing from all persons with a direct legal interest.

10. The Tenant was free to have his wife attend the hearing to give testimony in support of the issue they themselves raised. It is not the role of the Board to direct a party on how to present their case or advance their issues. The Tenant did not request an adjournment or additional time to have his wife attend the hearing to testify. It was not an error on the part of the Vice Chair to consider the evidence that was presented at the hearing when determining the issue. Paragraphs 1 to 3 of the order provide sufficient reasons explaining the Vice Chair's conclusions. Contrary to the submissions in the request for review, nothing in the hearing recording shows the Tenant's wife was denied the opportunity to participate in the proceedings and this ground for review is denied.
11. The Tenant submits his son is a high school student and eviction during the school year would disrupt his education and cause emotional distress. This submission does not identify a serious error in the order or the proceeding. 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's submissions are therefore not grounds to review the January 14, 2026 order or to re-hear the Landlord's application.
12. For the reasons set out above, I am not satisfied the Tenant has established the order contains a serious error or that a serious error occurred in the proceeding or that the Tenant was not reasonably able to participate in the January 8, 2026 Board hearing. The review request is therefore denied.

It is ordered that:

1. The request to review order LTB-L-087745-25 issued on January 14, 2026 is denied. The order is confirmed and remains unchanged.

January 23, 2026
Date Issued

John Cashmore
Member, Landlord and Tenant Board

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

