



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

Citation: Minto Multi-Residential Income Partners 1, GP Inc v Wakeel, 2026 ONLTB 12933

Date: 2026-02-06

File Number: LTB-L-054237-24-RV

In the matter of: 302, 1235 MARLBOROUGH CRT
OAKVILLE ON L6H0W8

Between:	Minto Multi-Residential Income Partners 1, GP Inc	Landlord
	And	
	Javed Wakeel	Former Tenant

Review Order

Minto Multi-Residential Income Partners 1, GP Inc (the 'Landlord') applied for an order requiring Javed Wakeel (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

The Landlord also applied for an order requiring the Former Tenant to pay the Landlord's reasonable out-of-pocket costs that the Landlord incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Former Tenant, another occupant of the rental unit or someone the Former Tenant permitted in the residential complex.

This application was resolved by order LTB-L-054237-24 issued on January 29, 2026.

On February 4, 2026, the Landlord 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 Landlord did not serve the Former Tenant with the notice of hearing and the application at least 30 days before the hearing as required by the *Residential Tenancies Act, 2006* ('the Act') and the Board's Rules of Procedure. The Landlord's adjournment request to serve the Tenant with adequate notice was denied and the Landlord's application was dismissed.

2. The Landlord submits the decision to deny the adjournment and dismiss the application was unreasonable, arbitrary, and made based on a pre-existing mindset that the application should be dismissed. The Landlord submits that the Member had a reasonable apprehension of bias and that the hearing was procedurally unfair.
3. To demonstrate that the member had pre-determined the outcome of the application the Landlord points to a comment made by the Member during the preamble. At approximately 00:1:09 on the hearing recording the Member said:

“The matters on my docket have all been previously adjourned. Very importantly, if I find that there are still service issues on your application you should be prepared that your application is likely to be dismissed”.

4. The Supreme Court in *R. v. S. (R.D.)*, [1997] 3 SCR 484 at paragraphs 109, 112, and 113, established that when it is alleged that a decision-maker is not impartial, the test that must be applied is whether the conduct gives rise to a reasonable apprehension of bias. Mere suspicion is not enough. A real likelihood or probability of bias must be demonstrated. The Court also states that the threshold to establish bias is high.
5. The Court of Appeal in *Bailey v. Barbour*, 2012 ONCA 325 establishes that the legal test of a reasonable apprehension of bias is “whether an informed, reasonable and right minded person, viewing the matter realistically and practically, and having thought the matter through, would conclude that it was more likely than not that the trial judge would not decide fairly.”
6. There is nothing in the hearing recording or order that supports a finding that an informed and reasonable person would conclude that there was a reasonable apprehension of bias in this case or that the Member had pre-determined the outcome of the case. During the preamble the Member said that applications with ongoing service issues were likely to be dismissed not that they would be. The Member’s mind remained open to the possibility of not dismissing the applications. The Member’s comment was also not unreasonable. That an application has already been adjourned, and that there continue to be service issues, is a strong factor in favour of not granting another adjournment. The recording reflects that the Landlord was provided with an opportunity to provide submissions regarding why in their particular case an adjournment should be granted. The recording and order reflect that the Member listened to and considered those submissions. In both the oral reasons given at the hearing and in the final written order the Member’s reasons are responsive to the submissions made by the Landlord.
7. The decision to deny an adjournment is an exercise of the Hearing Member’s discretion and is entitled to deference. The order reflects that the Member considered her obligation pursuant to section 183 of the Act to adopt the most expeditious method of determining the questions arising in a proceeding that affords to all persons directly affected by the proceeding an adequate opportunity to know the issues and be heard on the matter, the relevant factors outlined in section 21.8 of the Board’s Rules of Procedure, the procedural history of the file, and the Landlord’s submissions. The Member provided

sufficient reasons for her decision and those reasons reveal a reasonable basis for the decision. The reasonable exercise of discretion will not be interfered with on review.

It is ordered that:

1. The request to review order LTB-L-054237-24 issued on January 29, 2026 is denied. The order is confirmed and remains unchanged.

February 6, 2026
Date Issued

Amanda Kovats
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.