



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

File Number: LTB-L-098823-25-RV

In the matter of: 2, 8 QUILL ST
OTTAWA ON K1K3S8

Between: Mohamad Joubaili Landlord

And

Jessica Englehart Tenants
Michael Scobie

Review Order

Mohamad Joubaili (the 'Landlord') applied for an order to terminate the tenancy and evict Jessica Englehart (JE) and Michael Scobie (MS) (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-098823-25 issued on February 17, 2026.

On March 2, 2026, the Tenant JE 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. This review request is made on the grounds of serious error and being not reasonably able to participate in the proceedings.
2. The hearing that gave rise to the order under review took place on February 4, 2026. The Tenant JE attended the hearing and gave evidence and submissions.
3. The Tenant submits that the Member erred by refusing to hear issues raised pursuant to s.82 of the *Residential Tenancies Act, 2006* (the 'Act').
4. Subsection 82(2) of the Act provides that a tenant may raise issues under subs.82(1) of the Act if the tenant has given advance warning to the landlord of their intent to raise these issues and that the tenant must give this notice in accordance with the LTB's Rules. As noted in the order, the LTB's Rules of Procedure require that a tenant give a landlord notice of their intention to raise issues under s.82 of the Act no later than seven days prior to the hearing. The order also notes that it is uncontested that the Tenant

failed to notify the Landlord or the LTB of her intent to raise issues under s.82 of the Act and did not provide a satisfactory reason for failing to do so.

5. At the hearing the Tenant sought to raise maintenance issues and an allegation that the Landlord had caused the Tenant and her boyfriend to lose their employment. The Member properly refused to hear evidence about the employment issue because it was not within the LTB's jurisdiction. The Member asked the Tenant if she had disclosed to the Landlord and to the LTB her intent to raise issues under s.82. The Tenant responded that she did not know she had to do so. The Member then canvassed if there are any issues that would constitute a serious breach pursuant to subs. 83(3) of the Act. The Tenant alleged that there are roaches and mould in the unit. When asked about evidence to support these allegations, the Tenant pointed to an email that she had sent the LTB on January 26, 2026.
6. The Tenant's email of January 26, 2026 attaches a list of issues to be raised under s.82 of the Act. However, the Member's attention was not drawn to the list of s.82 issues even after he specifically asked for them. When the hearing turned to possible issues under subs. 83(3) of the Act, the Tenant stated that she had filed an affidavit that had described all of the maintenance issues. This affidavit was attached to the email of January 26, 2026 but it is more of a narrative than a list. It is not a sufficiently clear list of issues to be considered notice to the Landlord or to the LTB of issues to be raised.
7. In the circumstances, I am not satisfied that the Member erred by refusing to hear the Tenant's s.82 issues. When the Tenant stated that she was not aware of her obligation to disclose s.82 issues to the Landlord and to the LTB the Member reasonably concluded that the Tenant did not comply with this obligation. The Member was not given any reason to re-visit this conclusion at any time later in the hearing.
8. The Tenant also submits that the order incorrectly states that the Tenants did not pay a last month's rent deposit. Early in the hearing the Member went over the Landlord's application and update sheet. Just prior to this the Member advised the Tenant JE to listen carefully because he would check back with her to see if she disagrees with anything. While going over the update sheet, the Landlord's representative indicated that the Tenants did not pay a rent deposit. At no point in the hearing did JE state that the Tenants had paid a rent deposit. Given that JE had an opportunity to give evidence or submissions about the rent deposit and did not do so, I am not satisfied that the Member erred by finding that the Tenants did not pay a rent deposit.
9. 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 Tenants were not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-098823-25 issued on February 17, 2026 is denied. The order is confirmed and remains unchanged.

March 4, 2026
Date Issued

Renée Lang
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.