



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

Citation: Tavakoli v ZHI, 2026 ONLTB 21224

Date: 2026-03-09

File Number: LTB-T-043366-25-RV

In the matter of: Main Floor Room 1, 36 FLEETWELL CRT
NORTH YORK ON M2R1L3

Between:	Mehdi Tavakoli	Tenant
And		
	HUI CHAI ZHI	Landlord

Review Order

Mehdi Tavakoli (the 'Tenant') applied for an order determining that HUI CHAI ZHI (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.

This application was resolved by order LTB-T-043366-25 issued on February 19, 2026.

On March 6, 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.

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 Landlord was not reasonably able to participate in the proceeding.
2. The review request submits that the Landlord was not reasonably able to participate in the October 15, 2025 proceedings on the basis that the Board served him with a copy of the Notice of Hearing (NOH) to the wrong e-mail address, in this case, zhihuichai8@gmail.com. The review request also states that the Board did not adhere to

the Landlord's submitted unavailable dates, which were August 10, 2025 to October 10, 2025.

3. The review request states that the Landlord was out of the country when the Board e-mailed him a copy of the NOH to his G-mail account for which he did not have access. On review of the Board's records, a copy of the NOH was e-mailed to the Landlord on consent on August 19, 2025.
4. The Landlord argues that the Board should have issued the NOH to the e-mail address submitted by the Tenant in the T2 application, in this case, 1164922379@qq.com.
5. On review of the Board's records, the Tenant's T2 application identifies the Landlord's e-mail address as 1164922379@qq.com. However, on July 8, 2025, at 11:09 p.m., the Landlord provided the Board with e-mail consent to serve him with documents and updated his e-mail address to zhihuichai8@gmail.com. As the Landlord updated his e-mail address with the Board, it cannot be said that the Board served the NOH to the wrong e-mail address.
6. The Divisional Court has affirmed that parties are required to exercise due diligence in dealing with legal proceedings and a party's failure to do so is not a reasonable basis for rehearing the application (*Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 CanLII (Div. Ct.)).
7. In *Berezovs'ka*, at para. 8, the Court noted that:

If parties are not diligent in dealing with legal proceedings then they cannot demand that a Tribunal waste its resources by rehearing matters a second time. To allow this would undermine the ability of the administration of justice to deliver timely, cost-effective and final orders.

8. Based on the submissions made in the review request and based on the Board's records, I am not satisfied, on a balance of probabilities, that the Landlord exercised due diligence to ensure his attendance at the hearing. When the Landlord updated his e-mail address with the Board, it unequivocally permitted the Board to use zhihuichai8@gmail.com as a means of communication with him. Once a party provides and consents to the use of an e-mail address for service, it is their responsibility to monitor that e-mail account and ensure that they receive communications from the Board.
9. Although the Landlord alleges, he was out of the country until December 23, 2025, the Landlord only provided the Board with unavailable dates up to October 10, 2025. The Landlord did not update the Board with any additional unavailable dates. In the circumstances, the Board had no reason to believe that the Landlord was unavailable to attend the October 15, 2025 hearing.
10. For the reasons above, the Landlord has not established that he was not reasonably able to participate in the October 15, 2025 hearing.

11. The review request further submits that the order contains a serious error on the basis that the Member failed to inquire whether the tenancy falls within the jurisdiction of the Residential *Tenancies Act, 2006*, the ("Act"). The Landlord argues that he and the Tenant share living accommodations and therefore, the Act does not apply pursuant to section 5(i) of the Act.
12. The opportunity to raise this issue and challenge the Tenant's evidence was at the hearing stage, not at the review stage of the proceedings. The purpose of the review process is not to provide parties with an opportunity of relitigating the issues in hopes of a better outcome.
13. As the Landlord has failed to establish that there is a serious error in the order or that he was not reasonably able to participate in the proceedings, the request to review must be denied.

It is ordered that:

1. The request to review order LTB-T-043366-25 issued on February 19, 2026 is denied. The order is confirmed and remains unchanged.

March 9, 2026
Date Issued

Mayra Sawicki
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.