



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

File Number: LTB-L-097224-25-RV

In the matter of: NE-807, 9205 YONGE ST
RICHMOND HILL ON L4C1V5

Between: Alisher Kasimov Landlord

And

Ranvir Saggi Tenant

Review Order

Alisher Kasimov (the 'Landlord') applied for an order to terminate the tenancy and evict Ranvir Saggi (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-097224-25 issued on February 3, 2026.

On February 4, 2026, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved.

On February 5, 2026, interim order LTB-L-097224-25-RV-IN was issued, staying the order issued on February 3, 2026

This application was heard by videoconference on March 5, 2026.

The Landlord, the Tenant and the Tenant's representative Benjamin Hognestad attended the hearing.

Determinations:

1. The Tenant requested a review of order LTB-L-097224-25 issued on February 3, 2026 (the "Order") claiming the Tenant was not reasonably able to participate in the hearing which was conducted on January 29, 2026 and that as a result, a serious error occurred.
2. The onus is on the Tenant to establish that he was not reasonably able to participate. The Tenant claims he did not receive notice of the January 29, 2026 hearing ("NOH") which was sent by mail to the Tenant on January 5, 2026. Although there is no indication of mail being returned for non-delivery to the Board, the Tenant points to the rental unit's unusual address and speculated he did not receive the NOH due to issues with his mail in or around that time. In support, the Tenant produced a 407 ETR email dated December 1, 2025 advising "*Your new transponder(s) is on its way*". As of the date of hearing, the Tenant testified he had not yet received the noted delivery.

3. While not directly relevant as to whether the Tenant was reasonably able to participate in the proceeding that took place on January 29, 2026, the Tenant's review request also makes the following allegation concerning the Form N4 served by the Landlord:

The Landlord presented himself as having followed proper legal protocol when he had not. In particular, on November 13, 2025, he relied on a fake and misguided document presented as a "legal notice" demanding immediate urgent payment, despite the fact that it was not an approved Landlord and Tenant Board form, was not properly served (despite security of the building not permitting him upstairs as it was very late at night, he still forced his way upstairs and slid this fake document through my door), and did not comply with the *Residential Tenancies Act*.

4. If he was aware of the proceeding, the Tenant submits he would have attended the hearing.
5. The Landlord requests that the review be denied, stating the Tenant had a reasonable opportunity to participate and simply chose not to attend. The Landlord takes the position the Tenant had sought to evade the Landlord in the past and merely wants to delay having the matter heard on its merits. It was submitted the Tenant's claim of being unaware of the hearing date is simply not believable.
6. The test for being reasonably able to participate in a proceeding was considered by the Divisional Court in *King-Winton v. Doverhold Investments Ltd.*, 2008 CanLII 60708, which held that "*being reasonably able to participate in the proceeding must be interpreted broadly, natural justice requires no less.*"
7. For the reasons that follow, I find on a balance of probabilities the Tenant was reasonably able to participate in the proceedings.
8. In the circumstances, I do not find the Tenant's multiple denials to be believable. While the Tenant may not have received his anticipated package from 407, I find this was mere coincidental. As noted, with respect to the NOH mailed by the Board, there is no indication of mail being returned for non-delivery. Moreover and in addition to service by mail, the Board's records also show the Tenant was emailed notice of the January 29, 2026 proceeding on November 20, 2025 at 10:14pm to the email address: ranvir.saggi@hotmail.com. The Tenant confirmed the email address was correct, yet it was the Tenant's position that he never received this email in his inbox, or junk mail..etc.
9. The Tenant also testified he did not receive a Form N4 on the Board's approved form. The Landlord, in response, produced a video recording showing the Landlord sliding a Form N4 – using the Board's approved form - into the Tenant's rental unit. The Tenant's response, once again, was that it was not received. The Tenant also suggested the Landlord may have later opened the Tenant's door and retrieved the document. I do not find this explanation believable. While not directly relevant to the issue of whether the Tenant had notice of the January 29, 2026 proceeding, I find the Tenant's denial of receipt of the Form N4 in the face of clear evidence to the contrary to lessen the Tenant's credibility as it pertained to the NOH. Upon hearing all the evidence, I find it is more likely that the Tenant was aware of the proceeding but simply chose not to attend.

10. Lastly and for completeness, I note that the Tenant's review request alleges the Order contains a serious error because *"it was based on false, misleading and incomplete information provided by the landlord, and it failed to consider the landlord's misconduct and breach of his statutory obligations. The Landlord presented himself as having followed property protocol when he had not."* While it is clear the Tenant disagrees with the member's decision, the Tenant did not attend the hearing to dispute the Landlord's claims and/or present contradictory evidence. The purpose of the review process is not to provide parties with an opportunity of relitigating the issues in the hopes of a better or different outcome. As I am also not satisfied there is a serious error in the order, the Tenant's request to review is denied. The Tenant is still in possession of the rental unit and accordingly, the stay is lifted on March 31, 2026.

It is ordered that:

1. The request to review order LTB-L-097224-25 issued on February 3, 2026 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on February 5, 2026 is cancelled. The stay of order LTB-L-097224-25 is lifted on March 31, 2026.

March 17, 2026
Date Issued

Peter Nicholson
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.