



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

File Number: LTB-L-079565-25-RV

In the matter of: Upper, 206 MELROSE AVE
KITCHENER ON N2H2C1

Between: Taylor Keyes Landlord
Laurie Keyes
Dailen Keyes

And

Haitham Abdelaty Tenant

Review Order

Taylor Keyes, Laurie Keyes and Dailen Keyes (the 'Landlord') applied for an order to terminate the tenancy and evict Haitham Abdelaty (the 'Tenant') because:

- the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

This application was resolved by order LTB-L-079565-25 issued on March 4, 2026 as a result of a hearing that took place on January 20, 2026 where all parties were in attendance.

On March 10 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. For the reasons that follow the request to review is denied and the order remains unchanged.

REQUEST TO REVIEW

2. The Tenant's request to review asserts that the order contains serious errors and goes on to dispute the Member's exercise of discretion not to apply the doctrine of res judicata and findings of fact.
3. In reviewing the order, it appears the Tenant is correct in identifying that a serious error exists when the presiding adjudicator finds, at paragraph 14, that the doctrine of res judicata does not apply. I say this because in reviewing the notices of termination served to the Tenant under this application and LTB-L-036245-23, it appears that they are both

N12s served to the Tenant for the upper unit alleging the Landlord requires the rental unit for their own personal use. Further, the order LTB-L-036245-23 issued on October 30, 2024 deliberated on this issue and found the Landlord to be unsuccessful.

4. However, the Member had the ability to exercise their discretion and not apply the doctrine of res judicata, which they did employ and explained their reasons for doing so. In reviewing the reasons found at paragraphs 9-12, I do not find this exercise of discretion to be unreasonable under the circumstances.
5. So while there is a serious error identified in the order, I do not find it would change the outcome because the exercise of discretion appears to be appropriate under the circumstances.
6. Finally, with respect to the Tenant disputing the findings of fact made by the Member, the original hearing Member's findings of fact are entitled to considerable deference. A request will not be granted simply because the reviewing adjudicator might have come to a different conclusion about the evidence. Even where it finds a factual error the LTB may not exercise its discretion to review if the error is trivial, does not relate to a material issue in dispute or would not change the result.
7. There is nothing in the record or in the request for review to support a determination that the Member applied improper principles in assessing the evidence introduced or that there was insufficient evidence before the Board to support its conclusions. I would not interfere with the assessment of the evidence by the Member of first instance, who had the opportunity of observing the witnesses and of hearing the evidence in its totality.
8. 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 that would change the outcome of the order and so the request to review is denied.
9. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The request to review order LTB-L-079565-25 issued on March 4, 2026 is denied. The order is confirmed and remains unchanged.

March 11, 2026
Date Issued

Sonia Anwar-Ali
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.