



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

Citation: Saleh v Santiago, 2026 ONLTB 22342

Date: 2026-03-12

File Number: LTB-T-104229-24-RV

In the matter of: 1114 MAPLE GATE RD
Toronto ON L1X1B8

Between: Shohib Saleh Tenant

And

Merryvic Santiago Landlords
Ian Santiago

Review Order

Shohib Saleh (the 'Tenant') applied for an order determining that Merryvic Santiago and Ian Santiago (the 'Landlords') failed to meet the Landlords' maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing or maintenance standards.

This application was resolved by order LTB-T-104229-24 issued on February 6, 2026.

On March 6, 2026, the Tenant 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 request for review raises four issues:

- The Tenant was not reasonably able to participate on the basis that the Member did not allow him to rely on late evidence;
- The Member erred by failing to grant an adjournment to allow the Tenant's witness to attend the hearing;
- The Member failed to provide sufficient reasons for determining the abatement of rent awarded; and
- The Member erred by failing to determine that the unit was an illegal unit.

2. I have listened to the November 26, 2025 hearing recording, and reviewed the final order. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order, that a serious error occurred in the proceedings, or that the Tenant was not reasonably able to participate in the proceedings.
3. Rule 19.1 of the Board's Rules of Procedure provide that, unless the LTB has directed or ordered otherwise, all parties to a matter that has been scheduled for a CMH or a hearing must provide the other parties and the LTB with a copy of all documents, pictures and other evidence that the party intends to rely upon at least 7 days before the CMH or hearing. The evidence must be provided to the other parties using one of the methods of service identified in the RTA or Rule 3.
4. Paragraph 2 and 3 of the order provide details as to why the late evidence was not permitted. The hearing recording also confirms that an oral decision was provided. The Tenant's representative submitted that disclosure was provided to the Landlord less than 7 days before the hearing, on the basis that the Landlord was a party to the text communication the Tenant intended to rely on. Regardless of whether a party is included in written communications, the Rules require that all evidence be served at least 7 days before the hearing. In this case, the Tenant failed to do so. Accordingly, the Member's decision not to allow the Tenant's late evidence was reasonable and not an error.
5. Similarly, with respect to the second issue, the Tenant submits that the Member erred in failing to grant the adjournment request to allow the Tenant's witness, a By-law officer, to attend the hearing. The Tenant's representative submitted that they only reached out to the witness a week prior to the hearing and failed to issue a summons. Based on the Board's records, a copy of the Notice of Hearing was served on the parties on October 27, 2024. As a result, I find that the Tenant's failure to issue a summons to the By-law officer amounts to negligence on the part of the Tenant and is not an error of the Board. The Member's denial of the adjournment request was therefore reasonable.
6. With respect to the third issue, on review of the order, the Member considered the time period and impact on the Tenant for the cracked windows. The Member awarded a lumpsum of \$750.00. In this case, the lawful rent is \$1,700.00, providing a rent abatement of \$150.00 per month times five months, which equals an approximate 8.82% rent abatement per month. The abatement provided by the Member is reasonable in the circumstances and within a reasonable range normally provided by the Board.
7. The Member's findings are entitled to considerable deference. I will not interfere with the assessment of the evidence by the Member of first instance, who had the opportunity of hearing the evidence in its totality. In paragraph 21 of the order, the Member considered the parties' evidence and submissions regarding the windows. The presiding Member provided sufficient reasons for her findings.
8. Although the Tenant disagrees with the February 6, 2026 Board order, the Board's review process is not an opportunity for a party to re-argue a matter that has been finally determined in the hopes of a different outcome.
9. With respect to the Tenant's fourth issue, the Tenant submits that the Member failed to determine that the rental unit was an illegal unit. The Member did not need to consider whether the unit was legal or illegal. The Member was only required to consider the

specific issues raised in the application and whether those issues amount to a breach of section 20 of the Act. In this case, the issue on whether the unit was illegal was not raised in the application.

10. Even if the issue had been raised, the Board does not have the jurisdiction to determine whether a unit is legal or illegal.
11. As I am not satisfied that the Tenant has demonstrated that there is a serious error in the February 6, 2026 order, that a serious error occurred in the proceedings, or that the Tenant was not reasonably able to participate in the proceedings, the request to review the order must be denied.

It is ordered that:

1. The request to review order LTB-T-104229-24 issued on February 6, 2026 is denied. The order is confirmed and remains unchanged.

March 12, 2026
Date Issued

Mayra Sawicki
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.