



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

Citation: Diyarre v medallion corporation, 2026 ONLTB 22730

Date: 2026-03-18

File Number: LTB-T-098587-23-RV

In the matter of: 1812, 565 Sherbourne Street
Toronto ON M4X1W7

Between: Sarah Diyarre Tenant
Lily Diyaree Istvan

And

medallion corporation Landlord

Review Order

Sarah Diyarre and Lily Diyaree Istvan (the 'Tenant') applied for an order determining that medallion corporation (the 'Landlord') :

- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.

This application was resolved by order LTB-T-098587-23 issued on March 24, 2025.

On April 14, 2025, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved.

On April 15, 2025, interim order LTB-T-098587-23-RV-IN was issued, staying the order issued on March 24, 2025.

The review request was heard by videoconference on March 11, 2026.

The Landlord's agent Yvonne Yorke, the Landlord's witnesses Prasanta Kumar Bharea and Harshal Bhamare, the Landlord's legal representative Samuel Korman, the Tenants and the Tenants' interpreter Abdulwahab Abdulhamid attended the hearing.

The Tenants declined to speak with Tenant Duty Counsel.

Determinations:

The Review Request

1. In the request to review the March 24, 2025 order, the Tenants assert the presiding Member made a serious error by concluding that the Tenants failed to meet the burden of proof regarding their claim for rent differential. Specifically, the Tenants believe that their oral evidence should have been sufficient to establish the new rent and new lease terms in the absence of a written lease.
2. The Tenants confirmed that they participated at the hearing and led their evidence. They believe that the Member should have accepted their oral testimony with respect to the terms of their new lease and the difference in rent.
3. The Tenants confirmed that they received, read and understood the Notice of Hearing prior to the November 20, 2024 hearing. However, they did not provide to the Landlord nor the Board, a copy of the new lease agreement. They also believe the Member should not have refused their request to submit the lease after the hearing had commenced.
4. The Landlord opposes the Tenants review request and states the Tenants had ample opportunity to prepare for the hearing of their application. The Landlord's representative said that the Member did not refuse the Tenants' last minute submission due to time constraints. Rather, the Member refused due to the prejudice to the Landlord. He said that at around 4:36:00 of the hearing recording, when asked why they did not submit the new lease agreement, the Tenant responded, "it was not in my mind to talk about this".
5. The Landlord's representative points to paragraphs 26 and 27 of the March 24, 2025 order where the Member also declined to award out of pocket expenses as claimed by the Tenants for the same reason, a lack of documentary evidence. There are various remedies where the Member significantly reduced the Tenants' claims due to insufficient evidence. Therefore it is not unreasonable or an error that the Member also declined to award the rent differential.

Analysis

6. On the evidence before the Board and on a balance of probabilities, I am satisfied that the Tenants had opportunity to provide their lease agreement at the time of the original hearing. They understood the Notice of Hearing and, in fact, did provide some documentary evidence. They neglected to include a copy of their new lease agreement. So, it cannot be said that the lease is new evidence that was not available at the time of the original hearing.
7. I also considered that the Member, considering the various remedies sought, exercised her discretion to either deny various claims or reduce various claims due to insufficient evidence. Her decision not to award the significant rent differential in the absence of the lease agreement was a reasonable outcome and consistent with her determinations.

8. In my view, paragraph 23 of the order, clearly demonstrates that the Member considered the evidence led by the Tenants but ultimately found it was insufficient to meet the burden of proof. The Member provides reasonable reasons to support her finding.
9. Ultimately, I am satisfied that the Tenants has reasonable opportunity to participate at the hearing and the order is based on the evidence led by the Tenants. The Member's decision not to award the rent differential is supported by reasons and that decision falls within a reasonable range of outcomes. I cannot find the order contains a serious error.
10. At the conclusion of the review hearing, the Tenants then stated they were not reasonably able to participate at the hearing as the presiding Member refused to accept the Tenants' support person.
11. The Landlord's representative objected to this last minute review claim as it was not included in the Tenants' request to review. The Landlord was not put on notice of this and therefore the Board should not accept this additional claim.
12. I am not considering the Tenants' additional claim. They could have included this in their written request to review the order but failed to do so. To accept their last minute submission is prejudicial to the Landlord as the Landlord had no knowledge of their claim or time to prepare accordingly. As such, this new claim is denied.
13. 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-T-098587-23 issued on March 24, 2025 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on April 15, 2025 is cancelled. The stay of order LTB-T-098587-23 is lifted immediately.

March 18, 2026
Date Issued

Dana Wren
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.