



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

File Number: LTB-L-036630-23-RV

In the matter of: 720 STAGG GARDEN
MILTON ON L9T0X9

Between: Raief Killeny Landlord

And

Mona Rezk Former
Tenant

Review Order

Raief Killeny (the 'Landlord') applied for an order requiring Mona Rezk (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes. The Landlord also applied for an order requiring the Former Tenant to pay the Landlord's reasonable out-of-pocket costs that the Landlord incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Former Tenant, another occupant of the rental unit or someone the Former Tenant permitted in the residential complex.

This application was resolved by order LTB-L-036630-23 issued on January 9, 2026.

On February 3, 2026, the Former 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 audio recording for this hearing.

Determinations:

1. The Tenant's review request (RTR) claims the Tenant was not reasonably able to participate in the proceeding that took place on December 15, 2025. In particular, the RTR states the member would not allow the Tenant's son "*to speak or assist the tenant at the Hearing*" and that the Tenant "*did not get an opportunity to speak with legal counsel prior to the hearing*"
2. The hearing recording shows that the Tenant's son ("ZA") attended the hearing as a "representative/agent" of the Tenant, alongside the Tenant and the Tenant's witness.
3. While ZA is not a legal representative, the recording shows that ZA performed the role commonly undertaken by a legal representative: asking cross-examination questions of the Landlord and asking questions of the Tenant on direct examination. The Tenant's son

ZA, however, also sought to give testimony while the Tenant was under direct examination. The member correctly reminded ZA that his chosen role was as an “agent” and not as a witness. I find no error in the member’s decision to limit ZA’s involvement as an agent only. With respect to the issues in dispute in the current application, the hearing recording shows the Tenant participated fully, was responsive to the questions asked and provided testimony on the relevant issues. Accordingly, I am not satisfied that an unfair hearing or serious error in process occurred.

4. The RTR also states the Tenant sought unsuccessfully to adjourn the proceeding to obtain legal representation. There was no request to adjourn at the commencement of the hearing, however, the hearing recording shows that near the end of the proceeding, the Tenant sought to adjourn the hearing so as to obtain legal representation and serve documentation.
5. The right to representation at a hearing is not absolute and section 183 of the *Residential Tenancies Act*, 2006 (the “Act”) requires the Board to adopt the most expeditious method of determining the questions arising in a proceeding that affords to all persons directly affected by the proceeding an adequate opportunity to be heard. In such situations, the onus is on the party wishing to be represented to make all reasonable efforts to secure representation once they become aware of the proceeding.
6. In considering the request, the member noted that the Tenant has been aware of the Landlord’s application for a significant period of time as well as the late stage of the proceeding. An adjournment request is not to be granted simply because a party may wish to revisit their chosen hearing strategy once the matter is nearly complete and/or to give parties an opportunity of relitigating the issues in the hopes of a better outcome. Given the timing of the request and the circumstances in which the request was made, I am not satisfied the member erred in denying the request.
7. As I am not satisfied that the Tenant was not reasonably able to participate in the proceeding, the RTR must be denied.

It is ordered that:

1. The request to review order LTB-L-036630-23 issued on January 9, 2026 is denied. The order is confirmed and remains unchanged.

March 16, 2026
Date Issued

Peter Nicholson
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.