



Order under Section 87 Residential Tenancies Act, 2006

Citation: Mahmood v Adebayo, 2026 ONLTB 24099

Date: 2026-03-25

File Number: LTB-L-084275-25

In the matter of: 2304, 4065 Confederation Pky
Mississauga ON L5B0L4

Between: Haris Mahmood
Ali Kumail Ahmed Landlords

and

Olawale Adebayo Former Tenant

Haris Mahmood and Ali Kumail Ahmed (the 'Landlords') applied for an order requiring Olawale Adebayo (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

This application was heard by videoconference on March 4, 2026.

Only the Landlords attended the hearing.

As of 10:49am, the Former Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Landlords. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlords' evidence

Determinations:

1. The Landlords' application is dismissed for the following reasons.
2. In the application, the Landlords are claiming rent arrears from March 1, 2024 to the date the Former Tenant vacated.
3. There was a previous L4 application with respect to this tenancy where the Landlords sought termination of the tenancy for a breach of a prior order and unpaid rent. That application was resolved by order LTB-L-015625-25, issued on March 19, 2025. The order requires the Former Tenant to pay all rent arrears owing to the date of the hearing and daily compensation until the date the Former Tenant moves out of the rental unit.
4. The doctrines of *res judicata* and *issue estoppel* promote fairness and integrity in the justice system by ensuring finality of decisions. The test for *issue estoppel* was set out by

the Supreme Court in *Angle v. Minister of National Revenue*, 1974 CanLII 168 (SCC), [1975] 2 S.C.R. 248 at p. 254:

1. that the same question has been decided;
 2. that the judicial decision which is said to create the estoppel was final; and,
 3. that the parties to the judicial decision or their privies were the same persons as the parties to the proceedings in which the estoppel is raised.
5. In *Danyluk v. Ainsworth Technologies Inc.*, 2001 SCC 44, [2001] 2 S.C.R. 460, the Court confirmed that the doctrine of issue estoppel applies to administrative tribunals.
6. At para. 33 of *Danyluk*, the Court stated that *issue estoppel* involves a two-step analysis:

The rules governing issue estoppel should not be mechanically applied. The underlying purpose is to balance the public interest in the finality of litigation with the public interest in ensuring that justice is done on the facts of a particular case. (There are corresponding private interests.) The first step is to determine whether the moving party (in this case the respondent) has established the preconditions to the operation of issue estoppel set out by Dickson J. in *Angle*, supra. If successful, the court must still determine whether, as a matter of discretion, issue estoppel ought to be applied.

7. In this case, the Board has already made a determination on the amount of rent owed for the period claimed in the Landlords' application and issued an order requiring the Former Tenant to pay rent up until the date they vacated. That decision is final and has not been successfully set aside, reviewed, or appealed. Therefore, the three preconditions necessary for the application of *issue estoppel* are present. To order the Former Tenant to pay the same arrears that the Landlords already have an enforceable order for would be an abuse of process. Therefore, I find that *issue estoppel* ought to be applied in these circumstances.
8. As all arrears claimed in the Landlords' application are estopped, the Landlords' application must be dismissed.

It is ordered that:

1. The Landlords' application is dismissed.

March 25, 2026

Date Issued

Candace Aboussafy

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.