



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

Citation: 592 Sherbourne LP, c/o Tricon Residential v Shah, 2026 ONLTB 25016

Date: 2026-03-23

File Number: LTB-L-104301-25-RV

In the matter of: 5108, 25 SELBY ST
TORONTO ON M4Y0E6

Between: 592 Sherbourne LP, c/o Tricon Residential Landlord

And

Ayushi Ashit Shah Tenants
Shyam Khetani

Review Order

592 Sherbourne LP, c/o Tricon Residential (the 'Landlord') applied for an order to terminate the tenancy and evict Ayushi Ashit Shah and Shyam Khetani (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-104301-25 issued on March 9, 2026

On March 21, 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 audio recording for this hearing.

Determinations:

1. The Tenants' request to review largely restates issues that were raised and addressed at the hearing and in the March 9, 2026 order. The Tenants voice their disagreement with the Member's determinations.
2. Interpretation Guideline 8 - Review of an Order states:

A review is not an appeal or an opportunity to change the way a case was presented.

The purpose of the review process is not to provide parties with an opportunity of presenting a better or different case than they did at first instance. 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.

TSL-51694-14-IN-RV (Re), 2015 CanLII 23959 (ON LTB) at para 10

3. The Tenants' disagreement with the Member's determinations is not sufficient grounds for review. The order shows the Member considered the evidence presented when determining the N4 Notice of Termination had been served on the Tenants. The order also shows the Member considered the Tenants' submissions explaining why they did not serve the Landlord their list of issues under section 82 of the *Residential Tenancies Act, 2006* (the Act) prior to the hearing before deciding not to hear these issues. There is no indication that the Member applied improper principles in assessing the evidence or that there was insufficient evidence to support the Member's conclusions.
4. The remainder of the review request asserts the Member's decision is biased, that the Tenants' privacy has been infringed upon and that the Board emailed the March 6, 2026 order to them instead of mailing it as they requested.
5. The Supreme Court in *R. v. S. (R.D.)*, [1997] 3 SCR 484 at paragraphs 109, 112, and 113, establishes that when it is alleged that a decision-maker is not impartial, the test that must be applied is whether the conduct gives rise to a reasonable apprehension of bias. Mere suspicion is not enough. A real likelihood or probability of bias must be demonstrated. The Court also states that the threshold to establish bias is high.
6. Additionally, the court of appeal in *Bailey v. Barbour*, 2012 ONCA 325 establishes that the legal test of a reasonable apprehension of bias is "whether an informed, reasonable and right-minded person, viewing the matter realistically and practically, and having thought the matter through, would conclude that it was more likely than not that the trial judge would not decide fairly."
7. The request for review does not point to any event during the hearing that would support a finding the Member was not impartial. The allegation of bias is simply accompanied by the Tenants' recitation of the arguments made at the hearing and their privacy issues. Nothing in the hearing recording or the order supports a finding that an informed and reasonable person would conclude that there was a reasonable apprehension of bias in this case.
8. With respect to privacy issues during the tenancy, as stated in paragraph 11 of the order under review, the Tenants are free to file their own application with the Board to have their issues addressed should they choose to do so.
9. Lastly, while the Tenants may have requested to have the order delivered to them by mail instead of email, the Board's emailing of the March 6, 2026 order to the Tenants does not amount to a serious error that could change the outcome of the proceedings and is not good cause for review.

10. 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. The Tenants' request for review must therefore be denied.

It is ordered that:

1. The request to review order LTB-L-104301-25 issued on March 9, 2026 is denied. The order is confirmed and remains unchanged.

March 23, 2026
Date Issued

John Cashmore
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.