



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

Citation: Sheikh v Kusic, 2026 ONLTB 25344

Date: 2026-03-24

File Number: LTB-T-021205-25-RV

In the matter of: 1810, 33 SHORE BREEZE DR
ETOBICOKE ON M8V0G1

Between: Bilawal Sheikh Tenants
Tracy Piang Sang

And

Radojka Kusic Landlord

Review Order

Bilawal Sheikh and Tracy Piang Sang (the 'Tenants') applied for an order determining that Radojka Kusic (the 'Landlord') collected or retained money illegally.

This application was resolved by order LTB-T-021205-25 issued on August 21, 2025. The Tenants requested a review of the order. The Tenants' review request was resolved by order LTB-T-021205-25-RV, issued on August 22, 2025. The Tenants requested a second review of order LTB-T-021205-25, which was resolved by order LTB-T-021205-25-RV2-IN, issued September 24, 2025. The Tenants' application was heard *de novo* and was resolved by order LTB-T-021205-25-RV, issued February 25, 2026.

On March 23, 2026, the Landlord requested a review of order LTB-T-021205-25-RV, issued February 25, 2026.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. The order under review finds that the rental unit is not exempt from the rent control rules in the *Residential Tenancies Act, 2006* (the 'Act') because a part of the residential complex was occupied prior to November 15, 2018.
2. The Landlord submits that the order omits relevant information from a particular person about the legal status of the building at particular times. The Landlord does not assert that this information was given in the hearing as evidence and so I am not satisfied that the Member erred if they did not consider it.

3. Even more importantly, the legal status of the building is not a relevant consideration. Paragraph 1 of subs. 6.1(2) of the Act provides that a unit is exempt from the guideline rent increase limitation if “The rental unit is located in a building, mobile home park or land lease community and **no part of the building**, mobile home park or land lease community **was occupied** for residential purposes on or before November 15, 2018.” This provision does not say anything about the legal status of the building. The operative consideration is whether any part of the building was occupied.
4. The remainder of the review request states alleged facts about the registered ownership of the building on particular dates and asserts that the building was only established as a legal entity by March 7, 2019. None of this is relevant to whether any part of the building was occupied on or before November 15, 2018. Legal ownership and legal status are not relevant to the central issue of occupancy. The Member’s determination that the rental unit is not exempt from the guideline rent increase rules is reasonable based on the evidence respecting occupation of parts of the building prior to November 15, 2018.
5. 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.

It is ordered that:

1. The request to review order LTB-T-021205-25 issued on February 25, 2026 is denied. The order is confirmed and remains unchanged.

March 24, 2026
Date Issued

Renée Lang
Vice Chair, 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.