



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

Citation: Yousafzai v Chen, 2026 ONLTB 26455

Date: 2026-03-27

File Number: LTB-L-098601-25-RV

In the matter of: 180 FOAMFLOWER PL
WATERLOO ON N2V0G9

Between: Talha Yousafzai Landlords
Mobeen Yousafzai

And

Yan Yun Chen Tenant

Review Order

Talha Yousafzai and Mobeen Yousafzai (the 'Landlords') applied for an order to terminate the tenancy and evict Yan Yun Chen (the 'Tenant') because the Tenant have been persistently late in paying the Tenant's rent.

This application was resolved by order LTB-L-098601-25 issued on February 23, 2026.

On March 25, 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 listened to the audio recording for this hearing.

Determinations:

1. The Tenant submits that she believed that the arrears and repayment arrangements would be addressed at a subsequent hearing of the Landlords' L1 application and so the Tenant did not challenge the Landlord's evidence in this matter. This does not make sense. This application was for eviction for persistent late payments of rent. The L1 application is for eviction for arrears. That an L1 hearing was scheduled for some time after the hearing in this matter would not affect the Landlord's position or evidence about late payments and so it would not affect whether the Tenant challenged that evidence. The Tenant has also not stated how she would have challenged that evidence. I note that the Tenant did not express any confusion at the hearing of this matter.
2. The Tenant submits that she was experiencing a health issue during the hearing and so she was not reasonably able to participate. The Tenant submits that she takes medication for depression and this affected her concentration and ability to clearly explain her financial circumstances. The Tenant has attached photographs of her

medication bottles and a prescription. The Tenant has not provided any document indicating that this medication affects the Tenant's concentration or ability to speak or that it otherwise affects the Tenant's ability to participate in a hearing. Also, the Tenant did not make any request for accommodation of a disability prior to or at the hearing and, at the hearing, the Tenant was specifically asked if any occupant of the unit has a disability and she said no. Based on the foregoing I am not satisfied that the Tenant was not able to fully participate in the hearing due to being on medication.

3. The Tenant also submits that the Member may not have fully considered relief from eviction pursuant to s.83 of the *Residential Tenancies Act, 2006*. At the hearing the Tenant testified that she will take a trip overseas soon to sign paperwork to receive investment income. The Tenant did not say how much money she would receive or when the payments of investment income would commence/resume. The Tenant did not file any documentation regarding these funds. The Tenant testified that her income (not including the overseas investment income) is \$3,000.00 per month, which is just \$100.00 more than her monthly rent. Given how vague and speculative the Tenant's evidence was regarding the investment income that she expects to receive and given that the Tenant's income as of the hearing date is less than her monthly expenses, it was reasonable for the Member not to order a payment plan. It may have been an error not to mention the vague and speculative testimony about overseas investment income but it was not a serious error because it did not affect the outcome of the proceedings. The matter would not have been decided differently if the Member had mentioned this testimony.
4. 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 Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-098601-25 issued on February 23, 2026 is denied. The order is confirmed and remains unchanged.

March 27, 2026
Date Issued

Renée Lang
Vice Chair, 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.