



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

Citation: Navaratnam v Hafeez, 2026 ONLTB 26822

Date: 2026-03-30

File Number: LTB-L-090256-25-RV

In the matter of: Upper Floor, 96 LUELLA CRES
BRAMPTON ON L7A3H5

Between: Gopikrushna Navaratnam Landlord

And

Ali Hafeez Tenant
Sabrina Malik

Review Order

Gopikrushna Navaratnam (the 'Landlord') applied for an order to terminate the tenancy and evict Ali Hafeez and Sabrina Malik (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

Pursuant to section 82 of the *Residential Tenancies Act, 2006*, the ("Act"), the Tenant raised her own issues.

This application was resolved by order LTB-L-090256-25 issued on February 11, 2026.

On March 13, 2026, the Landlord 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 materials in the LTB's file as well as the audio recording for this hearing.

Determinations:

1. The request for review alleges that the order contains a serious error.
2. The request for review alleges that the Member erred in finding that the Landlord was in breach of section 20 of the Act, despite an inspection report said to confirm that the appliances were functioning normally and a pest inspection report indicating that no infestation was present.
3. On review of the Board's records and the hearing recording, the Landlord did not file or rely on any documentary evidence in support of his position. In the absence of such evidence, it was reasonable for the Member to prefer the Tenant's evidence and find in their favor.

4. The request for review also submits that the Member erred in finding substantial interference with respect to the driveway, on the basis that documents confirm the work lasted 4 to 5 days rather than 14 days as alleged by the Tenant.
5. As noted in paragraph 3 of this order, the Landlord did not file or rely on any documentary evidence in support of this assertion. Moreover, there is no indication in the hearing recording that the Landlord testified that the driveway work lasted only 4 to 5 days. In the absence of such evidence, it was reasonable for the Member to accept the Tenant's evidence and make a finding in their favor.
6. The hearing recording confirms that the Member asked the Landlord whether he had evidence to establish that the appliances were in working order or that notice to repair the driveway was issued to the Tenant. No evidence was submitted by the Landlord.
7. The Landlord's request for review includes additional evidence intended to challenge the Tenant's testimony.

8. 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

9. The request for review does not provide particulars explaining why this evidence was not produced at the hearing. Interpretation Guideline 8 further provides:

Parties are expected to make every effort to produce all relevant evidence in support of their positions in the original hearing. The review will be dismissed unless the LTB is satisfied the new evidence could not have been produced at the original hearing, is material to the issues in dispute and its consideration could change the result. *First Homes Society v Henry*, [2002] O.J. No. 1754, (Div Ct.); NOL-16865-14- RV(Re), 2014 CanLII 78539 (ON LTB).

10. The Board's review process is not an opportunity to reargue a matter that has been finally determined. While the Landlord disagrees with the Member's findings, the Member was in the best position to admit and consider the parties' relevant evidence and submissions, and to make findings of credibility.
11. The request for review further alleges that the order contains a serious error on the basis that the Member failed to specify the period for which the rent abatement was granted. Paragraph 68 of the order clearly indicates that, although some of the issues raised pre-date the 12-month limitation period, the claim was restricted to the 12-month timeframe permitted under the Act. It is therefore reasonably inferred that the rent abatement applies to the one-year period preceding December 15, 2025, being the date the Tenant vacated the rental unit.

12. Finally, the request for review submits that the Member misapprehended the evidence and that the findings were made solely on the basis of the Tenant's allegations, without proof of disrepair or corroborating evidence. The Board's records and the hearing recording confirm that the Member relied on photographs, texts messages and e-mails submitted by the Tenant, and not merely on allegations.
13. The Member is not required to make an explicit finding on, or explicitly address, each piece of evidence submitted by the parties in her decision (see *Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62, [2011] 3 S.C.R. 708).
14. As the Landlord has not demonstrated that there was no evidence to support the Member's findings or that the Member's findings were capricious or unreasonable, a review is not warranted. The Member was in a better position to assess the evidence and the credibility of the witnesses before her and there was evidence upon which the Member could reasonably have reached her decision. The purpose of the review process is not to provide parties with an opportunity to relitigating the issues in hopes of a better outcome.
15. The Landlord's disagreement with the Member's determinations is not sufficient grounds for review. There is no indication that the Member applied improper principles in assessing the evidence introduced in this case or that there was insufficient evidence before the Board to support the Member's conclusions.
16. As the Landlord has failed to establish that there is a serious error in the order, the request for review must be denied.

It is ordered that:

1. The request to review order LTB-L-090256-25 issued on February 11, 2026 is denied. The order is confirmed and remains unchanged.

March 30, 2026
Date Issued

Mayra Sawicki
Member, 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.