



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-072209-24

In the matter of: 8139 Buckeye Cres
Niagara Falls ON L2H0N8

Between: Shawn McChesney Tenant

And

Siraj Niazi Landlord

Shawn McChesney (the 'Tenant') applied for an order determining that Siraj Niazi (the 'Landlord'):

- entered the rental unit illegally.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.

This application was heard by videoconference on March 9, 2026.

The Landlord's Legal Representative Siobhan Rocks and the Tenant attended the hearing.

Determinations:

Reasonable Apprehension of Bias

1. At the outset of the hearing, I raised that I believed that the Landlord's Legal Representative had been a student at Durham College, and had taken an Introduction to The Canadian Legal System Course, taught by myself as part of the Paralegal Program. The Landlord's Legal Representative confirmed that she had taken this course with myself as the instructor in 2022.
2. Accordingly, I called for submissions from the parties with respect to whether they had concerns that this may create a bias or a reasonable apprehension of bias. Both the Landlord's Legal Representative and the Tenant confirmed that they did not believe there was bias, or a reasonable apprehension of bias, and asserted that they were comfortable for me to conduct the proceedings.
3. 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. [Bailey v. Barbour, 2012 ONCA 325].

4. In this case, after considering the parties submissions, I am satisfied that there is no bias or reasonable apprehension of bias. While the Landlord's Legal Representative was a student in a college course I instructed, this was approximately 4 years ago, The Landlord's Legal Representative was one of hundreds of students who were enrolled in the course, and we have had no personal or professional contact since that course concluded in 2022. Therefore, I am satisfied that no bias or reasonable apprehension of bias is present.

The T2/T6

5. At the outset of the hearing the Landlord's Legal Representative requested the Tenant's Application be dismissed.
6. The Landlord's Legal Representative referred me to LTB-L-017841-24 which is an L10 order issued August 5, 2025 and upheld on review on August 26, 2025. The Landlord's Legal Representative testified that this order already addressed the maintenance allegations in the Tenant's Application, which is therefore res judicata.
7. The Tenant's indicated that they only wished to proceed on the basis of the T2 Application before me, and not the T6 portion.
8. Additionally, the Landlord's Legal Representative referred me to LTB-T-073263-23 which is a prior T2/T6 Application which was dismissed by the Board as abandoned. The Landlord's Legal Representative indicated that this Application raised the same issues as the combined T2/T6 before me and the Tenants Application is therefore res judicata.
9. The Tenants testified that they never received the notice of hearing for LTB-T-073263-23 and as far as they were concerned that matter had been lost and never submitted.
10. The Landlord's Legal Representative also indicated that the allegations on the Tenants Application before me are outside the limitation period as it concerns allegations from 2017, 2019, and 2020. The Tenants Application was filed on September 5, 2024.
11. Ultimately, I find that the Tenants Application must be dismissed. Many of the allegations raised have already been addressed in LTB-L-017841-24, though I note that in that matter it was determined that much of the damage alleged by the Landlord could be attributed to normal wear and tear, and I am not satisfied that the existence of LTB-L-017841-24 in and of itself prevents the Tenants from bringing this Application. However, the allegations in the Application before me are duplicitous with LTB-T-073263-23, which was dismissed by the Board as abandoned.
12. Additionally, all the allegations on the Tenants T2 Application are outside the one-year limitation period imposed by the Act, with most dating from 2022. Therefore, I find that as the allegations in the Application are not within the limitation period, the Tenant's Application must be dismissed.

It is ordered that:

1. The Tenant's Application is dismissed.

April 1, 2026
Date Issued

Reid Jackson
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.