



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

Citation: Michielli v Alkhani, 2026 ONLTB 27950

Date: 2026-04-01

File Number: LTB-L-055437-25-RV

In the matter of: 4, 638 Dufferin Street
Toronto ON M6K2B4

Between:	Michel Michielli	Landlord
	And	
	Tamim Marwan Alkhani	Former Tenant

Review Order

Michel Michielli (the 'Landlord') applied for an order requiring Tamim Marwan Alkhani (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

This application was resolved by order LTB-L-055437-25 issued on March 5, 2026

On March 31, 2026, the Former Tenant requested a review of the order.

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

Determinations:

1. On the basis of the submissions made in the request, I am not satisfied the Former Tenant was not reasonably able to participate in the March 3, 2026 Board hearing.
2. The request for review does not state the Former Tenant did not receive the Notice of Hearing. The Former Tenant alleges that on the day of the hearing they were not feeling well. The request does not identify a specific disability or illness and its impact on the Former Tenant's ability to participate in the hearing.
3. In *Wang v. Oloo*, 2023 ONSC 1028 (Div. Ct.), the Divisional Court affirmed at paragraph 10 that a party who seeks to adjourn a scheduled Board proceeding must give "sufficient information to enable the court or tribunal to exercise its own judgment as to whether the adjournment should be granted." With respect to medical issues that could interfere with one's ability to participate in the Board proceeding, the Court stated that the party should "at a minimum, describe the diagnosis, the effect of the patient's condition on their ability

to attend and participate in the hearing, and a statement as to when... the patient will be well enough to attend court and participate as required.”

4. I find the principle enunciated in *Wang v. Oloo* – the need to provide sufficient information to determine an adjournment request – also applies to review requests where a party submits they were not reasonably able to participate in the Board proceeding, pursuant to subsection 209(2) of the *Residential Tenancies Act, 2006*. The requirement to give sufficient information is consistent with Rule 26.8e of the Board’s Rules of Procedure.
5. While the Former Tenant’s request to review did not include any documentation to support their assertion that they were not reasonably able to participate due to health circumstances, it is reasonable to expect that the request would, at minimum, describe the illness and the effect of the illness on the Former Tenant’s ability to participate in the hearing. The Former Tenant’s request describes neither of these two elements. Therefore, I am not satisfied that the Former Tenant was not reasonably able to participate due to illness.
6. The Former Tenant also submits they were concerned about participating in the hearing without the assistance of a translator. The request does not describe what steps, if any, the Former Tenant took once receiving the Notice of Hearing to obtain the assistance of a translator to attend the hearing.
7. The Divisional Court has affirmed that parties are required to exercise due diligence in dealing with legal proceedings and a party’s failure to do so is not a reasonable basis for rehearing the application (*Q Res IV Operating GP Inc. v. Berezovs’ka*, 2017 ONSC 5541 CanLII (Div. Ct.)).
8. In *Berezovs’ka*, at para. 8, the Court noted that:

If parties are not diligent in dealing with legal proceedings then they cannot demand that a Tribunal waste its resources by rehearing matters a second time. To allow this would undermine the ability of the administration of justice to deliver timely, cost-effective and final orders.
9. Without having demonstrated a reasonable exercise of diligence with respect to securing a translator for the hearing, the Former Tenant has not satisfied the reasonableness element in section 209(2) of the *Residential Tenancies Act, 2006* (the ‘Act’).
10. For the reasons provided, I am not convinced the Former Tenant has shown they were not reasonably able to participate in the proceedings. As such, the request for review must be denied.

It is ordered that:

1. The request to review order LTB-L-055437-25 issued on March 5, 2026 is denied. The order is confirmed and remains unchanged.

April 1, 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.