



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

**File Number:** LTB-T-019340-24-RV3

**In the matter of:** 3921, 5 Sheppard Avenue East  
Toronto Ontario M2N0G4

**Between:** Shadi Nezhadasgar Tenant  
Mohammad Hesamzadeh

**And**

Su Kwan Lo Chan Landlord

### **Review Order**

Shadi Nezhadasgar and Mohammad Hesamzadeh (the 'Tenant') applied for an order determining that Su Kwan Lo Chan (the 'Landlord') arbitrarily or unreasonably withheld consent to the assignment or sublet of the rental unit to a potential assignee or subtenant.

This application was resolved by order LTB-T-019340-24-RV2 issued on November 14, 2025.

On January 27, 2026, the Landlord requested a review of the order.

On interim order LTB-T-019340-24-RV-IN was issued, staying the order issued on November 14, 2025.

The request to review was heard by videoconference on March 4, 2026.

The Landlord was represented at the hearing by Joseph Kary. The Tenant was represented by Mehran Bagheri.

### **Determinations:**

1. The order issued November 14, 2025, dismissed the Tenant's application. The Tenant seeks to review the order.
2. The Tenant alleges that their former representative did not receive the Notice of Hearing and, as a result, neither the representative nor the Tenant attended the hearing.
3. The Landlord opposes the request and submits that the Notice of Hearing was properly served by email on both the Tenant and their former representative.
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.

5. The Board's records confirm that the Notice of Hearing was sent to both the Tenant and their representative, and that no delivery failure or "bounce back" message was received.
6. The Tenant did not attend the review hearing and did not provide direct evidence explaining why they failed to participate in the original hearing, despite the Notice of Hearing having been sent directly to their email address.
7. I note, the Tenant's affidavit does not assert that they did not receive the Notice of Hearing. Instead, the Tenant states that they relied on their representative to receive communications and act accordingly.
8. Further, I do not find the evidence of the Tenant's former representative, Maryam Moola, to be reliable or sufficient to establish that the Notice of Hearing was not received. I find her testimony to be inconsistent and, at times, evasive.
9. While MM repeatedly asserted that she did not receive the Notice of Hearing, I am not satisfied that this assertion, in the absence of reliable supporting evidence, is sufficient to refute the Board's records of service. I also note that the Notice of Hearing was sent to multiple recipients, and there is evidence suggesting that at least one other individual associated with the Tenant may have received it.
10. The LTB will refuse to grant a request to review where the requestor's absence was the result of negligence, or if there was no reasonable explanation for the failure to attend. Lack of reasonable diligence in dealing with LTB proceedings is also a reason not to grant a rehearing to avoid a waste of resources: *Ali v. Capreit*, 2025 ONSC 103, para 12; *Gusain v. Arnold*, 2023 ONSC 3765 para 48; *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541, para 8.
11. A somewhat higher standard was accepted by the Court in *Q Res IV Operating GP Inc. v. Berezovs'ka*, supra, where a landlord did not attend a hearing, claiming it had not received a notice of hearing. The LTB determined that it was more likely than not that the notice of hearing was delivered to the Landlord's office, and they did not attend the hearing because of a lack of diligence.
12. Similarly, in this case, I find it more likely than not that the Notice of Hearing was delivered to both the Tenant and MM, and that the failure to attend the hearing was the result of a lack of reasonable diligence.
13. Likewise, in this case, I find that it is more likely than not that the notice of hearing was delivered to MM and the Tenant and the Tenants' failure to be present or represented at the hearing was the result of a lack of reasonable diligence.
14. Where a party is represented by a licensee of the Law Society of Ontario, that representative is expected to meet a professional standard of diligence. The Board is not required to rehear a matter where the failure to attend resulted from a representative's lack of diligence: see *Weedon v. Landry*, 2025 ONLTB 5018
15. Therefore, the request to review is denied.

**It is ordered that:**

1. The request to review order LTB-T-019340-24 issued on November 14, 2025 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on is cancelled. The stay of order LTB-T-019340-24 is lifted immediately.

**April 7, 2026**  
**Date Issued**

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Bryan Delorenzi  
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.