



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

Citation: Gomes v LORD, 2026 ONLTB 29752

Date: 2026-04-09

File Number: LTB-T-037122-25-RV

In the matter of: 2428, 33 HARBOUR SQ
TORONTO ON M5J2G2

Between: KEITH GOMES Tenants
TONY NETTERMANN

And

NIMET LORD Landlords
HANS KUONI

Review Order

KEITH GOMES and TONY NETTERMANN (the 'Tenants') applied for an order determining that NIMET LORD and HANS KUONI (the 'Landlords') gave a notice of termination in bad faith.

This application was resolved by order LTB-T-037122-25 issued on March 9, 2026.

On April 8, 2026, the Landlords 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:

The Review Request

1. In the request to review the March 9, 2026 order, the Landlords assert that the Landlords were not reasonably able to participate at the January 8, 2026 hearing. Specifically, Hans Kuoni (HK) was out of country and Nimet Lord (NL) was under emotional distress which impacted her ability to participate at the hearing.
2. The Landlords also claim the Order contains serious errors related to the Landlords' adjournment request, errors in procedure and the Member's bias toward the Landlords.
3. 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 Landlords were not reasonably able to participate in the proceeding.

Were the Landlords Reasonably Able to Participate at the Hearing?

4. The Landlords request for review alleges that HK was unable to attend the hearing and NL had authorization to seek an adjournment. The request also claims that NL was not fit to participate at the hearing. I have reviewed the application record and have listed to the January 8, 2026 hearing recording
5. HK did not attend the hearing. NL attended on HK's behalf as confirmed at 5:53:03 of the recording, where she stated that HK was aware of the hearing and she was here to speak on his behalf. She did not request an adjournment related to HK's inability to participate. Rather she said he was out of the country, aware of the hearing and authorized her to speak as she takes care of the property in question.
6. The hearing recording confirms that NL exercised her right to participate at the hearing. She presented objections to issues raised by the Tenants, she cross examined the Tenants evidence, she provided submissions and led evidence. At no time, did NL seem distraught or unable to participate at the hearing. She was articulate and composed.
7. The review request claims that of the approximate three hour hearing, NL only participated for around one hour. In my view, this would make sense. This is the Tenants' application to defend. They led evidence, including a witness. NL has opportunity to cross examine all evidence. The fact that her testimony may have amounted to one hour was determined by her and not by any restrictions imposed by the Member.
8. It is clear that the Landlords were aware of the hearing and had reasonable opportunity to prepare for and attend the hearing. HK entrusted NL to represent his interests which she confirmed at the hearing.
9. While I sympathize with the Landlords' loss of family, I do not find this affected their ability to participate at the hearing.
10. On the basis of the submissions in the request, I am not satisfied that the Landlords were not reasonably able to participate in the proceeding. This ground for review is dismissed.

The Adjournment Requests

11. There were two adjournment requests addressed by the Member at the hearing and in the Order. At the onset of the hearing, NL requested an adjournment to attend a cousin's funeral. At NL's own suggestion, the matter was stood down and reconvened upon NL's return. While the Member stated he would have denied the request, it was the Landlord herself who suggested she return after the funeral.
12. Then again at around 5:52:47, NL requests a second adjournment, stating she didn't realize the matter would be so complicated and said she would like to retain legal counsel. After seeking party submissions, the Member denied the second adjournment request.

13. The recording confirms that the Member sought submissions from the parties related to each request.
14. The presiding Member's decision was a reasonable exercise of discretion. He found that the Landlords, being aware of the hearing, had ample time to seek legal counsel. I note, at around 5:56:00, NL acknowledges that she received the application but "didn't pay attention to it". It was not until the Tenants forwarded an amended copy of the application around mid October 2025, that she was more aware of the matter. I conclude that the Member's finding that the Landlords had reasonable time to secure counsel prior to the hearing is supported by the Landlord's own submissions.
15. The recording and the Order confirm that the Member gave consideration to the Landlords' requests and his decision to deny the requests falls within a reasonable range of outcomes. This ground for review is dismissed.

The Claim that the Member Disregarded Testimony

16. Paragraph 12 of the review requests, states that the Member disregarded submissions about a transfer of property on May 14, 2026. I note, both the date in the request and the recording time 6:35:14 are incorrect.
17. Paragraph 13 of the Order confirms the Member heard submissions related to this claim. It cannot be said that the Landlord's statements "went completely under the radar and not at all addressed during the Hearing." The Order clearly states the Landlord's position on this issue.
18. Again, the recording confirms that NL was afforded opportunity to make submissions and lead evidence and she exercised her right to do so. This ground for review is dismissed.

The Evidence

19. The review request claims that the Landlord had no opportunity to log into the LTB portal to review evidence or upload their own.
20. The recording confirms that NL agreed to proceed with the Tenants' evidence. NL confirmed receipt of the Notice of Hearing on August 7, 2025, 7:50:26. NL had opportunity to prepare and provide evidence to support the Landlords' position as provided in the Notice of Hearing. The failure to do lies with the Landlords. This ground for review is dismissed.

The Claim of Bias

21. The review request claims that the "hearing was obviously bias to the Landlords."
22. To find bias, the Landlord must demonstrate that there was a reasonable basis for finding that the Member's conduct during the hearing substantially favoured the Tenants. As per

R. v. S. (R.D.) 1997 CanLII 324 (SCC), there is a presumption of judicial impartiality. A mere feeling of fairness or suspicion is not enough.

23. The legal test 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 probable that the matter was not decided fairly, (*Bailey v. Barbour*, 2012 ONCA 325).
24. Bias was not raised at the previous hearing. If the Landlord was concerned about the Member's conduct, she should have brought the perception of bias to the Member's attention in the hearing so the Member could take and consider submissions on this point, could make a determination and preserve the concerns for the record. It is not appropriate for a party to raise issues of bias after the hearing is complete and an order has been issued.
25. In any event, having listened to the hearing recording, I cannot find the Member acted in an unprofessional manner of showed bias toward the Landlords.
26. In my view, the Member conducted an exemplary proceeding. He took care in explaining the entire hearing process to the NL (6:05:00). He ensured NL understood the process related to testifying, leading evidence, cross examining evidence and providing final submissions. NL confirmed, on several occasions that she understood the process and participated accordingly.
27. I do not believe that an informed and reasonable person, viewing the matter realistically and practically, and having thought the matter through would conclude there was a reasonable apprehension of bias. This ground for review is dismissed.
28. Given all of the above, I find the Landlords were reasonably able to participate at the hearing and the Order does not contain any serious errors.
29. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The request to review order LTB-T-037122-25 issued on March 9, 2026 is denied. The order is confirmed and remains unchanged.

April 09, 2026
Date Issued

Dana Wren
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.