



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

Citation: Ghnim v Hebesha, 2026 ONLTB 29353

Date: 2026-04-14

File Number: LTB-T-078824-23-RV

In the matter of: 323, 3055 TOMKEN RD
MISSISSAUGA ON L4Y3X9

Between: Hebh Ghnim Tenant

And

Ahmed Hebesha Landlord
Ehab Mohamed

Review Order

Hebh Ghnim (the 'Tenant') applied for an order determining that Ahmed Hebesha and Ehab Mohamed (the 'Landlord') failed to meet the Landlord's maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing or maintenance standards.

This application was resolved by order LTB-T-078824-23 issued on February 3, 2026.

On April 7, 2026, the Representative requested a review of the order.

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

Determinations:

Request to Extend Granted

1. The request to extend time to file a request for review is granted.

Request for Review Denied

2. The request for review submits there are number of serious errors in the Board's order and in the proceedings, specifically:
 - a. The Board erred in determining that the lack of Tenant signature on the application was fatal to that application and failed to provide the ability to correct the lack of Tenant signature on the Application.

- b. The Board erred in giving consideration to the issue of fake case law presented by the agent Ahmed Elbasiouni.
- c. The Board mis-applied the substantial compliance test under section 212 of the Act.
- d. The Board failed to give effect to the interim order.
- e. Vice Chair Patchett's involvement in the matter created a perception of bias.
- f. The Board erred in relying on the issue of capacity and litigation guardian reasoning.
- g. The Board failed to consider the procedural history of the matter and the disproportionate prejudice to the Tenant.

Lack of Signature & Ability To Cure

- 3. In the review request, Mr. Elbasiouni claimed the Board erred in the order issued on February 3, 2026 by determining that the lack of Tenant signature on the application was fatal to that application. He also claims the Board failed to provide the ability to correct the lack of Tenant signature on the Application or correct other documents.
- 4. The Board is not required to provide a party with more time to correct errors in their application. The Vice Chair provided detailed reasons for his determination that the lack of a signature on the application was fatal. I am satisfied that the Vice Chair considered the parties' evidence and addressed each issue when making his determinations. The Vice Chair's findings are therefore reasonable and entitled to deference.
- 5. The Vice Chair provided a detailed analysis of the application of section 185 of the *Residential Tenancies Act*, 2006 (the 'Act') and properly applied the law. I am satisfied that Vice Chair Patchett considered the appropriate legal test under section 185 of the Act and considered Mr. Elbasiouni's proffered case law. I am satisfied his findings are consistent with the Act.
- 6. It was reasonable that the Vice Chair refused to accept the written authorization document purportedly made by the Tenant (Supplementary Affidavit of the Tenant DOC-7178904). While he determined it is because the document is not sworn under oath, it was worse: that 'affidavit' is also not clearly signed by the Tenant. The document is significantly longer than it needs to be, includes materials inappropriate for an authorization to sign or to represent, and bears a close resemblance to the agent Ahmed Elbasiouni's other materials filed with the Board. The document is not a proper declaration or authorization and I am satisfied the Vice Chair's conclusions are consistent with the evidence presented at the hearing regarding that document.
- 7. The hearing was reconvened from December 2024 to January 26, 2025 for the express purpose of allowing the Tenant, or the agent of the Tenant to prove the application was

brought with the knowledge and consent of the Tenant. During that time the Tenant or their agent could have filed conclusive documents to support the Tenant's awareness and consent. Moreover, the Tenant had two opportunities to attend hearings and demonstrate they had knowledge and gave consent for the filing of this application.

8. Hearings processes are not meant to build upon themselves and are not intended to allow parties to increasingly perfect their case at each successive appearance. Parties are expected to attend their one hearing prepared. Adjournments are at the discretion of the Adjudicator hearing the matter and should be made in writing in advance. There was no request to adjourn made and no reason presented why Mr. Elbasiouni was not prepared and required more time. Simply because deficiencies are identified at the hearing does not entitle a party to an adjournment to fix the problem. That the Tenant and Mr. Elbasiouni failed to take known curative steps prior to the hearing on January 26, 2026, or failed to properly prepare for the hearing is the agent and Tenant's error, not that of the Board.
9. Accordingly, the Board did not seriously err in determining that the need for a signature by the Tenant on their Application to the Board is fatal to that application. Vice Chair Patchett applied the law correctly in this case and his decision to dismiss the application because the Applicant did not sign it was reasonable. The request for review on this point is denied.

Manufactured Case Law

10. Mr. Ahmed Elbasiouni claims the Board erred when it gave consideration to the issue of fake case law presented by Ahmed Elbasiouni.
11. The Vice Chair's findings on this point are reasonable. Where a party takes the risk of using AI generated documentation that creates, or themselves intentionally prepares and presents, in support of their agreements, legal authority, which is false and does not exist, the party also bears the risk of a finding that there was an abuse of process and that they participated in bringing the administration of justice into disrepute.
12. The Vice Chair properly required disclosure of valid authorities to be identified during the hearing. Parties are required to attend the hearing prepared. It was reasonable to limit Mr. Elbasiouni to the material either he already uploaded or documents only permitted and ready to be provided during the hearing. I am satisfied that the Vice Chair considered all the relevant evidence and only refused to allow evidence or case law that was not relevant. There was no error in the Vice Chair's exercise of discretion to require Mr. Elbasiouni to provide any case law he intends to rely on at the hearing and to refuse to allow written post-hearing submissions.
13. In this case I'm satisfied the Vice Chair had a valid concern that case law being presented did not exist and he properly considered the evidence on that issue. Simple disregard of the case, as Mr. Elbasiouni suggests should have been done, is insufficient. The fake case informed the reliability and credibility of both Mr. Elbasiouni and the documents he presented, in the complete absence of the Tenant. Although not

specifically articulated, it is clear from the Board's order that the Vice Chair took into consideration the presentation of case law that was manufactured in determining the reliability of both Mr. Elbasiouni and the documents he presented.

14. The suggestion that the documents were unreliable is confirmed by Mr. Elbasiouni's insistence in the hearing that he did not use generative AI to create his documents but created those documents himself. The Vice Chair's conclusions therefore are not unreasonable; it is within the discretion of the Board and will not be interfered with. I am satisfied that Vice Chair Patchett properly gave the issue the appropriate weight and his discretion to do so is entitled to deference.
15. The Tenant's request to review this point is denied.

Substantial Compliance

16. In the review request Mr. Elbasiouni submits the Board mis-applied the substantial compliance test under section 212 of the Act. Although the Vice Chair did not provide detailed reasons for concluding section 212 of the Act does not save the application in this case, his conclusion is sound. Section 212 of the Act is not meant to circumvent the mandatory requirements of the Act, one of those being the requirement that an Application be signed by the individual advancing the claims or by a legally authorized agent.
17. On its face, section 212 of the Act does not apply, therefore there is no need to embark on the test to determine if prejudice exists. There was no error by the Vice Chair for not embarking on that enquiry. Regardless, in this case, there is substantial and inherent prejudice to an opposing party to be defending against litigation that was not brought by or with the knowledge and consent of the Applicant.
18. No serious error occurred with respect to section 212 of the Act, and therefore the request to review on this point is denied.

Interim Order Reconvene Error

19. In the review request Mr. Elbasiouni submits the Board erred in reconvening the matter after the interim order was issued, and the determinations in that order were not given effect.
20. It is puzzling why the Tenant Agent takes the position that the interim order should be given effect and wants the final order dismissed, because it is in the Tenant's interest to have the matter reconvened as the Interim order gives the Tenant another opportunity to save the Application .

21. Paragraph 9 of the Interim Order does not conclude the 'authorization' document to represent the Tenant is valid, rather, it requires, because the authorization exists and was not before the Member, that the matter be reconvened to obtain submissions. This is in the best interest of the Tenant. Member Labbe determined that further submissions were necessary before a final determination on the issue was made. He correctly requested the matter be reconvened and made no error in that regard.
22. There was nothing procedurally unfair in the interim order or the way it was treated by Vice Chair Patchett. The Vice Chair properly considered the interim order and considered the Tenant Agent's arguments.
23. The review request is denied on that point.

Perception of Bias

24. In the review request Mr. Elbasiouni submits Vice Chair Patchett's involvement in the matter created a perception of bias.
25. I have discussed the issue of the fake case above and am satisfied the Vice Chair displayed no apprehension of bias with respect to this issue.
26. The test for reasonable apprehension of bias, set out in Committee for Justice and Liberty v. National Energy Board, 1976 CanLII 2 (SCC), [1978] 1 S.C.R. 369 at p. 394, is an objective and not a subjective test. It is:

"what would an informed person, viewing the matter realistically and practically – and having thought the matter through - conclude? Would he think it is more likely than not that [the decision maker], whether consciously or unconsciously, would not decide fairly."
27. There is a strong presumption of judicial impartiality i.e. that the state of the mind of the decision maker is disinterested in the outcome and they are open to being persuaded by the evidence and submissions. This means the threshold to establish a reasonable apprehension of bias is high [See also R. v. S. (R.D.), 1997 CanLII 324 (SCC)].
28. In his role as Vice Chair, it was entirely appropriate that Vice Chair Patchett hear the reconvened matter. There was no apprehension of bias simply because he also considered the complaint regarding the Member who issued the interim order in this case. These are separate issues, and it is presumed he can remain impartial.
29. I am satisfied that the articulation of the preliminary issue before the Board was correctly framed by the Vice Chair. It is not an error of law that a matter is dismissed for procedural deficiency under the Act. Procedural thresholds are built into the Act as safeguards of jurisdiction and procedural fairness. Framing the preliminary issue as whether the application was properly signed by the Tenant pursuant to section 185 of the Act and whether the agent had proper authority to sign documents on behalf of the Tenant was reasonable and correct.

30. That the Vice Chair's oral rulings may have been seen by Mr. Elbasiouni as favourable to the Landlord, and therefore unfavourable to the Tenant, is not, in and of itself, sufficient to establish a reasonable apprehension of bias [See *Turner v. Northview Apartment Reit*, [2019 ONSC 2204](#) at paras. [18 and 20](#)].
31. In the review request Mr. Elbasiouni submits that the Vice Chair displayed an apprehension bias in a procedurally unfair manner because the Vice Chair did not provide a meaningful opportunity to be heard
32. In *Edwards v. Waham* 2017 ONSC 2882, the Court held "[O]ne of the clear statutory purposes of the Landlord and Tenant Board is to afford landlords and tenants access to adjudication in a timely, cost-effective setting where matters are heard in a summary manner".
33. The review request failed to identify sufficiently any error with respect to hearing procedure. The Vice Chair appropriately and reasonably managed the hearing process and the behaviour of the parties in the hearing room. It is not a serious error for the Vice Chair to limit repetitious and irrelevant submissions. It was further not a serious error for the Vice Chair to limit improper statements that impugned the Adjudicator. The Vice Chair must conduct the hearing expeditiously while giving the parties an adequate opportunity to be heard. This is set out in section 183 of the Act. The Vice Chair also has an obligation to maintain decorum in the hearing room. The hearing recording excerpts reveal that Mr. Elbasiouni was given an adequate opportunity to be heard regarding the material preliminary issue.
34. In the review request Mr. Elbasiouni submits their request for written submissions was not adequately considered. The review request failed to properly identify the accommodation request made for written submissions, what barrier or disability Mr. Elbasiouni identified during the hearing, or how it was an error to deny that request. The Board is entitled to determine the form of the hearing and submissions. Virtual and oral hearings are not inherently or procedurally unfair. There was no error requiring the agent to provide oral submissions and that determination is at the discretion of the adjudicator and entitled to deference. I am satisfied the Vice Chair gave the issue sufficient consideration in making his determinations in the hearing.
35. Accordingly, I'm not satisfied that the Vice Chair displayed an apprehension of bias.

Capacity and Litigation Guardian.

36. In the review request Mr. Elbasiouni submits the Board erred in relying on the issue of capacity and litigation guardianship in making his decision.
37. Ahmed Elbasiouni, claiming to be the agent for the Tenant, himself raised the issue of the Tenant's capacity. Having then been raised, I am satisfied the Vice Chair appropriately considered this important issue. Were it true that the Tenant did not have mental capacity to participate in the hearing, it is likely the documents filed by Mr. Elbasiouni, purporting to be signed by the Tenant, would be invalid. This would,

consequently, require further documentation by Mr. Elbasiouni, as litigation cannot begin, or be maintained on behalf of someone who lacks mental capacity, without statutory litigation guardianship, court-appointed guardianship or power of attorney which would legally entitle that person to litigate on behalf of another. Regardless of who signed the Application, the matter could not continue. It would have been an error had the issue be disregarded or given little weight.

38. However, the Board must presume capacity unless there is evidence to the contrary. Mr. Elbasiouni presented no evidence to support the claim that the Tenant did not have mental capacity. In the order, the Vice Chair properly presumed capacity and found no evidence of incapacity in any of the documents filed. The Vice Chair's consideration of, and conclusions with regard to the issue were reasonable and entitled to deference.

Procedural History and Prejudice to the Tenant

39. In the review request Mr. Elbasiouni submits the Board failed to consider the procedural history of the matter and the disproportionate prejudice to the Tenant because the merits of the application were not heard.
40. A procedural deficit such as this is fatal. There is no process in the Act to consider the merits of the case, or prejudice to the Applicant after the mandatory procedural requirements of the Act are not met. By their nature, if a necessary procedural requirement is not met, the Application is not properly before the Board and the Board therefore lacks jurisdiction to hear the merits of the case. It is correct at law that there be no further consideration of the merits.
41. I note that this request for review is also not signed by the Tenant, although their typed name appears at the bottom, there is no signature. Having combed through the materials in this file, I see no indication that the Tenant is even aware of the proceedings, or this review, much less authorizes the proceedings. Had they been aware, it would be natural to assume they would wish to attend to correct any confusion.
42. Accordingly, 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.

It is ordered that:

1. The request to review order LTB-T-078824-23 issued on February 3, 2026 is denied. The order is confirmed and remains unchanged.

April 14, 2026
Date Issued

Julie Broderick
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.