



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

**Citation:** Luo v Siddiqi, 2026 ONLTB 31334

**Date:** 2026-04-16

**File Number:** LTB-L-107920-25-RV

**In the matter of:** 3022 Sideline 16  
Pickering ON L1Y0B6

**Between:** Hengjuan Luo Landlord  
  
and  
  
Mohammed Fariq Siddiqi Tenant

**Review Order**

Hengjuan Luo (the 'Landlord') applied for an order to terminate the tenancy and evict Mohammed Fariq Siddiqi (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-107920-25 issued on March 27, 2026.

On April 15, 2026, the Landlord 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:**

1. The Landlord alleges that there is a serious error in the order. 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.
2. The Landlord alleges that the hearing Member seriously erred in finding the N4 Notice of Termination invalid because although the Certificate of Service states that the N4 Notice was served on the Tenant on December 22, 2025, the same date as the termination in the notice, the N4 Notice was actually served on December 7, 2025. The Landlord states that the N4 Notice was therefore not invalid.
3. The hearing recording confirms that the hearing Member provided the Landlord and their representative the opportunity during the hearing to clarify and provide evidence on when the N4 Notice was served. The hearing Member asked the Landlord and their

representative multiple times to confirm when the N4 Notice was served and whether the Certificate of Service filed is correct. The Landlord's Legal Representative confirmed that the Certificate of Service is correct.

4. Interpretation Guideline 8 - Review of an Order states:

A review is not an appeal or an opportunity to change the way a case was presented. The purpose of the review process is not to provide parties with an opportunity of presenting a better or different case than they did at first instance. There is nothing in the record or in the request for review to support a determination that the Member applied improper principles in assessing the evidence introduced or that there was insufficient evidence before the Board to support its conclusions. I would not interfere with the assessment of the evidence by the Member of first instance, who had the opportunity of observing the witnesses and of hearing the evidence in its totality. [TSL-51694-14-IN-RV \(Re\)](#), 2015 CanLII 23959 (ON LTB) at para 10

5. With respect to requesting a review on the basis of new evidence, Interpretation Guideline 8 - Review of an Order states:

Parties are expected to make every effort to produce all relevant evidence in support of their positions in the original hearing. The review will be dismissed unless the LTB is satisfied the new evidence could not have been produced at the original hearing, is material to the issues in dispute and its consideration could change the result. *First Homes Society v Henry*, [2002] O.J. No. 1754, (Div Ct.); NOL-16865-14- RV(Re), 2014 CanLII 78539 (ON LTB).

6. The Landlord 's Legal Representative now states that they had filed the incorrect N4 Notice with the Board and an amended Certificate of Service, this is not a Board error nor is this new evidence for which would warrant granting a review. The Member's determination was made based on the evidence before the Member at the hearing. The determination that the N4 Notice is invalid was reasonable and rationally connected to the evidence before the Board.
7. While the Landlord's Legal Representative may only have just discovered their error after the hearing, they have not established that this evidence could not have been produced at the original hearing. It is likely that this evidence could have been produced at the original hearing had the Landlord's Legal Representative acted diligently. It is incumbent on a party proposing to rely on "new evidence" to demonstrate that the evidence was unavailable despite due diligence having been exercised. There is nothing in the request that demonstrates that the evidence was unavailable at the time of the original hearing.
8. The Landlord's Legal Representative submits that it was a procedural error that the incorrect notice was filed and put before the Member. I do not agree. It was not a procedural error but rather a lack of due diligence on the part of the Landlord or their Legal Representative, neither of which is a Board error.
9. As a result, 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 proceeding. Consequently, the request to review the order must be denied.

**It is ordered that:**

1. The request to review order LTB-L-107920-25 issued on March 27, 2026 is denied. The order is confirmed and remains unchanged.

**April 16, 2026**  
**Date Issued**

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**Candace Aboussafy**  
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor  
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.