



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

File Number: LTB-T-048657-25-RV

In the matter of: 604, 7768 KENNEDY RD
MARKHAM ON L3R5K1

Between: Ahmed Saed Mawel Tenant

And

MOHAMED AND SHIRAZ MASROOR Landlord

Review Order

Ahmed Saed Mawel (the 'Tenant') applied for an order determining that MOHAMED AND SHIRAZ MASROOR (the 'Landlord') gave a notice of termination in bad faith.

This application was resolved by order LTB-T-048657-25 issued on March 19, 2026.

On April 21, 2026, the Tenant requested a review of the order.

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

Determinations:

Request to Extend Time to File a Review

1. The Tenant's request to extend time to file a review is granted but the review itself is denied.

Request to Review

2. The Tenant's application was dismissed because they failed to prove their claim on a balance of probabilities. The Tenant submits that the Board made serious errors by not adjourning the application, by not permitting them to rely on one of their witnesses, and that the Board Member was biased against them. The Tenant also alleges that they were not reasonably able to participate in the proceeding.
3. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order, that a serious error occurred in the proceedings, or that the Tenant was not reasonably able to participate in the proceeding.

Adjournment

4. The Tenant submits that the Board should have adjourned the matter to provide them with time to obtain a representative. The Tenant states that they indicated at the beginning of the hearing that they wanted to speak to counsel and needed legal assistance in presenting their case. The Tenant submits that the Board should have explored the appropriateness of an adjournment.
5. The Tenant does not make clear if they even requested an adjournment at the hearing. While I agree with the Tenant that in cases where it is readily apparent that a party cannot have a fair hearing a Board Member has an obligation to canvass whether an adjournment is necessary, however the Tenant has not established that was the case here. Many parties represent themselves at the Landlord and Tenant Board. Being self-represented is not alone enough to trigger a Board Member's obligation to inquire whether an adjournment is necessary.
6. The Tenant has provided insufficient information in the request to establish that they could not have a fair hearing without a representative, does not make clear if they even requested an adjournment, and the order reflects that the Tenant actively participated and provided evidence. The Tenant has not provided a sufficient basis to find that failing to adjourn the application was a serious error.

Witness

7. The Tenant states that the Board refused to allow one of their witnesses from testifying. The Tenant does not provide the witnesses name, what they would have testified about, or explain how their testimony would have changed the outcome of the proceeding. In *So v. Canadian Mental Health Association, Toronto Branch*, 2024 ONSC 3371 (Div. Ct.) (CanLII), the Divisional Court affirmed that a person who requests a review of an order must give "sufficient information to support a preliminary finding of an alleged serious error or an explanation why the requestor was not reasonably able to participate in the hearing", per Rule 26.8 of the Board's Rules of Procedure. The Tenant has not done so in this case. Without identifying what the witness would have testified about it is not clear that their testimony would have any impact on the outcome of the order and therefore whether a serious error occurred.

Bias

8. The Tenant submits that the Board allowed the Landlord to rely on evidence that was only provided five days before the hearing and that this combined with the Tenant not being allowed to call one of their witnesses demonstrates that the Board Member was biased against the Tenant.
9. The Supreme Court in *R. v. S. (R.D.)*, [1997] 3 SCR 484 at paragraphs 109, 112, and 113, establishes that when it is alleged that a decision-maker is not impartial, the test that must be applied is whether the conduct gives rise to a reasonable apprehension of bias. Mere suspicion is not enough. A real likelihood or probability of bias must be

demonstrated. The Court also states that the threshold to establish bias is high. The Court of Appeal in *Bailey v. Barbour*, 2012 ONCA 325 establishes that the legal test of a reasonable apprehension of bias 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 more likely than not that the trial judge would not decide fairly.”

10. The Tenant does not identify what evidence of the Landlord they are referring to. I note that there are different timelines for initial and reply evidence (7 days before the hearing for initial and 5 days for reply). Without more information the review request does not provide enough information to determine if this evidence was actually filed late. The Tenant has also not provided a copy of a transcript or reference to timestamps from the hearing recording to provide the context under which this evidence was entered. Additionally, the Tenant claims that this evidence was filed March 4, 2026. There is nothing in the Tribunals Ontario Portal filed on that date. The latest evidence filed by the Landlord was March 3, 2026, which was 6 days before the hearing on March 9, 2026. The Board has the ability to waive its rules regarding disclosure timelines. I’m not satisfied that allowing disclosure that may have been one day late establishes that the Board Member was biased against the Tenant.
11. The order reflects that the Tenant was provided with an opportunity to provide evidence and called a witness Mike Lopat. There is nothing in the order that supports a finding that an informed and reasonable person would conclude that there was a reasonable apprehension of bias in this case and the Tenant’s submissions are insufficient to support a finding of bias.

Participation in the Proceeding

12. The Tenant attended the hearing and actively participated. The order reflects that the Tenant understood the relevant issues and was heard on those issues. I’m not satisfied that the Tenant was not reasonably able to participate in the proceeding. For the reasons already provided I’m not satisfied that any procedural errors occurred that prevented the Tenant from participating or having a procedurally fair hearing.

It is ordered that:

1. The request to review order LTB-T-048657-25 issued on March 19, 2026 is denied. The order is confirmed and remains unchanged.

April 27, 2026
Date Issued

Amanda Kovats
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.