



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

Citation: El-Bakistany v Booker, 2026 ONLTB 34089

Date: 2026-04-27

File Number: LTB-L-100932-25-RV

In the matter of: 43 CROWS NEST LANE
BOWMANVILLE ON L1C4A9

Between: Ahmad El-Bakistany Landlord

And

Amy Booker Tenants
Andrew Smith

Review Order

Ahmad El-Bakistany (the 'Landlord') applied for an order to terminate the tenancy and evict Amy Booker and Andrew Smith (the 'Tenants') because the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

The Landlord also applied for an order requiring the Tenants to pay the Landlord's reasonable out-of-pocket expenses that are the result of the Tenants' failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

This application was resolved by order LTB-L-100932-25 issued on March 30, 2026.

On April 24, 2026, the Tenants requested a review of the order.

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

Determinations:

1. The Tenants' review request is made on the ground of new evidence.
2. New evidence is a ground for review in situations where the new evidence was material to the issues in the hearing and where it was not available on the date of the hearing with the exercise of due diligence.
3. In this case the Tenants seek to adduce evidence that the Landlord evicted the tenant who previously occupied the rental unit, ostensibly for his own use, but then rented the

unit to the Tenants instead. The Tenants submit that the order evicting the previous tenant was issued in February 2022, the unit was listed for rent in early March 2022 and the Tenants moved into the unit in April 2022.

4. The review request does not explain why the evidence of the February 2022 eviction of the previous tenant was not available to the Tenants on the hearing date with the exercise of due diligence. This previous eviction is four years old and without further information it appears that evidence of this eviction has been available to anyone exercising due diligence since well before the date that the within matter was heard.
5. Because I am not satisfied that the evidence that the Tenants propose to rely on was not available on the date of the hearing with the exercise of due diligence, this review request shall be denied.

It is ordered that:

1. The request to review order LTB-L-100932-25 issued on March 30, 2026 is denied. The order is confirmed and remains unchanged.

April 27, 2026
Date Issued

Renée Lang
Vice Chair, 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.