



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

Citation: Eldirdiri v Aljarrah Dit Kahhal, 2026 ONLTB 35549

Date: 2026-04-30

File Number: LTB-L-070839-25-RV

In the matter of: 363 ACTIVA AVE
KITCHENER ON N2E4B8

Between: Elmuataz Eldirdiri Landlords
Eethar Nourain

And

Mutaz Aljarrah Dit Kahhal Former
Ghalia Alnahas Tenants
Tarek Aljarah Det Alkahhal

Review Order

Elmuataz Eldirdiri and Eethar Nourain (the 'Landlords') applied for an order requiring Mutaz Aljarrah Dit Kahhal, Ghalia Alnahas and Tarek Aljarah Det Alkahhal (the 'Former Tenants') to pay the rent and daily compensation that the Former Tenants owe.

This application was resolved by order LTB-L-070839-25 issued on April 2, 2026.

On April 30, 2026, the Tenant, Tarek Aljarah Det Alkahhal, 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 review request submits that the order contains a serious error and that the denial of the Tenant's adjournment request was unreasonable and in violation of the Tenant's right to participate.
2. The presiding Member's decision to deny the adjournment request was not unreasonable.
3. Section 21 of the *Statutory Powers Procedure Act, 1990* (the 'SPPA') states that a hearing may be adjourned where it is shown to the satisfaction of the tribunal that an adjournment is required to permit an adequate hearing to be held. Interpretation Guideline 1 of the Board's Interpretation Guidelines states:

Parties should assume that the hearing will proceed on the date stated in the Notice of Hearing. This means that the parties should be prepared to present their evidence, call and question witnesses and make submissions.

...

Where the Member is satisfied that the party has received sufficient notice of the hearing and has been provided with an adequate opportunity to prepare their evidence and submissions, summons witnesses and obtain counsel ahead of the hearing date, an adjournment is not usually granted unless there are exceptional circumstances.

The specific factors the Member may consider in deciding whether to grant an adjournment include:

1. the reason for the adjournment and position of the parties;
 2. the issues in the application;
 3. any prejudice that may result from granting or denying the request;
 4. the history of the proceeding including other adjournments or rescheduling;
 5. the LTB's obligation to adopt the most expeditious method of determining the questions arising in a proceeding that affords to all persons directly affected by the proceeding an adequate opportunity to know the issues and be heard on the matter.
4. It is apparent from the final order and the hearing recording that the presiding Member correctly exercised their jurisdiction under section 21 of the SPPA by admitting and considering the parties' evidence and circumstances when denying the Tenant's adjournment request. Paragraphs 1 to 8 of the order shows that the presiding Member considered the reason for the adjournment request, that the Tenant intended to raise section 82 issues, that his father was in the hospital, that the Tenants were served within the prescribed period of time, that the Tenant had sufficient time to prepare for the hearing, and the prejudice to the Landlord in granting the adjournment request. I note that the Tenant was given the opportunity to explain his circumstances, and answered all questions clearly, the Tenant was therefore provided a fair opportunity to participate. Although another Board Member may have exercised their discretion differently, the presiding Member's decision is entitled to deference.
5. On review of the hearing recording, I find that the Tenant's primary basis for requesting an adjournment was to obtain additional time to raise issues under section 82 of the *Residential Tenancies Act, 2006*, the ("Act"). The review request also indicates an intention to raise maintenance concerns against the Landlord. However, paragraphs 9 to 13 of the order set out sufficient reasons for denying the Tenant's request to raise section 82 issues at the hearing. The Tenant remains at liberty to pursue those concerns by filing a separate application with the Board.
6. The Tenant further submits that the Landlord relied on documentary evidence served one day prior to the hearing, and that the Tenant was therefore denied an opportunity to review and respond. However, the hearing recording does not support this assertion. The Landlord did not rely on documentary evidence at the hearing, and the Tenant acknowledged the arrears owing. In these circumstances, I find that the Tenant was afforded procedural fairness, and no error arises on this basis.

7. 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 Tenants was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-070839-25 issued on April 2, 2026 is denied. The order is confirmed and remains unchanged.

April 30, 2026
Date Issued

Mayra Sawicki
Member, Landlords 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.