



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

Citation: Kinsmen Non Profit Housing Corporation v Esmail, 2026 ONLTB 37886

Date: 2026-05-08

File Number: LTB-L-104048-25-RV

In the matter of: 9 DALT HICKS WAY
MARKHAM ON L6C1R6

Between:	Kinsmen Non Profit Housing Corporation	Landlord
And		
	Karim Esmail	Tenant

Review Order

Kinsmen Non Profit Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Karim Esmail (the 'Tenant') because:

- the rental unit is the superintendent's premises and the Tenant's employment as superintendent has ended.

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

This application was resolved by order LTB-L-104048-25 issued on March 19, 2026 pursuant to a hearing held on March 11, 2026 at which the Landlord's Agent, Osama, Ramadan, the Landlord's Representative, Howard Levenson, and the Tenant attended.

On April 9, 2026, the Tenant 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 Tenant submits they were not able to reasonably participate in the hearing as they suffer from a disability and required accommodation to fully participate in the hearing, which they state they did not receive.
2. Specifically, the Tenant states they experienced significant anxiety during the hearing, and required additional time to organize thoughts and answer questions.

3. I have reviewed the recording. There is only one time during the hearing that the Tenant asks for any additional time to collect thoughts, answer questions or make submissions. This occurs at 2:16:25 of the recording, during final submissions, where the Tenant requests additional time prior to confirming if they have further submissions to make or not.
4. The Member gives the Tenant this time, and the Tenant eventually points to a document they wish to make the Member aware of in making their decision. The Landlord's Representative objects to this document being introduced at this point in the hearing, given the evidentiary portion had concluded and the parties were to be making submissions. The Member despite this allows reference to this document but lets the Tenant know they will not accept further evidence given that they are in the submissions portion of the hearing and the Tenant was asked several times earlier whether they had further evidence to provide.
5. I note the Tenant does not make the adjudicator aware of any disability that would affect their ability to participate in the hearing, and trigger a duty to accommodate the Tenant at any time during the hearing. Nor is it obvious from a review of the recording that any such accommodation would have been required. I find on this basis that no duty to accommodate was triggered. I also find to the extent that any accommodation would have been required in this instance, it was granted. The accommodation the Tenant identifies as requiring is additional time to provide responses. The one time in the hearing they asked for this additional time, it was granted.
6. The Tenant fully participated in the hearing, making submissions and answering questions when asked. The Tenant testifies in a meaningful way to the facts in issue and had an opportunity to make the submissions they wished to make.
7. I note further that while no party is identified in the order as being present to provide support to the Tenant, at the outset of the Tenant's testimony and additionally towards the end of the hearing during the Tenant's submissions, the recording reflects another party assisting the Tenant by whispering to them certain points, as to ensure the Tenant raises these points to the Member.
8. I note also that the Member gives the Tenant several opportunities to give any further testimony and submissions they wish to make both prior to concluding their testimony, and prior to concluding their final submissions.
9. Additionally, while the Tenant states they can provide medical documentation as to the disability they rely on as the basis for their review request, the Tenant does not actually provide any medical documentation in relation to this disability with this review request. The only medication documentation that the Member was made aware of in the hearing was in relation to a physical medical condition, which is addressed in the order. Nothing further is provided with the request for review.

10. On the basis of the submissions made in the request, and on a review of the hearing recording, I am not satisfied that the Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-104048-25 issued on March 19, 2026 is denied. The order is confirmed and remains unchanged.

May 8, 2026
Date Issued

Benjamin Seigel
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.