



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

Citation: Malik v Noble, 2026 ONLTB 37874

Date: 2026-05-08

File Number: LTB-L-103581-25-RV

In the matter of: 1520 WHEATCROFT DR
OSHAWA ON L1L0W5

Between: Bilal Malik Landlord

And

Christopher Robert Noble Tenants
Michelle Lee Ann Noble

Review Order

Bilal Malik (the 'Landlord') applied for an order to terminate the tenancy and evict Christopher Robert Noble and Michelle Lee Ann Noble (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-103581-25 issued on January 19, 2026.

On May 8, 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:

Request to extend time

1. The Tenant's request to extend the time is granted.

Review request

2. The review request was filed on the basis that the order contains a serious error and that the Tenant, Michelle Lee Ann Noble, was denied procedural fairness when her request for an adjournment was denied, resulting in her inability to meaningfully respond to the allegations against her.
3. The Tenant submits that the Member seriously erred by denying her adjournment request. At the hearing, the Tenant requested an adjournment on the basis that she had

recently become aware of the hearing, the first named Tenant was in the hospital, and she had not had the opportunity to seek legal advice or prepare her defence.

4. The decision whether to grant or deny an adjournment is discretionary. A discretionary decision will not be interfered with on review unless it is established that the Member exercised their discretion unreasonably. In this case, I am not satisfied that the Member exercised her discretion unreasonably. The Member denied the adjournment request after considering the timing of the request, the reasons provided, whether the Tenant acted with due diligence, and prejudice to the Landlord. The denial of the request was reasonable after considering these factors.
5. The hearing recording confirms that the Tenant was aware of the arrears. The Tenant gave evidence regarding her attempts to address the arrears with the Landlord, provided information respecting her income and expenses, and made submissions pursuant to section 83 of the Act. The Tenant was therefore afforded procedural fairness.
6. The Tenant also submits that she believes the rent arrears were calculated incorrectly. However, the Tenant has not provided sufficient information to support a finding that the Member seriously erred by ordering payment of an incorrect amount. The Tenant has not identified any specific error made by the Member that would have resulted in an incorrect arrears calculation. The hearing recording further confirms that the Tenant did not dispute the arrears owing at the hearing. Instead, she proposed a payment plan for the total arrears owing.
7. The opportunity to raise all issues and challenge the evidence was at the hearing stage, not at the review stage of the proceeding. The purpose of the review process is not to provide parties with an opportunity of relitigating the issues in hopes of a better outcome.
8. Although the Tenant disagrees with the January 19, 2026 order, the order sets out a reasonable basis for the determinations made. As stated in Guideline 8 of the Board's Interpretation Guidelines, a Member's findings of fact are entitled to considerable deference. Reasonable determinations will not be interfered with on review.
9. The Tenant's disagreement with the Member's determinations does not constitute sufficient grounds for review. There is nothing in the record to support a determination that the hearing Member applied improper principles in assessing the evidence introduced or that there was insufficient evidence before the Board to support its conclusions.
10. 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 Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-103581-25 issued on January 19, 2026 is denied. The order is confirmed and remains unchanged.

May 8, 2026
Date Issued

Mayra Sawicki
Member, 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.