



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

Citation: Lam v Akhtar, 2026 ONLTB 38377

Date: 2026-05-11

File Number: LTB-L-013207-26-RV

In the matter of: 1179 MARATHON AVE
PICKERING ON L1X0L8

Between:	Toan Lam	Landlord
	And	
	Pervaiz Akhtar	Tenant
	All other Occupants	

Review Order

Toan Lam (the 'Landlord') applied for an order to terminate the tenancy and evict Pervaiz Akhtar and All other Occupants (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-013207-26 issued on April 30, 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:

1. The Tenant claims that he was not reasonably able to participate at the April 21, 2026 hearing and the order contains a serious error. Specifically, the Tenant challenges the amount of arrears claimed owing by the Landlord.
2. For clarity, the Tenant was in attendance at the hearing and spoke with Tenant Duty Counsel.
3. 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.

The Adjournment Request

4. The Tenant's request for review seems to be alleging that the Board seriously erred by denying the Tenant's request to adjourn to seek legal counsel, and provide evidence.
5. Decisions as to whether or not to grant adjournment are discretionary in nature. As stated in Interpretation Guideline # 8 reasonable discretionary decisions are not considered to be serious errors. The reasonable exercise of discretion will not normally be reviewed. So, the real question is: was it reasonable for the Member to deny the adjournment?
6. As per paragraph 1 of the order, the Member considered the length of time to hearing, the steps taken by the Tenant and the amount of arrears owing by the Tenant. Combined, the Member determined that it would be inappropriate to adjourn in this circumstance.
7. The order and the hearing recording confirms the Member considered the Tenant's submissions and the Landlord's submissions regarding the adjournment request.
8. In my view, the presiding Member's decision was a reasonable exercise of discretion. The Member's finding that the Tenant had a reasonable amount time to prepare prior to the hearing is supported by the record. As such, there was no serious error in the proceeding when the Member denied the adjournment request.

The Tenant's Participation

9. The Tenant attended the hearing, provided submissions and evidence and challenged the Landlord's submissions and evidence. The Tenant engaged his full right of participation at the hearing.
10. While the Tenant believes the Member should have preferred his evidence related to claims of payments made to the former Landlord and confusion over the identity of the Landlord, the Tenant failed to provide any documentary evidence to support his claims.
11. Paragraphs 11 to 16 of the order details the Tenant's assertion that rent was paid to a previous Landlord. The Member's decision was based on the best evidence presented at the hearing. Had the Tenant intended to challenge the payments, he could have prepared and provided his evidence in advance of the hearing. Failure to provide compelling and challenging evidence is not good cause to hold a re-hearing.
12. In my view, no arguable serious error is alleged by the Tenant, other than the hearing Member accorded more weight to the Landlord and should have preferred the Tenant's evidence.
13. The Member's findings were based on an assessment of the weight to be accorded to the evidence introduced at the hearing, including the viva voce evidence and

documentary evidence. These determinations should not be interfered with lightly.

14. Given the above, I cannot find an error in procedure or an error in the order. The Tenant fully participated at the hearing.

15. The Tenant's review request is denied.

It is ordered that:

1. The request to review order LTB-L-013207-26 issued on April 30, 2026 is denied. The order is confirmed and remains unchanged.

May 11, 2026
Date Issued

Dana Wren
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.