



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

Citation: 201 Oak Street Holdings Corp. v Pan, 2026 ONLTB 40179

Date: 2026-05-19

File Number: LTB-L-013017-26-RV

In the matter of: 5, 201 Oak St
Sudbury ON P3C1M8

Between: 201 Oak Street Holdings Corp. Landlord

and

Sasha Pan
David Basawa Tenants

Review Order

201 Oak Street Holdings Corp. (the 'Landlord') applied for an order to terminate the tenancy and evict Sasha Pan and David Basawa (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants failed to meet a condition specified in the order issued by the Board on January 8, 2026 with respect to application LTB-L-094728-25-SA.

This application was resolved by order LTB-L-013017-26 issued on April 9, 2026.

On May 12, 2026, the Tenant, David Basawa, 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, David Basawa ('DB'), request to extend the time to file a review request. The Tenant's Legal Representative states that it was due to their own administrative error that the request was not filed on time.
2. Although an error by a representative is generally not a reasonable basis to grant a request to extend time, considering that the delay is brief and that DB would be prejudiced if the request were denied, I find it reasonable in the circumstances to grant the request to extend time to file a review.

Request to Review

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.
4. DB submits that the hearing Member seriously erred in her determination that the Tenants should have been able to pay the rent because the Landlord failed to accommodate DB by placing the mailbox in an accessible location at the residential complex. I am not satisfied that the hearing Member erred in her finding in this regard. While the hearing Member found that the mailbox ought to have been installed in a more accessible location, she also found that the Landlord accommodated the Tenant by providing various other methods of paying the rent which accommodate the DB's disability. The hearing Member describes her reasons for this finding in paragraph 18. The finding is reasonable and therefore will not be interfered with on review.
5. In the request, DB also submits that the presiding Member seriously erred in her assessment of the evidence as it relates to the Member's finding that the Tenant was provided with the Landlord's phone number at the hearing on December 18, 2025. The request provides no details as to why DB believes it was an error other than to state that it simply was an error and expenses disagreement with the hearing Member's findings.
6. The Member's findings are entitled to considerable deference. I will not interfere with the assessment of the evidence by the Member of first instance, who had the opportunity of hearing the evidence in its totality and make findings of credibility. At the hearing, the hearing Member determined that the Tenant was given the Landlord's number at the hearing on December 18, 2025 and otherwise had available information to obtain that number. The presiding Member provided sufficient reasons for her findings.
7. In the request, DB also submits that the hearing Member seriously erred in her determination that the Landlord's Agent made two attempts in February 2026 to pick up the rent from the Tenants' unit. The request also states that although the order states that DB did not rebut the Landlord's evidence on this point, the Tenant did in fact rebut this. The request does not say when in the hearing DB led evidence to challenge the Landlord's Agent's oral testimony that they attempted to collect the rent from the Tenants' unit in February 2026.
8. I have also listened to the recording and although DB's Legal Representative challenged the Landlord's Agent's oral testimony that there were individuals in the unit at the time she knocked, she did not question or otherwise challenge her oral testimony that she did in fact knock on the Tenants' door on two occasions in February 2026. DB is not an unrepresented party; he had the benefit of a legal representative who knew or ought to have known to call reply evidence or otherwise challenge the witness' testimony if the Tenant sought to dispute the evidence given by the witness.
9. DB also states that the witness stated that video evidence would substantiate their oral testimony regarding attempts to collect the rent in February 2026 but did not produce it. Not all oral testimony is corroborated by documentary evidence. It was not an error nor

was it unreasonable for the Member to accept undisputed oral testimony from the witness without corroborating video evidence.

10. DB also submits that the presiding Member seriously erred in her determination that DB did not have the funds available to pay the rent as he consistently stated that he did. The Member considered that DB was not currently in receipt of any social assistance and otherwise had no income, and that DB had been relying solely on savings. DB did not state when he would be receiving income or how much exactly he would be receiving once approved. Other than simply stating that he has funds, DB did not articulate how he will be able to make the payments. It was therefore not unreasonable for the Member to conclude that DB cannot make the payments considering the lack of evidence given by DB at the hearing.
11. DB also submits that the hearing Member seriously erred by consistent interruptions by the hearing Member which impacted DB's ability to fairly present his case. The request does not provide any details of any specific interruptions or incidents where DB was not permitted to present evidence or make submissions, nor does it provide any specific point in the hearing where DB alleges he was denied procedural fairness. From the substantial parts of the hearing recording I have listened to, there were no such interruptions by the hearing Member. DB's Legal Representative was given substantial opportunity to conduct both direct and cross-examination of witnesses and DB himself was permitted to give evidence on the issues in dispute. Therefore, I am not satisfied that that the hearing was unfair or that DB was not permitted a full opportunity to present his case as alleged.
12. The remainder of the review request expenses disagreement with the Member's determinations. Interpretation Guideline 8 - Review of an Order states:

A review is not an appeal or an opportunity to change the way a case was presented. The purpose of the review process is not to provide parties with an opportunity of presenting a better or different case than they did at first instance. There is nothing in the record or in the request for review to support a determination that the Member applied improper principles in assessing the evidence introduced or that there was insufficient evidence before the Board to support its conclusions. I would not interfere with the assessment of the evidence by the Member of first instance, who had the opportunity of observing the witnesses and of hearing the evidence in its totality. [TSL-51694-14-IN-RV \(Re\)](#), 2015 CanLII 23959 (ON LTB) at para 10
13. DB's disagreement with the Member's determinations is not sufficient grounds for review. There is no indication that the Member applied improper principles in assessing the evidence introduced in this case or that there was insufficient evidence before the Board to support the Member's conclusions.
14. As a result, based on 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.

It is ordered that:

1. The request to review order LTB-L-013017-26 issued on April 9, 2026 is denied. The order is confirmed and remains unchanged.

May 19, 2026
Date Issued

Candace Aboussafy
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.