



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

Citation: PARKDALE APARTMENT NOMINEE 1 INC. v OSMAN, 2026 ONLTB 40530

Date: 2026-05-21

File Number: LTB-L-042993-25-RV

In the matter of: 610, 118 TYNDALL AVE
TORONTO ON M6K2E7

Between:	PARKDALE APARTMENT NOMINEE 1 INC.	Landlord
	And	
	MAYMUNA OSMAN	Tenant

Review Order

PARKDALE APARTMENT NOMINEE 1 INC. (the 'Landlord') applied for an order to terminate the tenancy and evict MAYMUNA OSMAN (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-042993-25 issued on April 14, 2026.

On May 14, 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 that the Member denied her procedural fairness by continually interrupting the Tenant and not permitting her to complete a single sentence. The audio recording does not support this submission. The Member did interrupt the Tenant often but only to keep the proceedings on track. Over the course of the whole hearing, the Tenant had ample opportunity to give relevant evidence, as can be seen by the order itself.
2. The Tenant submits that the Member seriously erred by dismissing the L1 application without deciding the merits of the application, including whether the Landlord had illegally increased the rent. The Landlord did not attend the hearing. It was reasonable for the Member to dismiss the L1 as abandoned because the Landlord was not present to support the application. I further note that the Landlord was not put on notice that the issue of the lawful monthly rent would be an issue and so it would not be fair to proceed to decide the merits of the L1 application based on that issue. I am therefore not satisfied that the Member erred by dismissing the L1 application as abandoned.

3. The Tenant submits that the “unlawful rent increase was dismissed through internally contradictory reasoning” and that evidence proving that the rent was unlawfully increased was refused. The issue of an allegedly unlawful increase in rent was not dismissed. It was not heard because the Tenant had not given the Landlord notice that this issue would be raised. I am not satisfied that the Member erred by refusing to hear this issue. In fact, it would have been an error to hear this issue in these circumstances.
4. The order incorrectly states that the Tenant can raise the issue of lawful monthly rent in a T1 application. Because the Tenant has not paid the raised rent a T1 will not be appropriate. This is a minor error, not a serious error, and it has no bearing on the outcome of the proceedings.
5. As the Tenant points out in the review request, the issue of the lawful rent was not an issue under s.82 of the *Residential Tenancies Act, 2006* (the ‘Act’). It was not a s.82 issue because it was not raised on the Tenant’s s.82 statement. It could have been an issue raised under s.82, although it appears it would not have resulted in any remedy because the Tenant has not paid the raised rent amount. The Tenant correctly states in the review request that the issue of the lawful rent is a defence to the L1 application. As pointed out at paragraph 2, above, the application was properly dismissed as abandoned because the Landlord was not present to support the application and the Landlord was not put on notice that the Tenant wished to raise an issue about the lawful monthly rent. The Tenant will have another opportunity to raise this issue if the Landlord files another L1 application claiming the raised rent.
6. 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.

It is ordered that:

1. The request to review order LTB-L-042993-25 issued on April 14, 2026 is denied. The order is confirmed and remains unchanged.

May 21, 2026
Date Issued

Renée Lang
Vice Chair, 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.