



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

File Number: LTB-T-045562-25-RV

In the matter of: 1608, 40 GODSTONE RD
NORTH YORK ON M2J3C7

Between: Fareshta Ghanikhil
Samandar Mahmodi
Tenants

And

Fidelity Property Management
Landlord

Review Order

Fareshta Ghanikhil and Samandar Mahmodi (the 'Tenants') applied for an order determining that Fidelity Property Management (the 'Landlord'):

- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.

This application was resolved by order LTB-T-045562-25 issued on February 2, 2026 and based on a hearing that took place on January 21, 2026 where only the Landlord and their representative attended.

On February 3, 2026, the Tenants legal representative requested a review of the order and that the order be stayed until the request to review the order is resolved.

On February 3, 2026 interim order LTB-T-045562-25-RV-IN was issued, however, there was no stay of the order granted on the basis there was nothing to stay.

This review was heard by videoconference on March 3, 2026.

The Tenant, Samandar Mahmodi (SM), the Tenant's legal representative, Ayesha Sardar (AS), the legal representative for AS, Prasanna Parmar, the Landlord's agent, Derek Chan, the Landlord's agent, Youbert Ashoori, and the Landlord's legal representative, Eric Steiman, attended the hearing.

Determinations:

1. As a matter of housekeeping, both parties agreed that the correct named Landlord is Fidelity Property Management and therefore the agents of the Landlord are removed as responding parties.
2. For the reasons that follow, the Tenants request to review the order issued on February 2, 2026 must be dismissed as I am not satisfied that the Tenants did not have a reasonable opportunity to participate in the hearing that took place on January 21, 2026.
3. There is no dispute, that all parties were served the Notice of Hearing from the LTB by email on August 26, 2025. The Tenants legal representative and both named Tenants were emailed with the hearing notice in addition to the named Landlord parties on this date.
4. The Tenants legal representative submits that they were unwell on the hearing date due to an unforeseen undisclosed illness, and that on that basis, they were incapable of attending the hearing. They gave no submission on why the Tenants were not able to attend the hearing in their absence.
5. They admitted that they did notify their clients of their illness, and they also submit that they did sign in for the hearing, albeit it was after the noon hour, despite the Notice of Hearing requiring parties to attend the hearing for sign-in at least 15 minutes prior to the 9:00am scheduled start time.
6. Although the Tenant's legal representative submitted that they were ill, they failed to reference their doctor's note on the record in the hearing. Even if they had, there is no reference to their specific illness noted on it. They also refused to elaborate on their illness, which I accept they did for privacy reasons, however, given their lack of specific details regarding the illness and how it prevented them from attending the hearing or from having their client attend to request an adjournment, I am unable to fully assess how their illness prevented them from attending the hearing.
7. While I can accept that AS did receive treatment for an illness by going to their family physician two days after the hearing, I am unable to accept that their illness prevented them from attending the hearing on January 21st.
8. If parties are not diligent in dealing with legal proceedings, then they cannot demand that a Tribunal waste its resources by rehearing matters a second time. To allow this would undermine the ability of the administration of justice to deliver timely, cost-effective and final orders. See *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 CanLII (Div. Ct.)
9. Accordingly, based on the evidence and submissions at the hearing, I am not satisfied that the Tenants were not reasonably able to participate in the hearing and therefore their request to review must be denied.

It is ordered that:

1. The request to review order LTB-T-045562-25 issued on February 2, 2026 is denied. The order is confirmed and remains unchanged.
2. The interim order issued on February 3, 2026 is cancelled.

May 25, 2026

Date Issued

Terri van Huisstede

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.