



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

Citation: Kaneff Properties Limited v Samuels, 2026 ONLTB 41655

Date: 2026-05-25

File Number: LTB-L-103724-25-RV

In the matter of: PH12, 2170 SHEROBEE RD
MISSISSAUGA ON L5A3P8

Between:	Kaneff Properties Limited	Landlord
And		
	Nassor Samuels	Tenant

Review Order

Kaneff Properties Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Nassor Samuels (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-103724-25 issued on May 13, 2026. A hearing was held on February 18, 2026 and the Tenant attended the hearing.

On May 22, 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. In the review request, the Tenant asserts that he was not reasonably able to participate in the proceeding and the order contains a serious error related to how the Member dealt with evidence the Tenant intended to rely on at the hearing and was denied an adjournment request.
2. I have reviewed the Board's application record and have listened to the February 18, 2026 hearing recording.
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.

Was the Tenant reasonably able to participate in the proceeding?

4. The Tenant attended the hearing, led submissions and evidence and provided the opportunity to challenge the Landlord's submissions and evidence.
5. The hearing recording confirms the Tenant fully engaged his right to participate at the hearing. Nothing in the recording or application record gives rise to an objective basis to determine that the Tenant was under disability, or otherwise unable to participate in the hearing.
6. The hearing recording also shows that the hearing was conducted in a procedurally fair manner. In my view, the presiding Member exercised patience in dealing with the Tenant's requests and objections. He thoroughly explained the process related to Tenant Duty Counsel in his preamble and multiple times during the hearing. There is no indication in the hearing recording that the Member interfered with the administration of justice.
7. In my view, the Tenant seems to confuse his lack of preparedness with his ability to participate at the hearing.
8. Following the Divisional Court's reasons in *Lacroix v. Central-McKinlay International Ltd.*, 2022 ONSC 2807 (Div. Ct.) (CanLII), I find the Tenant did not demonstrate that he was not reasonably able to participate in the February 18, 2026 hearing.

Did the Member err in denying the Tenant's adjournment request?

9. The Tenant claims that he was denied procedural fairness when the presiding Member denied his request to adjourn to obtain legal counsel and to gather evidence.
10. The hearing recording shows that the Tenant provided substantial submissions on his request to adjourn to seek counsel. The Member took time and care in explaining the role of Tenant Duty Counsel and a tenant's responsibility to take steps prior to the hearing to speak with legal counsel as per the Notice of Hearing. At around 1:20:49 of the hearing recording, the Tenant confirmed he read and understood the Notice. The Member denied the Tenant's request to adjourn for lack of due diligence as articulated at paragraphs 1 and 2 of the May 13, 2026 order.
11. The decision to permit or deny an adjournment is a discretionary power which is usually accorded deference. Generally, such a decision will only be problematic if the hearing Member exercised their discretion in an unreasonable or non-judicious fashion. According to Board Interpretation Guideline 8, Review of an Order, the Board will not exercise its discretion to review discretionary decisions where the result is within the range of reasonable, acceptable outcomes. After reviewing the hearing recording, the record and the hearing order, my conclusion is that there is no basis for the assertion that the Member may have caused any procedural unfairness by denying the adjournment request.

12. With respect to the adjournment request, section 183 of the *Residential Tenancies Act, 2006*, (the 'Act') requires the Board to adopt the most expeditious methods of determining the questions arising in a proceeding. The presiding Member, following party submissions, made a determination to deny the adjournment request and the Member's findings of fact are rational and entitled to deference.

Did the Member consider the Tenant's evidence?

13. In the review request the Tenant states that the presiding Member failed to properly consider his evidence related to his s.82 claims and his failure to recall specific dates should not have been overly scrutinized. He said he was not familiar with the Board process and should have been able to adjourn and also to provide post hearing submission to include the evidence he did not present at the hearing.
14. Again, the Tenant confirmed receipt of the Notice of Hearing. The Notice provides significant support to the parties regarding participate at the hearing, organization and presentation of evidence including a s.82 form. Failure to exercise due diligence in preparing for a hearing is not good cause for a review.
15. At paragraphs 12 to 15 of the order, the Member clearly considered the evidence the Tenant appropriately led related to his maintenance claims. However, due to the Tenant's failure to properly disclose the issues he intended to raise at the hearing, the Member turned his mind to the issues as they related to serious breach under s.82(3)(a) of the Act. Ultimately, the Member found that the Tenant's claims did not rise to the standard required for a serious breach as contemplated by the Act.
16. The Member finds that the "Tenant's evidence was general and lacked sufficient detail..." What this means is that the Member found that the Tenant did not provide sufficient oral or documentary evidence to support his claims related to the water shut off. The Tenant could not recall the dates of the events or produce any documentary evidence that detailed the events or that it was ongoing at the time of the hearing. The Member considered the evidence that was led by the Tenant and due to the lack of sufficient evidence, denied the claims. The fact that the Tenant failed to come prepared to the hearing, does not mandate an adjournment nor does it require the Member to accept post-hearing submissions.
17. The order sets out adequate reasons for the determinations made by the presiding Member. The Members findings of fact 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.
18. In the review request the Tenant included what he believes constitutes new evidence and a ground for review. However, the email correspondence included in the request are dated July 2024. It therefore cannot be said that this qualifies as new evidence. The hearing was held on February 18, 2026 and the Tenant could have produced this existing evidence at the original hearing. Again, the Tenant's lack of due diligence in preparing for the hearing is not good cause to grant a review.

19. Although the Tenant disagrees with the Board order, the Board's review process is not an opportunity for a party to re-argue a matter that has been finally determined. In the absence of a demonstrable error in the May 13, 2026 order, or that a serious error occurred in the proceedings, the request to review the order must be denied.

It is ordered that:

1. The request to review order LTB-L-103724-25 issued on May 13, 2026 is denied. The order is confirmed and remains unchanged.

May 25, 2026
Date Issued

Dana Wren
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.