



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

Citation: Nizami v DD Acquisitions Partnership, 2026 ONLTB 42023

Date: 2026-05-26

File Number: LTB-T-041525-23-RV

In the matter of: 32 Craigton Drive Unit B-1
Scarborough ON M1L2N7

Between: Syed Nizami Tenant

And

DD Acquisitions Partnership Landlord

Review Order

Syed Nizami (the 'Tenant') applied for an order determining that DD Acquisitions Partnership (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. **(T2 Application)**

The Tenant also applied for an order determining that the Landlord failed to meet the Landlord's maintenance obligations under the Residential Tenancies Act, 2006 (the 'Act') or failed to comply with health, safety, housing or maintenance standards. **(T6 Application)**

This application was resolved by order LTB-T-041525-23 issued on April 29, 2026.

On May 25, 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 hearing of the Tenant's application took place on February 11, 2026. The Tenant's Legal Representative requested an adjournment in order to amend the application to include particulars of the allegations. The adjournment request was denied and the application was dismissed for lack of particulars. The Tenant submits that the denial was unreasonable.

2. The presiding Member's decision to deny the adjournment request was not unreasonable.
3. Section 21 of the *Statutory Powers Procedure Act, 1990* (the 'SPPA') states that a hearing may be adjourned where it is shown to the satisfaction of the tribunal that an adjournment is required to permit an adequate hearing to be held. Interpretation Guideline 1 of the Board's Interpretation Guidelines states:

Parties should assume that the hearing will proceed on the date stated in the Notice of Hearing. This means that the parties should be prepared to present their evidence, call and question witnesses and make submissions.

...

Where the Member is satisfied that the party has received sufficient notice of the hearing and has been provided with an adequate opportunity to prepare their evidence and submissions, summons witnesses and obtain counsel ahead of the hearing date, an adjournment is not usually granted unless there are exceptional circumstances.

The specific factors the Member may consider in deciding whether to grant an adjournment include:

1. the reason for the adjournment and position of the parties;
 2. the issues in the application;
 3. any prejudice that may result from granting or denying the request;
 4. the history of the proceeding including other adjournments or rescheduling;
 5. the LTB's obligation to adopt the most expeditious method of determining the questions arising in a proceeding that affords to all persons directly affected by the proceeding an adequate opportunity to know the issues and be heard on the matter.
4. It is apparent from the final order that the presiding Member correctly exercised their jurisdiction under section 21 of the SPPA by admitting and considering the parties' evidence and submissions when denying the adjournment request. The final order shows that the Member considered that the Tenant had approximately 2 and a half years to amend their application, that the matter had already been adjourned three times, and that an interim order was issued 5 months prior to the hearing directing the Tenant to amend their application to include details of the allegations. Although another Board Member may have exercised their discretion differently, the presiding Member's decision is entitled to deference.
 5. For the foregoing reasons, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings. Accordingly, the request to review the order must be denied.

It is ordered that:

1. The request to review order LTB-T-041525-23 issued on April 29, 2026 is denied. The order is confirmed and remains unchanged.

May 26, 2026
Date Issued

Candace Aboussafy
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.