



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

Citation: TREHAN v MALIK, 2026 ONLTB 43745

Date: 2026-06-02

File Number: LTB-T-002879-26-RV

In the matter of: 612, 9 GEORGE ST N
BRAMPTON ON L6X0T6

Between:	CHIRAG TREHAN	Tenant
	And	
	SEHAR MALIK	Landlord

Review Order

CHIRAG TREHAN (the 'Tenant') applied for an order determining that SEHAR MALIK (the 'Landlord') collected or retained money illegally.

This application was resolved by order LTB-T-002879-26 issued on May 22, 2026.

On May 30, 2026, the Landlord 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 order under review is filed on the basis of a serious error. The review request alleges that the Member:
 - a) Misapprehended material evidence.
 - b) Failed to afford the Landlord procedural fairness.
 - c) Failed to consider relevant evidence with respect to the Landlord's loss of income and damages caused by the Tenant to the rental unit.
2. For the reasons that follow, the Landlord's request for review is denied.
3. The review request alleges that the Member failed to provide the Landlord procedural fairness on the basis that the Member repeatedly interrupted the Landlord, resulting in her inability to provide fulsome testimony. The hearing recording confirms that the Landlord gave direct evidence with respect to all issues raised in the application. At no time did the Member improperly interrupt the Landlord. Although the Member interrupted the Landlord's testimony on one occasion to ask a clarifying question, the Landlord was

permitted to continue with her testimony. The Landlord was therefore afforded procedural fairness.

4. The hearing recording indicates that the Landlord's representative attempted to ask repetitive questions that had already been asked and answered. At that time, the Member directed the representative to move on. This does not constitute a serious error or a breach of procedural fairness. Section 183 of the *Residential Tenancies Act, 2006*, the ("Act"), provides that the Board shall 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. The Member's decision to limit repetitive questioning was within the Member's discretion and does not amount to a serious error.
5. The Landlord further alleges that the Member misapprehended relevant testimony with respect to the last month's rent deposit. Paragraphs 13 to 16 of the order provide sufficient reasons for the findings made and set out the evidence relied upon by the Member. The testimony of both the Tenant and the Landlord were considered.
6. Although the Landlord disagree with the May 22, 2026 order, the order sets out a reasonable basis for the determinations made. As stated in Guideline 8 of the Board's Interpretation Guidelines, the Member's findings of fact are entitled to considerable deference. Reasonable determinations will not be interfered with on review.
7. The Landlord's disagreement with the Member's determinations is not sufficient grounds for review. There is nothing in the record to support a determination that the Member applied improper principles in assessing the evidence or that there was insufficient evidence before the Board to support its conclusions.
8. With respect to requesting a review on the basis of new evidence, Interpretation Guideline 8 - Review of an Order states:

Parties are expected to make every effort to produce all relevant evidence in support of their positions in the original hearing. The review will be dismissed unless the LTB is satisfied the new evidence could not have been produced at the original hearing, is material to the issues in dispute and its consideration could change the result. *First Homes Society v Henry*, [2002] O.J. No. 1754, (Div Ct.); NOL-16865-14- RV(Re), 2014 CanLII 78539 (ON LTB).
9. The review request submits that the Landlord is now filing additional documentary evidence, including text messages between the parties respecting the last month's rent deposit, which the Landlord alleges is material to the issues raised and may have affected the outcome of the decision. However, the Landlord has not established that this evidence could not have been produced at the original hearing through reasonable exercise of due diligence. It is incumbent on a party proposing to rely on "new evidence" to demonstrate that the evidence was unavailable despite due diligence having been exercised. There is nothing in the request to establish that the evidence was unavailable at the time of the original hearing.

10. Lastly, the Landlord alleges that the Member failed to consider her loss of income and the damage allegedly caused to the rental unit. Paragraph 6 of the order addresses the Landlord's duty to mitigate her losses and demonstrates that the issue of loss of income was considered. With respect to the alleged damage to the rental unit, the application before the Board was a T1 application and not an application filed by the Landlord. In the circumstances, it was reasonable for the Member not to make determinations regarding the alleged damage to the rental unit.
11. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order, that a serious error occurred in the proceedings, or that the Landlord was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-T-002879-26 issued on May 22, 2026 is denied. The order is confirmed and remains unchanged.

June 2, 2026
Date Issued

Mayra Sawicki
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.