



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

Citation: Homestead Land Holdings Limited v Afzal, 2026 ONLTB 43400

Date: 2026-06-01

File Number: LTB-L-082117-25-VO-RV

In the matter of: 1208, 225 VAN HORNE AVE
NORTH YORK ON M2J2T9

Between: Homestead Land Holdings Limited Landlord

And

Rumana Afzal Tenants
Sushmita Varsha Medipalli

Review Order

Homestead Land Holdings Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Rumana Afzal and Sushmita Varsha Medipalli (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-082117-25 issued January 8, 2026.

The Tenant filed a request to review on the basis that they were not reasonably able to participate in the December 22, 2025 proceeding. The review was denied without a hearing by order LTB-L-082117-25-RV issued January 16, 2026.

On March 30, 2026, the Tenant, R. Afzal, filed a motion to void order LTB-L-082117-25.

The motion to void was resolved by order LTB-L-082117-25-VO issued on May 14, 2026, denying the Tenant's motion to void.

On May 29, 2026, the Tenant, R Afzal, requested a review of that 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 review request is filed on the basis of a serious error. The Tenant alleges that she was not afforded procedural fairness on the basis that the Member:
 - a) Did not consider the Tenant's documentary or verbal evidence.
 - b) Did not combine the motion with the Tenant's T2 application

2. For the reasons that follow, the Tenant's request for review is denied.
3. The review request alleges that the Member failed to consider the Tenant's allegations of harassment and failed to consider the Tenant's T2 application.
4. The only issue to be determined by the Board was whether the Tenants reached a zero balance after the enforcement date on the order but before the enforcement by the sheriff took place, pursuant to section 74(11) of *the Residential Tenancies Act, 2006*, the ("Act"). Accordingly, the Member's failure to consider the Tenant's harassment allegations and T2 application is not a serious error, as those issues were not before the Board in this proceeding.
5. The review request further alleges that the Member failed to consider the Tenant's evidence as none of the evidence filed by the Tenant was considered.
6. 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).

7. On review of the hearing recording, the Member advised the parties that only documents brought to her attention will be considered. At no time in the hearing block did the Tenant reference or direct the Member to any documentary evidence. Documents uploaded to the Landlord and Tenant Board portal do not constitute evidence unless they are introduced or relied upon at the hearing. Accordingly, in the absence of any evidence relied upon by the Tenant, there was no documentary evidence for the Member to consider. Further, the Tenant has not identified any reason why she was unable to introduce or rely upon the documents filed with the Board at the hearing.
8. The Tenant further alleges that the Member misapprehended the evidence and improperly accepted the evidence adduced by the second named tenant, Sushmita Varsha Medipalli. However, I find that the Tenant is attempting to reargue her position. Absent a serious error, a review is not an opportunity to reargue a case in hopes of obtaining a more favourable outcome, nor is it an opportunity to present evidence or submissions that could have been presented at the original hearing.
9. Although the Tenant disagree with the May 14, 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.
10. The Tenant'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.

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 Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-082117-25-VO issued on May 14, 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.