



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

Citation: Musse v Chaudhry, 2026 ONLTB 44624

Date: 2026-06-05

File Number: LTB-L-008390-24-RV

In the matter of: 25 Yardmaster Drive
Brampton ON L7A3Z8

Between: Mohamud Mohamed Musse Landlord

And

Shahroz Yousaf Chaudhry Former
Saira Awais Tenant

Review Order

Mohamud Mohamed Musse (the 'Landlord') applied for an order requiring Shahroz Yousaf Chaudhry and Saira Awais (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

The Landlord also applied for an order requiring the Former Tenant to pay the Landlord's reasonable out-of-pocket costs that are the result of the Former Tenant's failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

The Landlord also applied for an order requiring the Former Tenant to pay the Landlord's reasonable out-of-pocket costs that the Landlord incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Former Tenant, another occupant of the rental unit or someone the Former Tenant permitted in the residential complex.

This application was resolved by order LTB-L-008390-24 issued on May 22, 2026.

On June 3, 2026, the Landlord requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. The Landlord's application was dismissed because he could not prove that he served the Former Tenant with a copy of the application as required by section 189.0.1 of the *Residential Tenancies Act, 2006* ('the RTA').

2. The Landlord submits that the application should not have been dismissed because of the service issue and that the Landlord now has documentary evidence to demonstrate that the application was served. The Landlord also asks that the Board consider that he is 71 and that English is not his first language. The Landlord submits that he needs more time to understand and respond to questions and court procedures.
3. The Board did not make any serious errors in dismissing the application. The Landlord could not demonstrate that he fulfilled the service requirements of the RTA, the Board provided sufficient reasons for the dismissal, and the file has a significant procedural history that did not favour another adjournment.
4. The proposed new evidence about service would not meet the test for admittance on review. The evidence was not unavailable at the time of the hearing. With the reasonable exercise of diligence the evidence could have been available.
5. The Landlord was both represented at the hearing and had his daughter present. Additionally, the order indicates that the matter was held down for 15 minutes to allow the Landlord to go through their documents to find confirmation that the application had been served. I'm not satisfied based on the submissions in the review request that the Landlord had a procedurally unfair hearing.

It is ordered that:

1. The request to review order LTB-L-008390-24 issued on May 22, 2026 is denied. The order is confirmed and remains unchanged.

June 5, 2026
Date Issued

Amanda Kovats
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.