



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

**Citation:** Maqbool v Tarnawski, 2026 ONLTB 43872

**Date:** 2026-06-08

**File Number:** LTB-L-031712-26-RV

**In the matter of:** 4768 ST LAWRENCE AVE  
NIAGARA FALLS ON L2E3X9

**Between:** Bilal Maqbool Landlord

**And**

Alysha Tarnawski Tenant

**And**

Gigi Trudel Occupant

### **Review Order**

Bilal Maqbool (the 'Landlord') applied for an order to terminate the tenancy and evict Alysha Tarnawski (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This matter was heard on May 5, 2026. This application was resolved by order LTB-L-031712-26 issued on May 11, 2026.

On May 20, 2026, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved. On May 21, 2026, interim order LTB-L-031712-26-RV-IN was issued, staying the order issued on May 11, 2026.

The request for review was heard by videoconference on June 1, 2026.

The Landlord's representative, Taff Butters, the Landlord, and the Occupant attended the hearing.

### **Determinations:**

1. The request for review alleges neither the Tenant nor the Occupant were reasonably able to participate in the hearing held on May 5, 2026, and that the order issued May 11, 2026 contains a serious error. However, the reasons stated in the request for review are really only about the allegation that the Tenant and the Occupant were not reasonably able to participate.

2. At the review hearing the Landlord raised a preliminary issue in that the Tenant was not present, and the Occupant did not have written authorization to represent the Tenant. The Landlord asks that the review be dismissed without a hearing.
3. Rule 26.1 of the Board's Rules of Procedure states:

Any party may request review of any order which makes a final determination of the party's rights. For these purposes an interim order may contain a final determination of rights. **A person who is directly affected by a final order may also request a review of an order.**

[Emphasis added.]

4. The Occupant who appears before the Board lives in the rental unit. As the order that is the subject of this review is an eviction order, the Occupant is a person who is directly affected by the order. Rule 26.1 means that she has the right to file this review independently of the Tenant. As she has the right to file a review such as this one it would be illogical to refuse to allow her to participate at the hearing of the review because she does not have written authorization from the Tenant to represent the Tenant.
5. As a result, the Landlord's request to dismiss the review based on the above without a hearing is denied.
6. The Occupant also raises a preliminary issue. She seeks adjournment so she can have more time to prepare. For the following reasons the Occupant's request is also denied.
7. The review specifically names the Occupant as a party to the request, contains her e-mail address and was filed with the Board on May 20, 2026. The Landlord believes the review was filed by the Occupant but whether that is true is immaterial as the Occupant has certainly had knowledge of the review request since it was filed. In other words, she had ten days to prepare for the hearing. Absent some specific factual allegations as to why ten days was an inadequate time to prepare for the hearing, adjournment cannot be justified.
8. As a result, the request for an adjournment is also denied.
9. Although I announced at the hearing that the request for review was being granted, I have since thought further on the issue and changed my mind for the reasons that follow. The Board's decisions are rendered in writing so my oral remarks at the hearing are neither final nor the Board's order.

*Was the Occupant Reasonably Able to Participate in the Hearing Held on May 5, 2026?*

10. Although the Board's Rules give a non-party affected by an order the right to request a review, there is no Rule, or section of the *Residential Tenancies Act, 2006* (the 'Act') or regulations that gives an occupant the right to notice of a hearing. Occupants may be called as witnesses. They may be given authorization to represent a tenant. But otherwise, they have no procedural rights with respect to an original hearing before the Board.
11. Therefore, it cannot be said the Occupant was not reasonably able to participate in the hearing held on May 5, 2026, because she had no right to notice or to participate.

*Was the Tenant Reasonably Able to Participate in the Hearing Held on May 5, 2026?*

12. The Board's records show that on April 10, 2026, the Board sent notice of hearing to the Landlord. Notice of hearing was not sent to the Tenant at the same time. On April 17, 2026, the Landlord asked for shortening time to hearing, a request that was granted the same day. On April 20, 2026, a new notice of hearing was issued and sent to the Landlord and his representative by e-mail. On April 21, 2026, the Board sent a copy of the notice of hearing to the Tenant by courier addressed to the rental unit.
13. The Landlord filed a certificate of service with the Board indicating he couriered the new notice of hearing to the Tenant but it does not say what address it was couriered to. The Landlord was aware at all material times that the Tenant was incarcerated at the Vanier Correctional Centre. A courier tracking slip was filed with the Board that indicates on April 21, 2026, the Landlord couriered the notice of hearing to an unknown address in Milton. A photograph of the courier package was also supplied and it shows the address label which includes the Tenant's name and the institution's name and address.
14. The Occupant says the Tenant did not get the notice of hearing for the hearing held on May 5, 2026. That statement is hearsay. In contrast the Landlord and the Landlord's representative led evidence as to their delivery of the notice of hearing to the jail where the Tenant was residing at the time. The Landlord's evidence is well corroborated by documentary evidence. Therefore, in the absence of testimony from the Tenant as to the issue, the Occupant has not led sufficient evidence to establish that the Tenant was not reasonably able to participate in the hearing held on May 5, 2026. Inmates get mail. They also have access to hearings when arranged in advance.
15. As a result, I am not satisfied the order contains a serious error or that the Tenant was not reasonably able to participate in the hearing held May 5, 2026, or that a serious procedural error occurred. The request for review is therefore denied.
16. That leaves the lifting of the stay.
17. The Tenant is incarcerated and as long as that incarceration continues she will not be on the street or otherwise homeless as a result of any eviction order the Board may order.
18. The Occupant says that she has been living in the rental unit since December 2025 and takes care of the Tenant's pets. The Occupant says being evicted from her home will directly impact her and cause her hardship, as she would have to find another place to live.
19. Although I agree that being evicted often causes hardship, the Occupant has had more than ample time to understand the Tenant has not been paying the rent and the Landlord is entitled to return of the rental unit unless the rent is paid. I say this because this is the second application against the Tenant that the Occupant has been involved in. She appeared before the Board on March 3, 2026, at the hearing of an application seeking to evict the Tenant for non-payment of rent. That application was dismissed because the notice of termination was found to be invalid. But the Occupant's involvement in that prior application shows that since at least March 3, 2026, the Occupant has known she would almost certainly have to move and soon.
20. As a result, the stay of order shall be lifted effective immediately.

21. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

**It is ordered that:**

1. The Tenant's request for review is denied. Order LTB-L-031712-26 issued on May 11, 2026 is confirmed.
2. Interim order LTB-L-031712-26-RV-IN issued May 21, 2026 is cancelled. The stay of order LTB-L-031712-26 is lifted effective immediately.

**June 8, 2026**

**Date Issued**

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Paula West Oreskovich

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.