



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

File Number: LTB-L-054674-25-RV

In the matter of: 57 JAMES GOVAN DR
WHITBY ON L1N0J9

Between: Shahnaz Begum Landlord
Aiza Mahtab

And

Umme Kulsoom Fatima Ahmed Tenant

Review Order

Shahnaz Begum and Aiza Mahtab (the 'Landlord') applied for an order to terminate the tenancy and evict Umme Kulsoom Fatima Ahmed (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

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

This application was resolved by order LTB-L-054674-25 issued on March 17, 2026. A hearing of the Landlord's L2 application was heard on November 26, 2025. Only the Landlord attended the hearing. The Tenant was not present or represented at the hearing.

On April 14, 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 April 15, 2026, interim order LTB-L-054674-25-RV-IN was issued, staying the order issued on March 17, 2026

This application was heard by videoconference on June 9, 2026.

The Landlord and the Tenant attended the hearing.

Determinations:

The Review Request:

1. In the request to review, the Tenant stated that she was not reasonably able to participate in the November 26, 2025, hearing because the hearing was scheduled during dates of unavailability that had been provided to the Board.
2. On the basis of the submissions made in the request, I am not satisfied that the Tenant was not reasonably able to participate in the proceeding on November 26, 2025.
3. At the review hearing, the Tenant testified that she was required to attend a family law matter at the Superior Court of Justice on the same date and was therefore unable to attend the Board hearing. Although the Tenant stated that she uploaded dates of unavailability to the Board in August 2025, the evidence before me shows that the communication relied on by the Tenant related to a different Board file and not to this proceeding.
4. The Tenant also testified that she contacted the Board before the hearing and requested that the November 26, 2025, hearing be rescheduled. However, the Tenant did not receive the Landlord's consent and did not receive confirmation from the Board that the hearing would be rescheduled. The Tenant also did not file a formal request to reschedule this hearing.
5. The Tenant's evidence was that the family law matter required her in person attendance at approximately 11:30 a.m. The Board hearing was scheduled for 9:00 a.m. The Tenant did not provide a reasonable explanation for why she could not attend the Board hearing by telephone at 9:00 a.m., even briefly, to request an adjournment from the presiding Member.
6. In *Q Res IV Operating GP Inc. v. Berezovs'ka*, 2017 ONSC 5541 (Div Ct), the Divisional Court held that a lack of due diligence in dealing with court proceedings is a reason to refuse to set aside an order where a party failed to appear. I find that principle applies here. The Tenant knew about the hearing, knew she did not have confirmation that the hearing had been adjourned, and did not take reasonable steps to attend or seek an adjournment at the hearing. In these circumstances, I find that the Tenant did not act with appropriate diligence and has not shown that she was not reasonably able to participate in the hearing on November 26, 2025. Her absence is attributable to a lack of due diligence.
7. The Tenant also submitted that the decision was based on inaccurate facts and therefore contains serious errors. I am not satisfied that this ground is established. The order is rationally connected to the evidence presented at the hearing, and the reasons sufficiently explain the result. It was reasonable for the order to be based on the information presented at the hearing. A review is not an opportunity to change the way the case was presented.
8. For those reasons the review request is denied.

It is ordered that:

1. The request to review order LTB-L-054674-25 issued on March 17, 2026, is denied. The order is confirmed and remains unchanged.

2. The interim order issued on April 15, 2026, is cancelled. The stay of order LTB-L-054674-25 is lifted immediately.

June 16, 2026
Date Issued

Joy Xiao
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.