



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

File Number: LTB-L-075447-24-RV

In the matter of: 517 SALZBURG DR
ORLEANS ON K4A0C6

Between: Derek McCormack Landlords
Ritu Lamba

And

Tawfik Al-Nehmi Former Tenants
Dhekra Al-Masyabi

Review Order

Derek McCormack and Ritu Lamba (the 'Landlords') applied for an order requiring Tawfik Al-Nehmi and Dhekra Al-Masyabi (the 'Former Tenants') to pay the rent and daily compensation that the Former Tenants owe¹, and the Landlords' reasonable out-of-pocket costs that the Landlords incurred or will incur to repair or replace undue damage to property. The damage was caused willfully or negligently by the Former Tenants, another occupant of the rental unit or someone the Former Tenants permitted in the residential complex² (hereafter referred to as the 'L10 Application').

This L10 Application was heard on January 12, 2026, and resolved by the order LTB-L-075447-24, issued on January 15, 2026. Both the Landlord Derek McCormack, and the Former Tenant Tawfik Al-Nehmi, attended the proceedings.

On February 14, 2026, the Landlords requested a review of the order LTB-L-075447-24, issued on January 15, 2026.

On February 23, 2026, the interim order LTB-L-075447-24-RV-IN was issued, directing the matter to a hearing to determine whether the request to review the order LTB-L-075447-24, issued on January 15, 2026, should be granted or denied.

This request to review was heard by videoconference on May 28, 2026.

Only the Landlords Derek McCormack ('D.M') attended the hearing.

D.M was authorized to act on behalf of the Landlords Ritu Lamba.

¹ Section 87 of the *Residential Tenancies Act, 2006*.

² Section 89 of the *Residential Tenancies Act, 2006*.

As of 1:27pm, the Former Tenants were not present or represented at the hearing although properly served with notice of this hearing. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlords' evidence.

Determinations:

Notice of Hearing

1. The request to review the order LTB-L-075447-24, issued on January 15, 2026, was originally scheduled to be heard on April 7, 2026.
2. The matter was adjourned on April 7, 2026, as the Board was not satisfied that the Former Tenants had been duly served with the notice related to the April 7, 2026, hearing.
3. The Landlords was therefore directed to serve the Former Tenants the notice of hearing related to the next hearing date.
4. D.M testified that they served the notice related to the May 28, 2026, hearing on May 20, 2026, as it appears from the email sent by the Landlords to the Former Tenants on May 20, 2026 (DOC-8051769; Exhibit 1).
5. D.M stated that the Former Tenants confirmed that they had received the email dated May 20, 2026 (Exhibit 1), as it appears from a copy of the email correspondence between May 21, 2026, and May 25, 2026, between the Landlords and the Former Tenants (DOC-8158417; Exhibit 2).
6. On the basis of the uncontested evidence and submissions before me, I am satisfied – on a balance of probabilities – that the Former Tenants were duly served with the notice related to the May 28, 2026, hearing and were therefore aware of the hearings and how to join the videoconference hearing.
7. Accordingly, the request to review the order LTB-L-075447-24, issued on January 15, 2026, proceeded to be heard.

Request to Review

8. The Landlords alleged in their request to review that a serious error occurred in the order LTB-L-075447-24, issued on January 15, 2026.
9. Indeed, D.M stated that while the presiding member determined that the Landlords were not entitled to any rent amounts for the period of time following the Former Tenants moving out of the rental unit on March 18, 2024, as the Landlords had failed to take reasonable steps to minimize their damage, they submit that the Board erred by failing to address the arrears of rent claimed in the L10 Application, for the rental period starting January 15, 2024, and ending March 18, 2024.
10. The Landlords therefore seek for their request to review the order LTB-L-075447-24, issued on January 15, 2026, to be granted, in order for the question pertaining to the arrears of rent between January 15, 2024, and March 18, 2024, to be re-heard.

11. On the basis of the uncontested evidence and submissions before me, I find that the order LTB-L-075447-24, issued on January 15, 2026, contains a serious error. Indeed, while the presiding member dismissed the entirety of the Landlords claim with respect to their request to have the Former Tenants pay the rent and daily compensation that the Former Tenants owe, the order is silent as to why the claim for rent arrears for the rental period starting January 15, 2024, and ending March 18, 2024, was dismissed.
12. In *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 (CanLII), [2019] 4 SCR 653, the Supreme Court states the following:

[127] The principles of justification and transparency require that an administrative decision maker's reasons meaningfully account for the central issues and concerns raised by the parties. The principle that the individual or individuals affected by a decision should have the opportunity to present their case fully and fairly underlies the duty of procedural fairness and is rooted in the right to be heard: Baker, at para. 28. The concept of responsive reasons is inherently bound up with this principle, because reasons are the primary mechanism by which decision makers demonstrate that they have actually listened to the parties.

[128] Reviewing courts cannot expect administrative decision makers to "respond to every argument or line of possible analysis" (Newfoundland Nurses, at para. 25), or to "make an explicit finding on each constituent element, however subordinate, leading to its final conclusion" (para. 16). To impose such expectations would have a paralyzing effect on the proper functioning of administrative bodies and would needlessly compromise important values such as efficiency and access to justice. However, a decision maker's failure to meaningfully grapple with key issues or central arguments raised by the parties may call into question whether the decision maker was actually alert and sensitive to the matter before it. In addition to assuring parties that their concerns have been heard, the process of drafting reasons with care and attention can alert the decision maker to inadvertent gaps and other flaws in its reasoning: Baker, at para. 39.

13. Although the order LTB-L-075447-24, issued on January 15, 2026, aptly explains why the Landlords would not be entitled to any amounts claimed following the Former Tenants' move out of the rental unit,³ the order offers no reasons as to why arrears of rent being claimed prior to the departure – which equate to one of the central issues contained in the L10 Application - were also dismissed.
14. Accordingly, the Landlords' request to review the order LTB-L-075447-24, issued on January 15, 2026, is partially granted, with the re-hearing of the L10 Application being limited only to the question of the arrears of rent for the rental period starting January 15, 2024, and ending March 18, 2024.⁴

³ Subsection 88(4) and section 16 of the *Residential Tenancies Act*, 2006.

⁴ Rule 26.15 of the Board's *Rules of Procedure*.

L10 Application – Rent and Daily Compensation Owing to March 18, 2024

15. The Landlords sought an order for the Former Tenants to pay the rent and daily compensation that the Former Tenants owe for the rental period starting January 15, 2024, and ending March 18, 2024.
16. The Former Tenants vacated the rental unit on March 18, 2024
17. The lawful rent was \$1,722.00. It was due on the fifteenth (15th) day of each month.
18. Based on the Monthly rent, the daily rent/compensation is \$56.61. This amount is calculated as follows: \$1,722.00 x 12, divided by 365 days.
19. The Former Tenants have not made any payments since the application was filed.
20. The rent arrears and daily compensation owing to March 18, 2024, are therefore \$3,204.44.
21. The Landlords collected a rent deposit of \$1,896.93 from the Former Tenants and this deposit is still being held by the Landlords. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Former Tenants are required to pay.
22. Interest on the rent deposit has already been paid in full to the Former Tenants up to March 18, 2024.
23. The Landlords incurred costs of \$186.00 for filing the application. As the Landlords are now found to be (partially) successful with respect to their L10 Application, I find that they are entitled to reimbursement of those costs.⁵

It is ordered that:

1. The request to review the order LTB-L-075447-24 issued on January 15, 2026, is granted.
2. The order LTB-L-075447-24 issued on January 15, 2026, is amended as follows:
3. The Former Tenants shall pay to the Landlords \$3,390.44, which represents:
 - \$3,204.44 for rent and compensation owing up to March 18, 2024,
 - \$186.00 for the cost of filing the application.
4. The Landlords owe \$1,896.93 which is the amount of the rent deposit and interest on the rent deposit, and this is deducted from the amount owing by the Former Tenants.
5. The total amount the Former Tenants owes the Landlords is \$1,493.51*. *See Schedule 1 for the calculation of the amount owing.*

⁵ Section 204 of the *Residential Tenancies Act, 2006* and Rule 23.1 of the Board's *Rules of Procedure*.

6. If the Former Tenants do not pay the Landlords the full amount owing on or before June 29, 2026, the Former Tenants will start to owe interest. This will be simple interest calculated from June 30, 2026, at 4.00% annually on the balance outstanding.

June 18, 2026
Date Issued

Alexandre Traboulsi
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.

Schedule 1
SUMMARY OF CALCULATIONS

Amount the Former Tenants must pay the Landlords:

Rent and Compensation Owing to March 18, 2024	\$3,204.44
Damage Costs	\$0.00
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit and interest	- \$1,896.93
Total amount owing to the Landlords	\$1,493.51