



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

Citation: KASHEF-NAMI v POURMOKHTAR, 2026 ONLTB 49074

Date: 2026-06-22

File Number: LTB-L-018827-26-RV

In the matter of: Basement unit, 15 PLEASANT AVE
NORTH YORK ON M2M1L8

Between: MASOUMEH KASHEF-NAMI Landlord
HABIB GORJI-POUR

And

MARJAN POURMOKHTAR Tenant

Review Order

MASOUMEH KASHEF-NAMI and HABIB GORJI-POUR (the 'Landlord') applied for an order to terminate the tenancy and evict MARJAN POURMOKHTAR (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-018827-26 issued on May 21, 2026 pursuant to a hearing attended on May 14, 2026 at which only the Landlord's Legal Representative, Nasser Hashemi, attended.

On June 16, 2026, the Tenant requested a review of the order.

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

Determinations:

1. The Tenant submits they were not reasonably able to participate in the hearing and that there was a serious error in the order or proceeding.

Ability to Participate

2. The Tenant submits they were not reasonably able to participate in the hearing as their son had an injury that required an appointment at the hospital on the date of the hearing. The Tenant sent a letter to the LTB on May 8, 2026 asking that the hearing not proceed as scheduled. The hearing was not rescheduled, and there is no indication in the submission that the Tenant ever received any communication to the effect that it was.
3. The request indicates the following as to what happened on the date of the hearing:

4. While this submission is somewhat unclear, it does not indicate when the Tenant joined the video-conference hearing, or that they joined the hearing on time but were not called upon when their matter proceeded to a hearing. A notation on the docket for the hearing block indicates that the Tenant joined the hearing at 10:56 a.m., well after the matter was heard at 9:29 a.m.
5. The request also does not explain why the Tenant could not have had another party attend on their behalf to request an adjournment, or that the matter be held down until the Tenant's child's appointment had concluded. This was not an emergent situation, as it is clear the Tenant knew of this conflict approximately a week prior to the hearing, if not before.
6. Rule 26.8.e. of the Board's Rules of Procedure states that a request to review an order must provide sufficient information to support a preliminary finding that they were not reasonably able to participate in the hearing. I find that this request does not provide sufficient information to make that preliminary finding.

Serious Error

7. The Tenant submits there was a serious error in the order or proceeding on a number of grounds. These amount to submissions that the process was unfair as the Tenant was not heard from, written submissions made by the Tenant were not considered, this did not meet the standards required for a fair hearing, and the decision is incorrect.
8. It is not unfair to hold an uncontested hearing when a party does not attend after being properly served with notice of that hearing. Here, there is no doubt that the Tenant was aware of the hearing.
9. The hearing Member was not required to look through all materials on the file in an attempt to identify and review a written submission made by the Tenant. Parties must attend the hearing to present evidence and make submissions. It is not an error not to consider evidence and submissions not brought to the attention of the Member in the hearing.
10. There is nothing in the record that indicates the hearing process was unfair, or that the resulting order was unfair or wrong given the evidence and submissions actually made to the Member at the hearing.

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-018827-26 issued on May 21, 2026 is denied. The order is confirmed and remains unchanged.

June 22, 2026
Date Issued

Benjamin Seigel
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.