



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

Citation: DADWAL v FOX, 2026 ONLTB 49344

Date: 2026-06-22

File Number: LTB-L-016283-26-RV

In the matter of: 224 8TH CONCESSION ROAD
WESTPORT ON K0G1X0

Between: KARAN DADWAL Landlords
ANITA DADWAL

And

ROBERT FRANCIS FOX Tenant

Review Order

KARAN DADWAL and ANITA DADWAL (the 'Landlords') applied for an order to terminate the tenancy and evict ROBERT FRANCIS FOX (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-016283-26 issued on June 2, 2026.

On June 22, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing. In determining this request, I reviewed the materials in the LTB's file as well as the audio recording for this hearing.

Determinations:

1. In the review request, the Tenant states that the June 2, 2026 order contains serious errors specific to the Member's determination related to the service of the N4 notice and that he was denied procedural fairness as he was self-represented and was "rushed" while presenting his evidence and submissions and unable to "fully address the defects in the landlord's service evidence and fully present my case." The Tenant states the hearing recording is incomplete and the gap in time was relevant to his case. The Tenant also believes the Member should not have accepted evidence specific to the Landlord who did not attend the hearing.
2. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings or that the Tenant was not reasonably able to participate in the proceeding.

3. I have reviewed the Board's application record and have listened to the May 25, 2026 hearing recording.

The N4 Termination Notice and Jurisdiction

4. The Tenant states that the Member seriously erred in finding the Landlord properly served the N4 notice to the Tenant.
5. The order and the hearing recording confirm that the Member considered the parties' submissions and evidence with respect to service of the N4 notice. The Member ultimately determined that the Landlord served the N4 notice by mail which is an acceptable method as per the Board's Rules of Procedure and the Act. The Member provided detailed reasons at paragraphs 1 to 3 of the order.
6. While the Tenant may have preferred a different outcome, it was not a serious error for the Member to make the finding that the Landlord complied with service. The time to challenge the Landlord's evidence was at the hearing, not a review.
7. The Board has published Guideline # 8, entitled "Review of an Order", in order to assist parties in understanding how the Board normally approaches issues that arise. It is not binding on me but I find it informative, useful and choose to follow it. As noted in Guideline # 8, errors of fact can be successful grounds for review but only where the error of fact which "was material to the decision, and **was clearly an unreasonable finding considering the evidence** which was before the Member" [emphasis added]. Here, the Tenant's request for review contains a wide rejection of the Member's findings of fact but there is nothing in the request for review suggestive of the possibility that there was no evidence to support the Member's findings of fact, or that the Member applied incorrect principles or considerations in arriving at his findings of fact, or that the findings were otherwise unreasonable or capricious.
8. In this case, the Member was in the best position to admit and consider the parties' relevant evidence and to make findings of fact while also considering the Board's requirements. Having appropriately applied the Board's requirements, it was reasonable for the Member to find that the Landlord met all service requirements. This decision falls within a reasonable range of outcomes. The Board had the jurisdiction to proceed accordingly. This portion of the Tenant's request is denied.

Was the Tenant denied procedural fairness?

9. The Tenant states that he was unrepresented at the hearing and the time pressure applied by the Member resulted in the Tenant's inability to fully address the issues and challenge the Landlord's evidence.
10. I disagree. While the Member did address the time the matter may require and the remaining time in the block, this occurred around mid-morning. The hearing recording confirms that the parties had the Member's full attention for the duration of the hearing. The Tenant led his evidence and submissions and challenged the Landlord's evidence

and submissions. There is no indication in the hearing recording that the Tenant was not afforded opportunity to lead his case or challenge the Landlord's. I acknowledge that, from time to time, the Member interrupted the Tenant and refused various submissions or evidence where the details were irrelevant or repetitious. Clearly, the Member's direction was to move the matter forward. In fact, this was explained to the Tenant when he raised the issue of fairness at the hearing.

11. There is nothing to suggest in the recording that the Tenant was denied procedural fairness. In fact, the Tenant fully engaged his right to participate at the hearing.
12. With respect to the Tenant's claims that the hearing recording is incomplete due to a brief gap around 1:29:08 to 1:29:11. Having reviewed this portion of the recording against the order, while there may have been a momentary recording lapse, I do not find it altered the course of direction related to the outcome of the order. Rather, it seems to me to have been a brief technological issue that did not impact the parties' participation nor the Member's decision.
13. The Tenant asserts the Member erred in accepting evidence related to the Landlord who did not attend the hearing and the Tenant was deprived of the opportunity to cross examine the absent Landlord.
14. This was addressed at the hearing when the Tenant raised the issue and is captured at paragraph 15 of the order. However, at the hearing, the parties agreed to a rent abatement for the water pump issue, making the Tenant's claim moot.
15. Overall, I found the Member conducted the hearing in an exemplary manner and gave all parties a full and fair opportunity to be heard.
16. Given all of the above, I do not find the Tenant was not reasonably able to participate at the hearing or the order contains a serious error. The Tenant's review request is denied.

It is ordered that:

1. The request to review order LTB-L-016283-26 issued on June 2, 2026 is denied. The order is confirmed and remains unchanged.

June 22, 2026
Date Issued

Dana Wren
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.