



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

File Number: LTB-T-093008-24-RV

In the matter of: 205, 2000 JASMINE CRESCENT
Gloucester ON K1J8K4

Between: Mohamed FAROUK KHADER Tenant

And

JACQUES CARRIER Landlord

Review Order

Mohamed FAROUK KHADER (the 'Tenant') applied for an order determining that JACQUES CARRIER (the 'Landlord') :

- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.

This application was resolved by order LTB-T-093008-24 issued on April 23, 2026.

On May 19, 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.

Determinations:

1. In the Tenant's request to review, they allege that the presiding member improperly concluded that the plumbing issue was limited to the toilet, whereas the evidence demonstrated that there was a systemic problem that affected the building's pipes. In addition, the presiding member failed to consider the water service interruption notice which confirms that there was essential work on the building's plumbing system, demonstrating a broader issue. The presiding member also did not properly evaluate the testimony of the Superintendent which confirms that the Tenant was prompt to act, demonstrating the reasonableness of his actions.
2. The Tenant also states that the presiding member did not adequately consider the email that the Tenant sent on October 28, 2024 and the photos and evidence of subsequent work which demonstrated that the issues with the toilet persisted after it was replaced, which is contradictory to the Board's findings.

3. On the basis of the submissions made in the request, I am not satisfied on a balance of probabilities, that there is a serious error in the order or that a serious error occurred in the proceedings.
4. Guideline 8 provides the Board with the ability to grant a review hearing when it is satisfied that the original hearing order contains a serious error. Under the heading of Guideline 8, “Grounds for Review: Serious Error”, it states:

Serious error includes:

- An error of jurisdiction. For example, the order relies on the wrong section of the RTA or exceeds the LTB’s powers. This issue need not have been raised at the original hearing;
- A procedural error which raises issues of natural justice;
- An unreasonable finding of fact on a material issue which would potentially change the result of the order;
- New evidence which was unavailable at the time of the hearing, and which is potentially determinative of one or more central issues in dispute;
- An error in law. The LTB will not exercise its discretion to review and order interpreting the RTA unless interpretation conflicts with a binding decision of the Courts or is clearly wrong and unreasonable; and
- An unreasonable exercise of discretion which results in an order outside the usual range of remedies or results and where there are not reasons explaining the result.

5. Under the heading “errors of fact”, it states:

“A review to review based on an alleged error of fact must include specific details of the alleged error and explain how a different finding of fact would change the result.

The original hearing Member’s findings of fact are entitled to considerable deference. A request will not be granted simply because the reviewing adjudicator might have come to a different conclusion about the evidence. Even where it finds a factual error the LTB may not exercise its discretion to review if the error is trivial, does not relate to a material issue in dispute or would not change the result.

The LTB must be satisfied that there appears to be no rational connection between the findings of fact and the evidence in the original hearing.”

6. Based on the above, the presiding member’s findings of fact are entitled to considerable deference or respect. The Tenant must persuade me that there appears to be no rational connection between the presiding members findings of fact and the evidence in the original hearing.
7. That said, I find on a balance of probabilities that the Tenant failed to demonstrate how the order makes no rational connection between the findings of fact and the evidence at the original hearing, specifically the issues that the Tenant raised in their request to review regarding the presiding members findings, that the Landlord is not in breach of their maintenance obligations. Further, even if there was an error, I find that the Tenant

has failed to demonstrate how the findings of the presiding member's decision evidence would be different.

8. Furthermore, as outlined, the presiding member is afforded considerable deference at the hearing. In their request to review the Tenant alleges that the presiding member wrongly concluded that the plumbing problem was limited to the toilet, failed to consider the water service interruptions, did not properly evaluate the testimony of the building Superintendent and omitted certain evidence. I find that the Tenant provided insufficient evidence in their request to review to demonstrate that the presiding member made an error of fact. There is nothing in the record to support a determination that the presiding member applied improper principles in assessing the evidence introduced or that there was insufficient evidence before the Board to support its conclusions, and/or that the presiding member did not consider the Tenant's evidence. I would not interfere with the assessment of the evidence by the presiding member's of first instance, who had the opportunity of hearing the evidence in its totality. As such, I am not satisfied that there is a serious error made in this regard.
9. While the Tenant may disagree with the presiding member's decision, this is insufficient to establish that the order issued on April 23, 2026 contains a serious error, or that the presiding member exercised unreasonable discretion.
10. The presiding member considered the evidence of both parties and made a determination that was in the reasonable range of findings. Further, the presiding member is granted considerable deference regarding factual determinations and as such, I do not find that the order contains a serious error.
11. 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.

It is ordered that:

1. The request to review order LTB-T-093008-24 issued on April 23, 2026 is denied.
2. The order is confirmed and remains unchanged.

June 23, 2026
Date Issued

Nathalia Debski
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

