



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

Citation: Alchikh v El Kahil, 2026 ONLTB 50530

Date: 2026-06-25

File Number: LTB-L-102216-25-RV2

In the matter of: 728 SOUth Pacific Ave
Windsor ON N8X2X2

Between: Walaa Alchikh Landlord

and

Wassim El Kahil Tenant

Review Order

Walaa Alchikh (the 'Landlord') applied for an order to terminate the tenancy and evict Wassim El Kahil and Kyeesha Ocampo (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-102216-25 issued on May 27, 2026.

On June 24, 2026, the Representative requested a review of the order.

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

Determinations:

1. The Landlord submits that there is a serious error in the order because the Member dismissed the application on the basis that the Tenant's obligation to pay rent was suspended pursuant to section 12(4) of the *Residential Tenancies Act, 2006* (the 'Act'). The Landlord submits that this was a serious error as there is no written tenancy agreement and therefore, the correct section the Member was required to consider the application of was section 12(3) of the Act.
2. I am not satisfied that there is a serious error in the order as alleged. It is clear from paragraphs 13 and 14 that the Member did correctly consider the applicability of and the Landlord's compliance with section 12(3) of the Act. She considered the parties' evidence on the issue and determined that, as of the date of the hearing, the Landlord had not complied with their obligations under section 12(3) of the Act. Although it may be an error to have considered the Landlord's compliance with sections 12(1) and 12(2) of the Act, it is not a serious error because the result would be the same. The Tenant's

obligation to pay rent remained suspended pursuant to section 12(4) of the Act based on the Landlord's continued non-compliance with section 12(3) of the Act.

3. For the foregoing reasons, I am not satisfied that there is a serious error in the order. Accordingly, the request to review the order must be denied.

It is ordered that:

1. The request to review order LTB-L-102216-25 issued on May 27, 2026 is denied. The order is confirmed and remains unchanged.

June 25, 2026
Date Issued

Candace Aboussafy
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.