



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

**Citation:** Mahmood v Katuala, 2026 ONLTB 47537

**Date:** 2026-06-30

**File Number:** LTB-L-053784-25-RV

**In the matter of:** UPPER FLOOR, 190 RETREAT BLVD  
Vaughan ON L4H0T9

**Between:** Bushra Mahmood Landlord

**And**

Bitshilualua Katuala Tenants  
Jeannette Kingiela-Mabumba

### **Review Order**

Bushra Mahmood (the 'Landlord') applied for an order to terminate the tenancy and evict Bitshilualua Katuala and Jeannette Kingiela-Mabumba (the 'Tenants') because the Tenant did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-053784-25 issued on October 14, 2025

On November 10, 2025, the Legal Representative requested a review of the order, and that the order be stayed until the request to review the order is resolved.

On December 15, 2025 interim order LTB-L-053784-25-RV-IN was issued, staying the order issued on October 14, 2025

This review was heard by videoconference on June 11, 2026.

Only the Landlord's Legal Representative Vidy Matadeen and the Landlord attended the hearing.

The Tenants were not present nor represented at the hearing. I was satisfied that the Tenant had received the Notice of Hearing and there was no request to adjourn before me.

### **Determinations:**

1. Since the Tenant did not attend the hearing to support their request for a review, I find that this review has been abandoned.
2. The Landlord requested costs. They submitted that the landlord has had to wait and suffer prejudice in not being able to enforce the order. They submitted that the Tenants had no

intentions of appearing at their own review request. They requested costs in an amount determined by the Board in accordance with the Board Rules.

3. Although not binding on me, the Board's Interpretation Guideline 3, entitled Costs sets out the general practice of the Board when considering ordering costs to be paid by a party.

While the Board may order a party to pay the costs of another party, costs to a successful party for the preparation/representation fees paid to a legal representative are generally only awarded in cases of unreasonable conduct set out below.

4. Generally, a party is awarded the cost of the application fee; however, that is not in issue at this review hearing, where it was the Tenants that paid an application fee to request a review.
5. Failure to appear at one's own review hearing is not one of the 11 reasons listed in the guideline where costs may be ordered.
6. In the circumstances of this case, I am not prepared to find that the Tenants' request for a review was frivolous or brought in bad faith. Every party has a right to submit a request for a review and even appeal an order to the Divisional Court.
7. Therefore, the request for costs is denied.

**It is ordered that:**

1. The request to review order LTB-L-053784-25 issued on October 14, 2025, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on December 15, 2025, is cancelled. The stay of order LTB-L-053784-25 is lifted immediately.

**June 30, 2026**

**Date Issued**

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**Robert Patchett**

Vice Chair, 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.