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Ghnim v Hebesha, 2026 ONLTB 9655

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Order under Section 31
Residential Tenancies Act, 2006

Citation: Ghnim v Hebesha, 2026 ONLTB 9655
Date: 2026-02-03
File Number: LTB-T-078824-23

In the matter of: 323, 3055 TOMKEN RD
MISSISSAUGA ON L4Y3X9

Between: Hebh Ghnim — Tenant

And

Ahmed Hebesha — Landlord
Ehab Mohamed

Hebh Ghnim (the 'Tenant') applied for an order determining that Ahmed Hebesha and Ehab Mohamed (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.

Hebh Ghnim (the 'Tenant') also applied for an order determining that Ahmed Hebesha and Ehab Mohamed (the 'Landlord') failed to meet the Landlord's maintenance obligations under the Residential Tenancies Act, 2006 (the 'Act') or failed to comply with health, safety, housing or maintenance standards.

This application was heard by videoconference on January 26, 2026.

The Landlord’s Legal Representative Bavithra Vigneswararajah, the Landlord’s Property Manager Ehab Mohamed and the Tenant’s Agent Ahmed Elbasiuni attended the hearing.

This matter was previously heard on December 2, 2024.

The Board issued an Interim Order LTB-T-078824-23-IN dated May 23, 2025, directing the application to be reconvened.

Determinations:

1. The Tenant has submitted an application for Judicial Review of this proceeding and a related application, LTB-L-084929-23. The parties and the Court have agreed to put the application for judicial review on hold, pending the outcome of this proceeding. There being no stay in this proceeding, the hearing proceeded.

2. At the first hearing on December 2, 2024, the presiding Adjudicator had indicated that they intended to dismiss the application. However, after reviewing some documents in the Portal that had not been brought to the attention of the Member that might have been determinative on the preliminary issue raised in the December 2, 2024, the Member ordered that this matter be reconvened.

3. At issue, the application was not properly signed in accordance with section 185(1) of the Act, that requires the applicant to sign the application.

> (1) An application shall be filed with the Board in the form approved by the Board, shall be accompanied by the prescribed information and shall be signed by the applicant.

4. The Landlord submitted that the application should be dismissed because it is not properly signed.

5. The Tenant's Agent opposed this request.

6. They stated that this issue is res judicata because it had been decided by the Board in the Interim Order issued on May 23, 2025.

7. I disagreed. The Interim Order directed that this matter be reconvened. The Interim Order indicated that some documents in the Portal had not been brought to the attention of the Member. It would be unfair to decide this issue without obtaining submissions from the parties on these documents.

8. The Agent referred to DOC-2990417 to state that they had authority to represent the Tenant in these proceedings. This document is a declaration signed by the Agent.

9. The Agent also referred to DOC-2990412; a declaration signed by the Tenant that provides authorization for the Agent to represent the Tenant in these proceedings.

10. The issue is not one of representation, it is about the authority to sign the application that initiates legal proceedings. The Board has a Practice Direction on Representation before the LTB that sets out the circumstances where an Agent, who is not licensed by the Law Society of Ontario may represent a party at the Board.

11. The Agent also referred to DOC-7178904, a document that states that the Tenant authorized the Agent to sign the application at paragraph 6. I note that this document indicates that it is a "supplemental affidavit". However, the affidavit is not sworn out before a Commissioner of Oaths.

12. The Agent was afforded time to provide any case law they intend to refer to, in support of their position that they had authority to sign the application.

13. The Agent referred to a decision cited as "*National Trust Corporation* v. *Rollock*, 1994, 72 OAC, issued by the Divisional Court. The Board could not locate that decision and directed the Agent to provide a copy.

14. The Agent ultimately provided a copy of a decision, *Ferraro* v. *Ontario (Children Community and Social Services)* 2023 HRTO 1416. When asked why they had not provided the decision at paragraph 12, they stated that they were relying on a legal search engine, and this was the decision that was provided in the link they had cited. They also confirmed that they were not reading from the decision.

15. The Board did a search for the decision at paragraph 12 on CanLII. The citation "1994, 72 OAC" produced two results.

    a. *Offredi* v. *751768 Ontario Ltd*., 1994 CanLII 11006 (ON SCDC). This order does not consider the issue of proper authority to sign an application.

    b. *Maidana Estate* v. *Maplex General Insurance Co*., 1994 CanLII 8772 (ON SCDC). This order does not consider the issue of proper authority to sign an application.

16. At this point, the Board deemed the Agent to have been providing fake case law, that was generated using artificial intelligence. The Divisional Court in *Stile Carpentry Ltd*. v. *2004424 Ontario Inc.,* 2025 ONCA 669 determined that a strict application of the Courts Rules that a party to a proceeding must be represented by a lawyer, except with leave of the court.

17. I would adopt that reasoning in the present case, where an Agent submits fake case-law, the Board must ensure the administration of justice is not brought into disrepute and avoid an abuse of process by permitting this application to proceed where it is not properly signed. Therefore, strict compliance with section 185(1) must be applied. The Statutory Powers Procedures Act, section 23(1) gives the Board authority to issue orders to prevent an abuse of processes.

> (1) A tribunal may make such orders or give such directions in proceedings before it as it considers proper to prevent abuse of its processes.

18. In my view, this is not a matter of substantial compliance that the Board could accept the application. Section 212 of the Act permits the Board to determine that there is substantial compliance with the Act respecting forms.

> (1) Substantial compliance with this Act respecting the contents of forms, notices or documents is sufficient. 2006,
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> (2) For greater certainty, an error in the contents of a form, notice or document still constitutes substantial compliance with this Act, as long as the error does not significantly prejudice a party's ability to participate in a proceeding under this Act.

19. The Agent submitted that the Tenant has a disability such that they lack mental capacity, and is unable to participate in the proceedings, and further that the Tenant does not understand English. In this regard the Tribunals Ontario has issued a Practice Direction on Litigation Guardians before Social Justice Tribunals Ontario, which explains how a party who does not have legal capacity can be a party to a case.

    > Everyone 18 years of age and over is presumed, unless there is a reason to believe otherwise, to have legal capacity to make decisions. This includes the decisions to start a case before a tribunal and to decide what to do during the case. If someone does not have the capacity to bring or respond to a case then they may need a litigation guardian to do so for them.

20. A party who intends to bring an application as a litigation guardian at the Board must have submitted an appropriate form setting out the circumstances.

    > A litigation guardian for a person who lacks capacity to make decisions in a tribunal proceeding must file a signed form confirming the nature of his or her relationship to the person, why he or she believes that the person lacks the mental capacity to make decisions in the proceeding, a description of the disability causing the mental incapacity, and various declarations.

21. In the present case, no such form has been submitted or referred to by the Tenant's Agent. In contrast, there are several declarations and affidavits signed by the Tenant all written in English. These by their vary nature suggest or imply that the Tenant has the mental capacity to understand the information needed to make decisions about this case and to understand the consequences of such decisions.

22. As a result, the application is dismissed because it is not properly signed by the applicant.

It is ordered that:

1. The Tenant's application is dismissed.

February 3, 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.