



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

Citation: Belisa v Mackinnon, 2026 ONLTB 2176

Date: 2026-01-07

File Number: LTB-L-034846-25-RV

In the matter of: Upper, 205 Thames
Chatham ON N7L2Z3

Between: Larry Belisa Landlord

And

Brae Mackinnon Tenants
Cathy Jenkins

Review Order

Larry Belisa (the 'Landlord') applied for an order to terminate the tenancy and evict Brae Mackinnon and Cathy Jenkins (the 'Tenants') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-034846-25 issued on October 1, 2025.

On October 28, 2025, the Tenant requested a review of the order.

On October 29, 2025, interim order LTB-L-034846-25-RV-IN was issued, staying the order issued on October 1, 2025

The Tenant's request to review was heard by videoconference on November 26, 2025.

The Tenant, Brae Mckinnon, attended the hearing. The Landlord was represented at the hearing by Jason Dudley.

Determinations:

Preliminary Issue – Adjournment

1. At the outset of the hearing the Tenant that attended the hearing requested an adjournment because the other Tennant, Cathy Jenkins, had a medical appointment and was unable to attend to the hearing.
2. *LTB Interpretation Guideline 1* sets out the factors a Member may consider when deciding whether to grant an adjournment. These factors include:

1. the reason for the adjournment and position of the parties;
 2. the issues in the application;
 3. any prejudice that may result from granting or denying the request;
 4. the history of the proceeding including other adjournments or rescheduling;
 5. the LTB's obligation to adopt the most expeditious method of determining the questions arising in a proceeding that affords to all persons directly affected by the proceeding an adequate opportunity to know the issues and be heard on the matter.
3. I find there was insufficient medical evidence to establish that Ms. Jenkins was unable to participate in a virtual hearing. Further, the Tenant present demonstrated an understanding of the issues before the Board and was capable of making submissions on behalf of both Tenants.
 4. Considering the prejudice to the Landlord due to significant accumulating rent arrears, and applying Guideline 1, the adjournment request was denied.

Request to Review

5. The order issued October 1, 2025, terminated the tenancy October 31, 2025. The Tenant seeks to review the order.
6. A request to review may only be granted where the Board is satisfied there is a serious error in the order, in the proceeding, or where a party was not reasonably able to participate.
7. The Tenants submit they were prevented from raising various maintenance issues under section 82 of the *Residential Tenancies Act, 2006* (the 'Act')
8. Having reviewed the hearing recording and the previous order, I find the Member considered the Tenants' section 82 claims, assessed the one-year limitation period under section 29(2) of the Act, and adjudicated the ongoing issues. The Member clearly addressed those issues in the order issued October 1, 2025.
9. The Tenants disagree with the Member's findings and wish to present additional evidence that could have been provided earlier. A review is not an opportunity to re-argue the case or introduce new evidence that, with reasonable diligence, could have been obtained before the original hearing.
10. The October 1, 2025, order shows that the presiding Board Member considered the parties' relevant evidence and submissions when the Member concluded it was not unfair to postpone enforcing the eviction until March October 31, 2025, pursuant to subsection 83(1)(b) of the Act. The Member's exercise of discretion was therefore guided by appropriate factors, and the exercise of discretion was rational and not arbitrary or capricious.
11. Although another Board adjudicator may have exercised their discretion differently, the Member's decision under subsection 83(1)(b) falls within a reasonable range of outcomes.

The Member's decision to postpone enforcing the eviction until October 31, 2025, is therefore entitled to deference, and no error exists in the order.

12. Finally, the parties acknowledge the Member made in error with the respect to the Landlord retaining a last month's rent deposit. The parties confirmed the Landlord collected \$995.00 on September 1, 2021, and not interest has been paid to the Tenant.
13. While this is an error, it is not a serious error. The order shall be varied accordingly. Beyond the error made with respect to the last month's rent deposit, 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.

It is ordered that:

1. The request to review order LTB-L-034846-25 issued on October 1, 2025 is denied. Is granted in part.
2. Paragraph 5 of the order is varied to read:

If the Tenants do not void the order, the Tenants shall pay to the Landlord \$19,561.42 This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application, less the amount owing to the Tenants. See Schedule 1 for the calculation of the amount owing.

3. The remainder of the order is confirmed and remains unchanged.
4. The interim order issued on October 29, 2025 is cancelled. The stay of order LTB-L-034846-25 is lifted immediately.

January 7, 2026
Date Issued

Bryan Delorenzi
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.

Schedule 1 SUMMARY OF CALCULATIONS

A. Amount the Tenants must pay if the tenancy is terminated

Rent Owing to Hearing Date	\$22,413.36
Application Filing Fee	\$186.00
Less Rent Abatement Awarded	\$1,956.18
Less Rent Deposit	\$995.00
Less interest owed on the Rent Deposit	\$86.58
Total amount owing to the Landlord	\$19,561.42
Plus daily compensation owing for each day of occupation starting July 17, 2025	\$32.71 (per day)