



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

Citation: Maracle v Lyons, 2026 ONLTB 2209

Date: 2026-01-02

File Number: LTB-T-048525-22-RV

In the matter of: Basement, 501 Montrose Road
Quinte West ON K8R1B2

Between: Betty Anne Maracle Tenant

And

Mike Lyons Landlord

Review Order

Betty Anne Maracle (the 'Tenant') applied for an order determining that Mike Lyons (the 'Landlord'):

- entered the rental unit illegally.
- 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-048525-22 issued on September 3, 2025.

On October 2, 2025, 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. The Tenant submits that the order states the Tenant did not testify to the alleged illegal entries but that the Tenant did, in fact, give testimony about illegal entries that she saw on her camera. At paragraph 18 of the order the Member notes that the Tenant showed videos of the Landlord entering and exiting the unit but did not give any details. At paragraph 29 the Member states that the Tenant did not testify to the alleged illegal entries but only referred to videos that did not have dates. This paragraph goes on to state that the Tenant has not provided crucial information, such as how many alleged entries there were and when they occurred. Essentially, although the Tenant testified

about the entries to the extent that she introduced videos as evidence, she did not provide sufficient details about these alleged entries in her evidence.

2. The Tenant submits that the Member failed to address her testimony that the Landlord's girlfriend constantly makes loud noises while at the house, that she did so on August 1, 2, 8, 10, 12, 18, and 19, 2022 and that these noises consist of stomping, dragging her feet and slamming doors. The Member does address this testimony directly at paragraph 35 of the order where he specifically mentions the allegation that the Landlord's girlfriend makes these noises and finds that the Tenant did not give sufficient evidence to support the allegations. The Tenant had the burden to prove her allegations on a balance of probabilities and, given the Landlord's denial that this conduct occurred, the Tenant's unsupported testimony about these alleged incidents was not sufficient to meet this burden.
3. Similarly, the Tenant implies that the Member erred by failing to consider her testimony that a friend of the Landlord's shone a light into the Tenant's window. However, the Landlord had denied any knowledge of the incident and the Tenant had offered no evidence to support her testimony about it. The Landlord's knowledge of this incident would be crucial to making out this allegation, because the Landlord's friend's conduct is only relevant if the Landlord endorsed it. In these circumstances it was reasonable for the Member not to be satisfied with the Tenant's unsupported testimony as the Tenant had the burden of proof.
4. At the hearing the Tenant showed five videos that she submitted were evidence of the Landlord blaring music on several occasions. In the order the Member noted that the music in four of these videos sounds the same and so he is unable to conclude that these videos were made on different occasions. In the review request the Tenant submits that the Member assumed the same song was playing without proper confirmation. I listened to these video files. In four of these video files, the music sounds very similar. It was reasonable for the Member to conclude that these videos may not have been made on different occasions.
5. The Tenant submits that the Member exhibited bias in favour of the Landlord. The Tenant did not raise the reasonable apprehension of bias as an issue at the hearing. The Tenant has alleged no facts in the review request that would support a reasonable apprehension of bias.
6. The remainder of the review request disagrees with the order and the outcome and repeats evidence and submissions that were either made at the hearing or ought to have been made at the hearing. These submissions in the review request do not identify any errors in the order or in the proceedings.
7. 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-048525-22 issued on September 3, 2025 is denied.
The order is confirmed and remains unchanged.

January 2, 2026

Date Issued

Renée Lang

Vice Chair, 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.