



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

File Number: LTB-L-048514-25-RV

In the matter of: Main Unit, 516 GLADSTONE AVE
WINDSOR ON N9A2P9

Between: Austin Yeh Landlord

And

Lynn Cleroux Tenant

Review Order

Austin Yeh (the 'Landlord') applied for an order to terminate the tenancy and evict Lynn Cleroux (the 'Tenant') because the Landlord has entered into an agreement of purchase and sale of the rental unit and the purchaser in good faith requires possession of the rental unit for the purpose of residential occupation.

This application was resolved by order LTB-L-048514-25 issued on October 29, 2025.

On November 23, 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 as well as the audio recording for this hearing.

Determinations:

1. In the review request, the Tenant submitted that the Member failed to properly consider her circumstances under section 83 of the *Residential Tenancies Act* (2006) (the 'Act').
2. During the hearing, the Member questioned the Tenant thoroughly. The written reasons reflect the Tenant's testimony, and the 3-month extension of the termination to January 31, 2026, is substantial. I am satisfied that the Member considered the Tenant's circumstances when making his determinations. The Member's exercise of discretion was therefore reasonable and is entitled to deference.
3. In the review request, the Tenant submitted that the Member erred by admitting the Landlord's evidence during the hearing which was not served on the Tenant in accordance with Rule 19.1 of the Board's *Rules of Procedure*.

4. The three documents admitted into evidence on the Landlord's side were: the Agreement of Purchase and Sale ('APS'), the Notice of Fulfillment ('NOF'), and the amendment to the APS. Both the APS and the NOF were uploaded to the Tribunals Ontario Portal ('TOP') on July 7, 2025. The Tenant's Representative gained access to TOP on September 10, 2025, giving her almost 30 days to review the documents and prepare accordingly. Even if the documents were not served in accordance with the *Rules*, I find there was no prejudice to the Tenant in admitting them.
5. The amendment to the APS was only disclosed during the hearing. However, this was done after the Member's oral determination that the APS was valid. As such, I am not satisfied that admitting that document as evidence changed the outcome of the decision. This is not a serious error.
6. In the review request, the Tenant submitted that the Tenant's Representative was not given the opportunity to conduct a fulsome questioning of the Purchaser or the Tenant.
7. Having listened to the hearing recording, I disagree. The Member redirected the Tenant's Representative when she began asking irrelevant questions in cross-examination. The Member questioned the Tenant himself, then permitted the Tenant's Representative to ask questions as well. The Representative declined, stating that the Member already asked everything she had intended to.
8. In the review request, the Tenant provided additional submissions regarding the application. The Board's review process is not an opportunity for a party to re-argue a matter that has been determined, with the hope of achieving a different result. All evidence and submissions should have been presented during the initial hearing.
9. For all of the above reasons, 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-048514-25 issued on October 29, 2025, is denied. The order is confirmed and remains unchanged.

January 5, 2026
Date Issued

Kate Sinipostolova
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.