



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

File Number: LTB-L-057071-25-RV2

In the matter of: 7657 HIGHWAY 35
NORLAND ON K0M2L0

Between: Desmond Joseph c/o 1001048298 Ontario Corporation Landlord

And

Amanda Taylor Tenant

Review Order

Desmond Joseph c/o 1001048298 Ontario Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Amanda Taylor (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-057071-25 issued on October 20, 2025.

On October 22, 2025, the Landlord requested a review of the order and that the order be stayed until the request to review the order is resolved.

On October 23, 2025, interim order LTB-L-057071-25-RV-IN was issued, staying the order issued on October 20, 2025 and directing the matter to a review hearing.

The Landlord's review request was resolved by order LTB-L-057071-25-RV, issued on December 1, 2025.

On January 5, 2026, the Tenant requested a review of the December 1, 2025 review 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. On the basis of the submissions made in the request, I am not satisfied that a serious error occurred in the proceeding, or that there is a serious error in the consent Board order.
2. The November 19, 2025 hearing recording confirms the parties attended the scheduled Board proceeding and participated in mediation with the assistance of a Board Hearings Officer/Dispute Resolution Officer.

3. The recording also confirms that the Tenant and the Landlord's Legal Representative consented to the terms set out in the review order LTB-L-057071-25-RV, issued on December 1, 2025. The recording shows the Hearings Officer reviewed all of the terms of the agreement with the parties. The Hearings Officer asked the Tenant if she understood the consequences of the agreement and whether she was consenting to the terms freely. The Tenant responded by confirming she understood the terms and that she was consenting to them.
4. In the review request, the Tenant asserts the Board failed to consider a serious issue concerning a lack of heat in the rental unit during the period rent arrears accumulated. The Tenant submits the issue was raised at the hearing.
5. The hearing recording does not show the Tenant made any mention of heat or any other issue in the tenancy while the terms of the order were being reviewed and agreed to. While the Tenant did file a list of issues she intended to raise under section 82 of the Act, these issues were emailed to the Board on November 17, 2025, two days before the November 19, 2025 hearing date. Rule 19.4 of the Board's Rules of Procedure requires a tenant who intends to raise issues under section 82 of the Act to provide to the Board and the Landlord with their list of issues at least seven days before the hearing. The Tenant's list of issues was not populated into TOP until November 24, 2025.
6. The Tenant had the opportunity to reject the terms of the agreement put to her and she chose to accept them, confirming she was doing so freely. As stated, the hearing recording makes no mention of any issues the Tenant wanted to raise, including any that were filed after the seven-day period permitted in Rule 19.4 had passed.
7. In my view, the Board did not seriously err by failing to consider issues under section 82 of the Act that had not been filed in accordance with the Board's Rules and that were therefore not visible in TOP on the hearing date. Here, the parties elected to mediate the matter instead of contesting the application before a Board adjudicator or seeking an adjournment.
8. The law is well-established that there are only a few circumstances in which a consent order can be set aside. In the case of *Belz v. Mernick* [1988] O.J. No. 3581, the Court stated only common mistake, misrepresentation, fraud or other grounds will invalidate a contract. None of these grounds are present here.
9. Based on the above, I find that no error occurred in the proceeding and that no error exists in the December 1, 2025 review order. As such, the Tenant's request for review is denied.

It is ordered that:

1. The request to review order LTB-L-057071-25-RV, issued on December 1, 2025 is denied. The order is confirmed and remains unchanged.

January 6, 2026
Date Issued

John Cashmore
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.