



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

Citation: Saroop v Millar, 2026 ONLTB 3135

Date: 2026-01-06

File Number: LTB-L-070892-24-RV

In the matter of: E, 40 MACLAREN ST
OTTAWA ON K2P0K4

Between: Kurt Dean Saroop Landlord

And

Joshua Millar Former
Tenant

Review Order

Kurt Dean Saroop (the 'Landlord') applied for an order requiring Joshua Millar (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

Kurt Dean Saroop (the 'Landlord') applied for an order requiring Joshua Millar (the 'Former Tenant') to pay the Landlord's reasonable out-of-pocket costs that are the result of the Former Tenant's conduct or that of another occupant of the rental unit or someone the Former Tenant permitted in the residential complex. This conduct substantially interfered with the Landlord's reasonable enjoyment of the residential complex or another lawful right, privilege or interest.

Kurt Dean Saroop (the 'Landlord') applied for an order requiring Joshua Millar (the 'Former Tenant') to pay the Landlord's reasonable out-of-pocket costs that are the result of the Former Tenant's failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

Kurt Dean Saroop (the 'Landlord') applied for an order requiring Joshua Millar (the 'Former Tenant') to pay the Landlord's reasonable out-of-pocket costs that the Landlord incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Former Tenant, another occupant of the rental unit or someone the Former Tenant permitted in the residential complex.

This application was resolved by order LTB-L-070892-24 issued on December 3, 2025.

On January 2, 2026, the Landlord requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. The Landlord's request to review states that the order contains a serious error because it states at paragraph 14 that there was "no evidence" of the state of the unit at the start of the tenancy. Paragraph 14 of the order does not state this, nor is this stated anywhere else in the order. As a result, I see no error in this regard.
2. The Landlord also alleges that the order failed to consider evidence with respect to the cleanliness of the unit after the Tenant moved out. Since the Member found at paragraph 37 that cleaning does not amount to undue damage within the meaning of the Act, not considering evidence regarding cleanliness is not an error.
3. The Landlord also disagrees with the finding that the damages identified were the result of normal wear and tear rather than wilful or negligent conduct.
4. Interpretation Guideline 8 - Review of an Order states:

A review is not an appeal or an opportunity to change the way a case was presented.

The purpose of the review process is not to provide parties with an opportunity of presenting a better or different case than they did at first instance. There is nothing in the record or in the request for review to support a determination that the Member applied improper principles in assessing the evidence introduced or that there was insufficient evidence before the Board to support its conclusions. I would not interfere with the assessment of the evidence by the Member of first instance, who had the opportunity of observing the witnesses and of hearing the evidence in its totality.

TSL-51694-14-IN-RV (Re), 2015 CanLII 23959 (ON LTB) at para 10

5. The Landlord's disagreement with the Member's determinations in this regard is not sufficient grounds for review. There is no indication that the Member applied improper principles in assessing the evidence introduced in this case or that there was insufficient evidence before the Board to support the Member's conclusions.
6. As a result, 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 or that the Landlord was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-070892-24 issued on December 3, 2025 is denied.
The order is confirmed and remains unchanged.

January 6, 2026
Date Issued

Richard Ferriss
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.