



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

File Number: LTB-L-005973-24-RV

In the matter of: 329 KIRKVALLEY CRES
AURORA ON L4G7S1

Between: Liyan Cai Landlord

and

Dave Taylor Tenants
Kendra Kelly

REVIEW ORDER

Liyan Cai (the 'Landlord') applied in a N12-based L2 application seeking an order to terminate the tenancy and evict Dave Taylor and Kendra Kelly (the 'Tenant') because the Landlord claimed that in good faith they require possession of the rental unit for their own use of residential occupation for at least one year.

The Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date provided in the N12 Notice of Termination.

This application was resolved by order LTB-L-005973-24 issued on August 27, 2025 (the 'L2 Order'), which terminated the tenancy effective November 30, 2025, among other things.

On September 26, 2025, the Tenants requested a review of the order, claiming the L2 Order contained a serious error.

By interim order LTB-L-005973-24-RV-IN issued October 7, 2025, the request for review was directed to a hearing, and the L2 Order was stayed.

The review hearing was held by videoconference on October 28, 2025. The Tenants attended with their legal representative Derek Yaromich (lawyer) and the Landlord attended with their legal representative Scott Turton (lawyer). The Landlord's spouse Huajuan Zhang also attended the hearing.

Determinations:

1. As a preliminary issue, the Landlord's representative asked for the Landlord's wife to be added as an applicant, which the Tenants' representative objected. After some submissions about this never being raised at the initial L2 hearing, and the implications it

may have to the validity of notice of termination, the request was retracted by the Landlords' legal representative.

2. Both sides confirmed that during the L2 hearing, no submissions were made by any party regarding the claim in the L2 application that the Landlord sought daily compensation. The parties also confirmed the Member did not raise any questions regarding this claim.
3. The Tenants submitted that paragraph 9 of the L2 order was an error because it made determinations about compensation that is owing and payable, without submissions or evidence during the hearing.
4. Since both parties agreed this issue had not been raised during the hearing, I find that there has been a serious error in the L2 Order. The L2 order makes a determination about the amount of daily compensation owing for the period after the termination date from the N12 to the hearing date, without adequate (or any) evidence substantiating that finding.
5. As a result, the request for review was granted with respect to paragraph 9.
6. There was another submission made that paragraph 6 of the L2 Order should be changed to reflect that the Landlord did pay 1 month's compensation but the Tenants rejected it and allowed it to expire, so as not to prejudice their position in refuting the L2 application. There was no serious error proven with respect to this paragraph so the request with respect to compensation is denied.

It is ordered that:

7. The request to review order LTB-L-005973-24 issued on August 27, 2025 is granted, on the narrow issue of paragraph 9 of the determination section, and any consequence flowing from it in the "it is ordered section".
8. The L2 Order will be changed so that paragraph 9 of the "Determinations" section reads: The Tenant was required to pay the Landlord \$37,428.82 in daily compensation for use and occupation of the rental unit from the period from April 1, 2024 to August 19, 2025. **The parties submitted there was no rent owing as of the hearing.**
9. Paragraph 4 of the "It is ordered" section of the L2 Order shall be changed to: "The Tenant shall pay to the Landlord \$37,428.82, which represents compensation for the use of the unit from April 1, 2024 to August 19, 2025, **less any amounts already paid as rent for this period.**"
10. Paragraph 6 of the "It is ordered" section of the L2 Order shall be changed to: "The total amount the Tenant owes the Landlord is \$37,428.82 **less any amounts already paid as rent,**"
11. The other portions of the L2 order which have not been changed by this review order, are confirmed and remains unchanged.

12. The interim order issued on October 7, 2025 is cancelled. The stay of order LTB-L-005973-24 is lifted immediately.

January 13, 2026
Date Issued

Michelle Tan
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.