



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

File Number: LTB-L-050044-25-RV

In the matter of: 2ND FLOOR, 198 HOWARD PARK AVE
TORONTO ON M6R1W1

Between: MELANIE MENDES Landlord
NICHOLAS WALTER

And

JEFF HIGNETT Tenant

Review Order

MELANIE MENDES and NICHOLAS WALTER (the 'Landlord') applied for an order to terminate the tenancy and evict JEFF HIGNETT (the 'Tenant') because the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

This application was resolved by order LTB-L-050044-25 issued on December 9, 2025.

On January 8, 2026, the Tenant requested a review of the order.

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

Determinations:

1. The Tenant submits that the Board made an error in law, exercised its discretion unreasonably, and there is new evidence that is potentially determinative of a central issue in dispute. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order.

Error in Law

2. The rental unit is in a fourplex that the Landlord intends to convert back into a single-family home for their own use. The Tenant submits that the Board committed an error in law by finding that a plan to convert a fourplex into a single-family home satisfies the requirement for personal use in section 48 of the *Residential Tenancies Act, 2006* ('the Act'). The Tenant submits that section can only be used to recover possession of a unit for residential occupation, not to recover numerous units to fundamentally alter the character of a multi-rental property.

3. The Tenant has provided no caselaw to support the proposition that personal use cannot involve combining multiple units into one, nor am I aware of any. The Landlord intends to use all four units for their personal use and need to make renovations to combine the units. The Board's interpretation of the Act to allow the Landlord to do that is not clearly wrong or unreasonable. I also note that it is not uncommon or inconsistent with residential occupation to make renovations. It is also not clear what other notice of termination the Tenant submits should have been served instead. If the Tenant is alleging that a tenanted fourplex can never be converted back into a single-family home, I'm not satisfied that interpretation is supported by the Act.

Unreasonable Exercise of Discretion

4. The Tenant submits that the Board unreasonably exercised its discretion by failing to give meaningful weight to the fact that two of the four units were already vacant. The Tenant submits that the Landlord's choice to evict remaining tenants rather than occupying the vacant units is evidence that the real substance of their application is to obtain vacant possession of the entire four-plex, not to secure a personal residence.
5. The order reflects that the Board correctly understood that the Landlord wants to secure vacant possession of the entire fourplex for their own personal use. The Board's decision to grant the application is an exercise of discretion that is entitled to deference. There are reasonable reasons explaining the result and the result is not outside the usual range of reasonable and acceptable outcomes. I am therefore not satisfied that the Board made any serious errors in exercising its discretion.

New Evidence

6. The Tenant seeks to introduce new evidence that after the hearing they were laid off from their employment on November 27, 2025. The Tenant submits that this evidence could change the analysis regarding relief from eviction under section 83 of the Act.
7. The purpose of new evidence is not meant to capture updates about a party's circumstances or updates about new events that occurred after a hearing. Board decisions are final and binding. The Tenant had an opportunity at the hearing to provide evidence relevant to relief from eviction. I imagine that in a great many cases before the Board the circumstances of parties change after a hearing is held. To find that a new hearing is required whenever there is an update to a party's circumstances or a new event occurs would interfere with the Board's ability to provide final decisions.
8. The caselaw about new evidence concerns evidence that goes to the heart of findings made at the hearing, not updates regarding how circumstances have changed since the hearing. The leading case on new evidence is *Palmer v. The Queen*, 1979 CanLII 8 (SCC). I find that case distinguishable from the case before me. That case involved proposed new evidence regarding the truthfulness and motivation behind key witness testimony that was given at trial. It did not concern an update of the accused circumstances.

9. For those reasons I do not find that the proposed new evidence requires a review of the order.

It is ordered that:

1. The request to review order LTB-L-050044-25 issued on December 9, 2025 is denied. The order is confirmed and remains unchanged.

January 12, 2026
Date Issued

Amanda Kovats
Member, 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.