



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

Citation: Pyatin v Malinski, 2026 ONLTB 6416

Date: 2026-01-19

File Number: LTB-L-070327-25-RV

In the matter of: C412, 5260 DUNDAS ST
BURLINGTON ON L7L0J7

Between:	Dmitry Pyatin	Landlord
	And	
	Fryderyk Malinski	Tenant

Review Order

Dmitry Pyatin (the 'Landlord') applied for an order to terminate the tenancy and evict Fryderyk Malinski (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.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was resolved by order LTB-L-070327-25 issued on December 18, 2025.

On January 15, 2026, 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. The Landlord's application was granted. The Tenant submits that the Board made serious errors in doing so. 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.
2. The Tenant submits that the Board made a serious error by taking the Landlord's "word for it" regarding when his parent's home was sold. It was not a serious error for the Board to accept the oral testimony of the Landlord. I also note that the recording reflects that there was no evidence provided at the hearing that was contrary to the Landlord's evidence about when the home sold. It is available to the trier of fact to accept uncontradicted oral testimony.

3. The Tenant submits that it was a serious error for the Board not to ask when the Landlord's parent's home was listed for sale. The Tenant submits that information could have supported the Tenant's argument that the N12 notice of termination was served in bad faith. Parties are expected to lead the evidence they believe supports their case. I have listened to the hearing recording. The Tenant was provided with an opportunity to cross examine both the Landlord and their parent. If the Tenant wished to ask a question about when the property was listed for sale, then he could have done so. A review is not an opportunity to change the way that a case was presented.
4. The Tenant submits that the Board did not allow him to provide evidence about the Landlord's tone in communications between the parties. The recording reflects that the Tenant was permitted to provide oral testimony on the issue but was not permitted to rely upon emails that he did not file with the Board nor disclose to the Landlord in accordance with the Board's Rules of Procedure. I am not satisfied that the Board made any serious errors in doing so. I also note that at approximately 44:45 on the hearing recording the Tenant said that his evidence regarding the Landlord's tone was just an anecdote, that he didn't plan to use it as evidence, and that he felt doing so was not necessary.
5. The Tenant submits that the Board Member was biased against him because the Landlord was allowed to rely on late evidence about the sale of his parent's property, but the Tenant was not allowed to provide his evidence about tone. The recording reflects that the Landlord provided oral testimony about the sale of his parent's home, not undisclosed supporting documentation. Similarly the Tenant was allowed to provide oral testimony. The Tenant was not allowed to submit undisclosed supporting documentation. I do not find that the parties were treated differently. There is nothing in the hearing recording or order that supports a finding that an informed and reasonable person would conclude that there was a reasonable apprehension of bias in this case.

It is ordered that:

1. The request to review order LTB-L-070327-25 issued on December 18, 2025 is denied. The order is confirmed and remains unchanged.

January 19, 2026
Date Issued

Amanda Kovats
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.