



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

Citation: DURHAM REGION NON-PROFIT HOUSING CORPORATION v CONNELL, 2026
ONLTB 6855

Date: 2026-01-19

File Number: LTB-L-067449-25-RV

In the matter of: 50, 41 FREELAND AVE
BOWMANVILLE ON L1C4V3

Between: DURHAM REGION NON-PROFIT HOUSING CORPORATION Landlord

And

DUSTIN CONNELL Tenant

Review Order

DURHAM REGION NON-PROFIT HOUSING CORPORATION (the 'Landlord') applied for an order to terminate the tenancy and evict DUSTIN CONNELL (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant failed to meet a condition specified in the order issued by the Board on May 13, 2025, with respect to application LTB-L-015913-25-SA.

This application was resolved by order LTB-L-067449-25 issued on August 21, 2025. On August 27, 2025, the Tenant filed a motion to set aside the order issued August 21, 2025. The Tenant's motion was denied by order LTB-L-067449-25-SA issued November 28, 2025.

On December 2, 2025, the requested a review of the order.

On December 2, 2025, interim order LTB-L-067449-25-RV-IN was issued, staying the order issued on November 28, 2025

The request for review was heard by videoconference on December 17, 2025.

The Tenant attended the hearing. The Landlord's agent Arlene Herscheid attended the hearing.

Determinations:

1. The order issued November 28, 2025, denied the Tenant's motion to set aside the ex-parte eviction order issued August 21, 2025. The Tenant seeks to review the order.
2. 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 Tenant. Was not reasonably able to participate in the proceeding.

3. The Tenant submits that the order contains a serious error because the Member found that the Tenant had a monthly surplus of approximately \$2,000.00, which the Tenant says is incorrect.
4. The Tenant testified that, at the time of the original hearing, his household income consisted of his earnings and his partner's Employment Insurance benefits, and that his monthly expenses left him without a surplus. The Tenant further submits that changes in household income since the order was issued.
5. The difficulty with the Tenant's submission is that it amounts to disagreement with the Member's assessment of the evidence. If the Tenant's income had in fact been in deficit, there would no feasible payment plan to preserve the tenancy.
6. At paragraph 6 of the order under review, the Member determined that the Tenant had, on two separate occasions, failed to adhere to payment plans intended to preserve the tenancy, and that it would be prejudicial to the Landlord to further delay enforcement of the eviction order.
7. A Member's exercise of discretion may only be successfully challenged on review if it was exercised in an unreasonable manner. In this case, the Member considered the evidence presented by the Tenant, weighed that evidence, and issued a decision that fell within the reasonable range of outcomes.
8. There was therefore a rational basis for the Member's decision to deny the Tenant's motion to set aside the eviction order. In the circumstances, the Member's findings are entitled to deference.
9. While I am mindful that the Tenant's financial circumstances may have changed since the order was issued, the Divisional Court confirmed in *So v. Canadian Mental Health Association, Toronto Branch*, 2024 ONSC 3371, that relief from eviction does not have a second, independent applicability at the review stage.
10. The fact that the Tenant disagrees with the conclusion reached, or that his financial circumstances may have changed since the order was issued, does not establish that there was an error in the order.
11. I note that the Member lifted the stay on the eviction order retroactively. While this was an error, it was clerical in nature and does not rise to the level of a serious error. In any event, the issue is now moot, as the eviction order has again been stayed pending the outcome of this review.
12. Having regard to the foregoing, I am not satisfied that there is a serious error in the order, that a serious error occurred in the proceeding, or that the Tenant was not reasonably able to participate in the proceeding. The request to review is therefore denied.

It is ordered that:

1. The request to review order LTB-L-067449-25-SA issued on November 28, 2025 is denied. The order is confirmed and remains unchanged.

2. The interim order issued on December 2, 2025, is cancelled. The stay of order LTB-L-067449-25, issued August 21, 2025, is lifted immediately.

January 19, 2026

Date Issued

Bryan Delorenzi

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.