



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

Citation: Foy C/O Mayer Paralegal v Dikilitas, 2026 ONLTB 7080

Date: 2026-01-20

File Number: LTB-L-063504-25-RV

In the matter of: Upper, 295 JAMES ST
OSHAWA ON L1H4Y6

Between:	Kevin Foy	Landlord
	And	
	Dilek Dikilitas	Tenant

Review Order

Kevin Foy (the 'Landlord') applied for an order to terminate the tenancy and evict Dilek Dikilitas (the 'Tenant') because the Tenant has been persistently late in paying the Tenant's rent.

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-063504-25 issued on January 6, 2026.

On January 16, 2026, the Representative requested a review of the order.

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

Determinations:

1. The Landlord's review request alleges the order under review contains a serious error. The order finds the Landlord has proven grounds for termination of the tenancy because the Tenant has persistently paid the monthly rent late. However, the order shows the presiding Member exercised her discretion and issued a conditional order requiring the tenant to make on time rent payments for a period of one year.
2. The Landlord clearly disagrees with the Member's findings and the review request states they do not understand why, if the grounds for termination have been proven, the Board did not issue an eviction order. The review request essentially seeks to reargue the issues in the application and requests that the reviewing Member issue an order evicting the Tenant.
3. Section 83(1) of the Act reads as follows:

83(1) Upon an application for an order evicting a tenant, the Board may, despite any other provision of this Act or the tenancy agreement,

(a) refuse to grant the application unless satisfied, having regard to all the circumstances, that it would be unfair to refuse; or

(b) order that the enforcement of the eviction order be postponed for a period of time.

4. Section 83(2) of the Act requires that the Board consider all of the circumstances before reaching the determination set out in subsection 83(1) set out above. This section states:

83(2) If a hearing is held, the Board shall not grant the application unless it has reviewed the circumstances and considered whether or not it should exercise its powers under subsection (1).

5. While the order confirms the Member was convinced the Landlord had proven the grounds for termination, contrary to the position of the Landlord, this does not make eviction automatic. As required by section 83 of the Act, the order shows at paragraphs 5,6,7,8 and 9 the Member did consider all of the circumstances in determining this was an appropriate case to grant relief from eviction and the Member issued a conditional order. This finding is a discretionary one and these paragraphs show the Member considered relevant factors in exercising her discretion.
6. For example, Member considers the Landlord difficulty in managing there own finances given the unpredictable nature of the Tenant's payments. The Landlord's also attempted to work with the Tenant to create a payment schedule. The Member took into account that the Tenant has sold belongings and had already prepaid some of rent for the month of November 2025. The Member accepts the Tenant will be able to make on time payments going forward and that as such, it would not be unfair to the Landlord to provide the Tenant an opportunity to maintain the tenancy.
7. The Member's exercise of discretion was rationally connected to the evidence and falls within a reasonable range of outcomes. Nothing shows the Member applied improper principles when considering the circumstances. For these reasons, the Member's findings, supported by adequate reasons, are entitled to deference. That another Member may have exercised their discretion differently does not amount to grounds for review.
8. The Board's review process is not an opportunity to reargue the issues in the hopes of achieving a more favourable outcome. While the Landlord disagrees with the Member's determinations, this is not sufficient grounds for review.
9. Based on the submissions made in the request, I am not satisfied the order contains a serious error or that a serious error occurred in the proceedings. The Landlord's request for review is therefore denied.

It is ordered that:

1. The request to review order LTB-L-063504-25 issued on January 6, 2026 is denied. The order is confirmed and remains unchanged.

January 20, 2026
Date Issued

John Cashmore
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.