



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

File Number: LTB-L-094575-25-RV

In the matter of: 908, 44 VALLEY WOODS ROAD
TORONTO ON M3A2R6

Between: TOP OF THE VALLEY APARTMENTS Landlord

And

SHANE BOOKAL Tenant
MICHELLE CASWELL

Review Order

Top Of the Valley Apartments (the 'Landlord') applied for an order to terminate the tenancy and evict Shane Bookal and Michelle Caswell (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant did not meet a condition specified in the order issued by the LTB on September 22, 2025, with respect to application LTB-L-055091-25.

The Landlord's application was resolved by order LTB-L-094575-25, issued on November 17, 2025. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-094575-25. The Tenant's motion was resolved by order LTB-L-094575-25-SA issued on January 7, 2026.

On January 20, 2026, the Tenant Shane Bookal requested a review of the motion order.

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

Determinations:

1. The Tenant's motion was denied. The Tenant seeks a review based on new evidence regarding:
 - A new arrears cheque being issued from a rent bank. The Tenant states that a stop payment was placed on a previous cheque and that the arrangement for a new cheque to be issued was discussed on January 9, 2026.
 - That the Tenant is awaiting a response from the Landlord requesting consideration of the Tenant's situation.

- That the Tenant sent a follow-up email on January 6, 2026, to explain that they have an appointment with Employment Ontario after December 31, 2025.
 - That the Tenant regularly obtains side work. The Tenant submits that they did not fully explain this at the hearing because they were focusing on the possibility of losing their home and feeling significant stress. The Tenant states that they want to submit this clarification so that the Board has a complete and accurate understanding of their income.
2. 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. The caselaw concerning new evidence is about evidence that goes to the heart of findings made at 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 party's circumstances.
 3. Board decisions are final and binding. The Tenant had an opportunity to provide evidence relevant to their motion at the hearing. The Board also provided the Tenant with a further opportunity to provide evidence in the form of post hearing submissions. 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.
 4. The only proposed new evidence that is not about a new event that occurred after the hearing is the Tenant's evidence regarding his income from his side work. I am not satisfied that the Tenant's explanation that because they were feeling stressed, they did not provide the evidence at the hearing is sufficient to grant a new hearing. A review is not an opportunity to change how a case was presented or to reargue an application that has been finally determined. I am not satisfied that with the exercise of diligence the testimony could not have been provided at the hearing. The proposed new evidence therefore does not meet the criteria for admittance on review.

It is ordered that:

1. The request to review order LTB-L-094575-25 issued on January 7, 2026 is denied. The order is confirmed and remains unchanged.

January 20, 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.