



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

Citation: Donatelli v Shaw, 2026 ONLTB 7381

Date: 2026-01-20

File Number: LTB-L-067698-25-RV

In the matter of: 89 Ventura Drive
St.Catharines ON L2R7H3

Between: Loretta Donatelli Landlord

And

Michelle Shaw Tenant

Review Order

Loretta Donatelli (the 'Landlord') applied for an order to terminate the tenancy and evict Michelle Shaw (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-067698-25 issued on December 18, 2025.

On January 16, 2026, the Landlord 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 order found that the Landlord intended to move into the rental unit in good faith, but dismissed the Landlord's application under subsection 83(1)(a) on the basis that it would not be unfair to do so having regard to all the circumstances.
2. While the request to review takes issue with the Member's determinations regarding admissibility/inadmissibility of documentary evidence, I do not find there to be serious errors in this regard for the following reasons:
 1. The order makes very little reference to documentary evidence. What evidence is referred to speaks to the issue of the Landlord's good faith. As the order found in

the Landlord's favour with respect to the issue of their good faith, any errors regarding documents related to good faith are inconsequential.

2. The document submitted by the Landlord on November 22, 2025 is not evidence, but rather a written submission. While the Member refused to admit the document into evidence, they did give the Landlord the opportunity to orally present the contents of this document. As a result, I see no error in this regard.
3. The remainder of the Landlord's request to review largely restates the Landlord's position on issues that were raised and addressed at the original hearing and voices their disagreement with the Member's determinations.
4. Interpretation Guideline 8 - Review of an Order states:

A review is not an appeal or an opportunity to change the way a case was presented.

The purpose of the review process is not to provide parties with an opportunity of presenting a better or different case than they did at first instance. There is nothing in the record or in the request for review to support a determination that the Member applied improper principles in assessing the evidence introduced or that there was insufficient evidence before the Board to support its conclusions. I would not interfere with the assessment of the evidence by the Member of first instance, who had the opportunity of observing the witnesses and of hearing the evidence in its totality.

TSL-51694-14-IN-RV (Re), 2015 CanLII 23959 (ON LTB) at para 10

5. The Landlord's disagreement with the Member's determinations is not sufficient grounds for review. There is no indication that the Member applied improper principles in assessing the evidence introduced in this case or that there was insufficient evidence before the Board to support the Member's conclusions.
6. Ultimately, this case turns on the exercise of the Member's discretion under subsection 83(1)(a). Interpretation Guideline 8 - Review of an Order states:

Orders granting relief from eviction (RTA s. 83(1)) or awarding specific remedies involve an exercise of the original hearing Member's discretion and are entitled to deference. The LTB will not exercise its discretion to review these types of decisions where the result is within the range of reasonable, acceptable outcomes. TSL-62420-15-RV (Re), 2015 CanLII 67891(ON LTB).
7. I am not persuaded by the Landlord's submissions and given the circumstances of this case that the decision is outside the range of reasonable, acceptable outcomes.
8. As a result, 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 Landlord was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-067698-25 issued on December 18, 2025 is denied.
The order is confirmed and remains unchanged.

January 20, 2026
Date Issued

Richard Ferriss
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.