



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

Citation: Somfalvi v Zheng, 2026 ONLTB 8109

Date: 2026-01-27

File Number: LTB-T-037244-22-RV

In the matter of: 1724 FIFESHIRE CRT
MISSISSAUGA ON L5L3L6

Between: Steven Somfalvi Tenant

And

Yan Zheng Landlord

Review Order

Steven Somfalvi (the 'Tenant') applied for an order determining that Yan Zheng (the 'Landlord') failed to meet the Landlord's maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing or maintenance standards.

This application was resolved by order LTB-T-037244-22 issued on July 18, 2025.

On August 15, 2025, the Landlord requested a review of the order and that the order be stayed until the request to review the order is resolved.

On September 8, 2025, interim order LTB-T-037244-22-RV-IN was issued, staying the order issued on July 18, 2025.

This application was heard by videoconference on September 25, 2025.

The Landlord, the Tenants Steven & Heidi Somfalvi and the Tenant's Legal Representative Nicola Dak attended the hearing.

Determinations:

1. The Landlord's request to review focuses on the remedy that was granted to the Tenants with respect to the Landlord's response to a plumbing issue which caused a leak in the unit's dining room ceiling. The Tenant's were awarded a \$5,000.00 rent abatement in accordance with s. 30(1) of the Act.
2. The Landlord submitted that this finding contradicted the Presiding Member's previous findings in the order, specifically on November 8, 2022, when the Tenants had reported a water leak, and a plumber had been sent there the same day.

3. The Landlord further took issue with the remedy of \$5,000.00 awarded to the Tenants, submitting that the Order did to specify why the Landlord was awarded that amount.
4. The Presiding Member had relied upon the decision of *Toronto Community Housing Corp. v. Vlahovich*, 2010 ONSC 1686 (CanLII), [2010] O.J. No. 1463) in determining that a remedy could only go back one year from the date the application was filed and found that the Tenants would be awarded a lump sum payment for 7 months from April 2023 to October 1, 2023.
5. The Tenant's Legal Representative meanwhile referred me to the recent Divisional Court case of *McAvany v. Kingston Home Base Non-Profit Housing*, 2025 ONSC 1164 (CanLII), which referred to the case of *R v. R.E.M.*, 2008 SCC 51, [2008] 3 S.C.R., which states that "the object is not to show how the judge arrived at his or her conclusion, in a "watch me think" fashion. Rather, it is to show why the judge made that decision. As such, the decision should be read as a whole.
6. The Presiding Member's decision concerning the dining room leak is dealt with paragraphs 24, to 30. The entire timeline of the issue being raised was noted by the Presiding Member in finding in paragraph 28 that, "*it is clear from the evidence above that the Landlord did not respond immediately and **effectively** to the problems reported by the Tenants.*" (emp. added).
7. 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.
8. Guideline 8 of the Board's *Interpretation Guidelines* states that an error in law does include an unreasonable exercise of discretion which results in an order outside the usual range of remedies or results and where there are no reasons explaining the results.
9. In this case, I find that the reasons given by the Presiding Member in awarding the rent abatement concerning the dining room leak was within the reasonable range of outcomes and that the Presiding Member's explanation for same was provided within paragraphs 24, to 30. The Presiding Member made the finding that despite the Landlord perhaps responding immediately, did not respond effectively to ensure that the issue did not last the seven months that it did.
10. As such, the Landlord's request to review is denied.

It is ordered that:

1. The request to review order LTB-T-037244-22 issued on July 18, 2025, is denied. The order is confirmed and remains unchanged.
2. The interim order issued on September 8, 2025, is cancelled. The stay of order LTB-T-037244-22 is lifted immediately.

January 27, 2026
Date Issued

Jagger Benham
Member, Landlord and Tenant Board

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