



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

File Number: LTB-L-031845-24-RV

In the matter of: 35 BERRISFIELD CRES
HAMILTON ON L8T4X1

Between: Steven Skrinjar Landlord

And

Kelly Gadsdon Tenant

Review Order

Steven Skrinjar (the 'Landlord') applied for an order to terminate the tenancy and evict Kelly Gadsdon (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-031845-24 issued on December 22, 2026.

On January 20, 2026, the Tenant requested a review of this order.

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

Determinations:

1. The Tenant's review request (RTR) alleges the order issued December 22, 2025 (the "Order") contains a serious error.
2. On the basis of the submissions made in the request, I am not satisfied there is a serious error in the order or proceedings.
3. By way of background, the member found that the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation by the Landlord's son.
4. The RTR states the member erred in law by treating a "*future, conditional intention as legally sufficient.*" I disagree. Admittedly, the Tenants are still in possession of the rental unit and thus, the member commented the Landlord's child will be moving into the rental unit after the Tenant vacates. Paragraphs 33 to 41 of the Order identify the correct legal test and applicable legal principles which the member correctly applied in determining the Landlord's child "*has a genuine intention to move into the rental unit after the Tenant*

vacates the rental unit, and occupy the rental unit for no less than twelve (12) months". I do not find that the member erred in the application of the test for good faith.

5. The RTR states the member failed to explain how the Landlord's child "financial viability" supported a finding of good faith. The Order shows the Landlord's child gave evidence as to their monthly income and anticipated monthly expenses should vacant possession be provided. While the Order also notes the landlord's son's "*intended move was also supported by the current financial situation*", I am not satisfied the member erred based upon the noted facts or submissions contained in the RTR. In the alternative, however, I am not satisfied the member made an unreasonable finding of fact on a material issue which would potentially change the result of the order. In this regard, the member's finding of good faith appears to be based on a multitude of factors, as particularized in paragraphs 38 to 40 of the Order.
6. Lastly, the RTR states the Member made serious errors under section 83 of the Act by failing to find the service of the form N12 was retaliatory in nature; failing to find the Landlord was in "*serious breach*" of their obligations under the Act or lease; and, by failing to give proper consideration to the Tenant's medical evidence under section 83 of the Act.
7. The Order shows the member considered the Tenant's retaliatory and maintenance allegations and provided supporting reasons for dismissing the Tenant's suspicions of retaliatory conduct and in failing to find the Landlord breached their maintenance obligations. The member identified the correct legal considerations and with respect to the maintenance allegations, in particular, the member noted the Tenant's evidence was vague, that no formal work orders were rendered and even if established, the allegations did not rise to the level of constituting a "serious" breach under the Act or tenancy agreement. While the RTR states the member "discounted" the Tenant's medical evidence under section 83 of the Act on the basis it did not specify exact limitations or timelines, I am not satisfied the member seriously erred in their analysis or consideration of the evidence. In this regard, given the information – or lack thereof – provided in respect of the Tenant's ability to move and when - the member chose a delayed eviction of approx. 70 days, as opposed to the requested 90 days. Although another member may have exercised their discretion differently, the member weighed a broad range of relevant factors under section 83 (in addition to the medical evidence provided) and the member's use of discretion falls within a reasonable range of outcomes and is entitled to deference.
8. While it is clear the Tenant disagrees with the member's findings, the purpose of the review process is not to provide parties with an opportunity of relitigating the issues in the hopes of a better outcome. Moreover, a request will not be granted simply because a review adjudicator might have come to a different conclusion about the evidence.
9. As I am not satisfied there is a serious error in the order or proceedings, the Tenant's RTR must therefore be denied.

It is ordered that:

1. The request to review order LTB-L-031845-24 issued on December 22, 2025 is denied.
The order is confirmed and remains unchanged.

January 23, 2026
Date Issued

Peter Nicholson
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.