



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

Citation: Roberts v Di Rico, 2026 ONLTB 9106

Date: 2026-01-26

File Number: LTB-L-075397-25-RV

In the matter of: 1003, 35 FONTENAY CRT
ETOBICOKE ON M9A0E2

Between: Corey Roberts Landlord

And

Carissa Di Rico Tenant

Review Order

Corey Roberts (the 'Landlord') applied for an order to terminate the tenancy and evict Carissa Di Rico (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.

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-075397-25 issued on December 11, 2025.

On December 15, 2025, the Tenant 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. At the hearing the Tenant requested an adjournment because the Tenant's evidence had not been uploaded to this file. The Member refused the request but allowed the Tenant to rely on the evidence that had not been uploaded. The Tenant submits that the Member seriously erred by refusing to grant her adjournment request. Given that the Member allowed the Tenant to rely on this evidence, there was no longer any reason for the adjournment request and so it was reasonable to deny it.
2. The Tenant submits that the Member did not review, reference or consider most of the Tenant's documentary evidence. The only document to which the Tenant specifically referred in the hearing was a summary. Although the Tenant had filed several email and text message exchanges, she did not ask the Member to look at any of these during the hearing. Documents that are filed with the Board are not evidence until they are

specifically referenced in the hearing. Members are not required to read them in advance of the hearing. Members are not required to read documents in the file after the hearing if they were not specifically referenced in the hearing and made evidence at the hearing. It was therefore not an error for the Member not to consider these unreferenced documents or to not specifically mention any of them in the order.

3. The Tenant submits that the Member seriously erred by failing to consider her evidence about an alleged illegal entry. The Tenant submits that this evidence was relevant to the issue of whether the Landlord intends in good faith to occupy the unit. The evidence that the Tenant gave was testimony that the Landlord entered the unit without giving proper notice and that he had brought a third party with him, pressured the Tenant to pay rent, and filmed the encounter. This encounter took place two weeks after the service of the N12 notice and was an isolated incident in the sense that the Tenant has made no other allegation that is similar to it. I also note that, having reviewed the Tenant's documentary evidence, it appears the Landlord and the third party went to the Tenant's door and spoke to her after she opened it but they did not enter the unit.
4. The Member did not mention this incident in the order, and so I draw an inference that he did not consider it. Given the circumstances outlined above, even if the Member did consider the Tenant's evidence about the "illegal entry," I am not satisfied that this would have changed the outcome of the proceedings. The Landlord served the N12 notice on August 13, 2025, which is two weeks before this incident. This means the service of the N12 notice could not have been retaliatory, which is what the Tenant implies. Because this error would not have affected the outcome of the proceedings, it was not a serious error.
5. The Tenant also submits that the Member failed to consider her evidence about maintenance issues. However, the order specifically refers to the fact that the Tenant raised several maintenance issues and that one of them was outstanding as of the date of the hearing. I am therefore not satisfied that the Member failed to consider the Tenant's evidence about maintenance issues.
6. The Tenant submits that the Member misapplied the legal test for good faith under s.48 of the *Residential Tenancies Act, 2006* (the 'Act') by over focusing on the maintenance issues. The order itself does not support this submission. The order notes the Landlord's testimony that he intends in good faith to occupy the unit for at least a year and his testimony about why he intends to occupy the unit. The Member had to address the Tenant's maintenance issues because she raised these at the hearing.
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.

It is ordered that:

1. The request to review order LTB-L-075397-25 issued on December 11, 2025 is denied. The order is confirmed and remains unchanged.

January 26, 2026

Date Issued

Renée Lang

Vice Chair, 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.