



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

Citation: Modi v Bak, 2026 ONLTB 9530

Date: 2026-01-27

File Number: LTB-L-008863-24-RV

In the matter of: 17 CURZON CRES
GUELPH ON N1K1Z8

Between: Minaxi Modi Landlord

And

Alexander Bak Tenants
Tammy Bak

Review Order

Minaxi Modi (the 'Landlord') applied for an order to terminate the tenancy and evict Alexander Bak and Tammy Bak (the 'Tenants') 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 Tenants remained in the unit after the termination date.

This application was resolved by order LTB-L-008863-24 issued on January 20, 2026.

On January 25, 2026, the Tenant, Alexander Bak, 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. 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 Tenant was not reasonably able to participate in the proceeding.
2. The order under review was made on consent for which the parties agreed to the terms of the order.

3. The review request submits that the Tenants were denied procedural fairness because they were not afforded an opportunity to speak at the hearing and did not provide informed consent.
4. The review request further submits that the Tenants' representative pressured the Tenants into mediation and acted without authority, rendering the consent order invalid.
5. I listened to the hearing recording. Both the Landlord and the Tenant, Alexander Bak, were present. Both parties were represented by legal counsel. The order accurately reflects the terms to which the parties agreed at the hearing, including the termination date of the tenancy.
6. On review of the hearing recording, the Landlord attempted to include an additional clause with respect to entry of the unit. The Tenant and the Tenant's representative immediately opposed to the inclusion of this clause, as it had not previously been discussed or agreed to. As a result, the clause respecting entry to the unit was not included in the consent order. At the hearing, the Board Member confirmed the terms of the agreement and neither party objected to those terms. The Tenant had the opportunity at that time to raise any objection to the agreement or to advise the Board Member of the alleged misconduct of their representative but did not do so.
7. The Divisional Court has stated that "parties ought not to be easily able to revisit Board orders that have been made on consent. The effective resolution of matters that come before the Board will be greatly impaired if parties can continually seek to revisit issues that they have earlier agreed to resolve." (*Trust Construction Corporation v. McKie*, 2017 ONSC 4702)
8. The Divisional Court also stated that "The policy of the courts is to promote settlement. The discretion to refuse to enforce a settlement should be exercised rarely...agreements, and joint submissions, are serious and they should not be easy to simply overturn. To allow parties, after the fact, to raise claims they could have or allow second thoughts after an agreement is struck would cause unnecessary waste on our Tribunals and Courts. No one, even with an order, would feel safe to rely on what has been agreed to. This would not be a just result." (*Gent v. IMH Pool III LP*, 2017 ONSC 7230 CanLII).
9. Under these circumstances, there is no reason to revisit the order. The Tenants' concerns appear to relate to the misconduct of their representative. The LTB is not the appropriate forum to address these concerns.
10. 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 Tenants were not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-008863-24 issued on January 20, 2026 is denied. The order is confirmed and remains unchanged.

January 27, 2026

Date Issued

Mayra Sawicki

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.