



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

Citation: D'Cruz v Scott, 2026 ONLTB 9740

Date: 2026-01-27

File Number: LTB-L-095464-25-SA-RV

In the matter of: Basement, 266 COX MILL RD
BARRIE ON L4N4G5

Between: Vincent George D'Cruz Landlord

And

Kimberly Scott Tenants
Chester Scott

Review Order

VINCENT GEORGE D'Cruz (the 'Landlord') applied for an order to terminate the tenancy and evict Kimberly Scott and Chester Scott (the 'Tenants') and for an order to have the Tenant pay the rent they owe because the Tenant failed to meet a condition specified in the order issued by the Board on October 24, 2025 with respect to application LTB-L-069339-25.

The Landlord's application was resolved by order LTB-L-095464-25, issued on November 18, 2025. This order was issued without a hearing being held.

On November 27, 2025, the Tenants filed a motion to set aside order LTB-L-095464-25.

This application was resolved by order LTB-L-095464-25-SA issued on January 6, 2026.

On January 27, 2026, the Tenant, Kimberly Scott, requested a review of the order.

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

Determinations:

1. The Tenant submits that they were not reasonably able to participate in the proceeding. Based on the order the Tenant was present and participated in the proceeding. It appears that the basis of the review request is to allege a serious error.
2. In the review request, the Tenant alleges that her spouse did not participate in the proceeding, however, the Tenant fails to explain why her husband was not present.

3. The review request further submits that the Tenant felt her issues were not properly heard. The review request gives no details as to what the Member allegedly did to prevent the Tenant to give evidence or submissions.
4. Paragraph “e” of Rule 26.8 of the Board’s Rules of Procedure states that a request to review an order must provide sufficient information to support a preliminary finding of an alleged serious error or an explanation why the requestor was not reasonably able to participate in the hearing. The Tenant has not provided sufficient information to support a preliminary finding that there was a serious error or that the Tenant was not reasonably able to participate in the hearing.
5. The review request further submits that the Tenant requires more time to vacate the unit. The request for more time to vacate is not sufficient grounds for review.
6. Accordingly, 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.

It is ordered that:

1. The request to review order LTB-L-095464-25 issued on January 6, 2026 is denied. The order is confirmed and remains unchanged.

January 28, 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.