



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

File Number: LTB-L-088383-25-RV

In the matter of: 535 WELLINGTON ST
NEWMARKET ON L3Y2C7

Between: Gerry Anthony Landlord

And

Josh Woodcook Tenant
Heather Woodcook

Review Order

Gerry Anthony (the 'Landlord') applied for an order to terminate the tenancy and evict Josh and Heather Woodcook (the 'Tenant') because the Tenant have been persistently late in paying the Tenants' rent.

This application was resolved by order LTB-L-088383-25 issued on January 6, 2026.

On January 23, 2026, the Tenant requested a review of the order.

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

Determinations:

1. The Tenant's request for review (RTR) alleges 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 the proceedings.
3. The notice of termination served upon the Tenant contains two units: 535 and 537. At the hearing, the member found the Tenants were not tenants at unit 537 and accordingly, the member only allowed the application to proceed in respect of unit 535. The RTR alleges the member erred in failing to dismiss the Landlord's application summarily, arguing the Form N8 notice was defective due to the notice containing two-unit addresses.
4. Section 212(1) provides that "*Substantial compliance with this Act respecting the contents of forms, notices or documents is sufficient.*" While the RTR states the notation of two units hindered the Tenant's ability to "*properly prepare for the case against them*", the Tenants have not adequately described how they were unable to properly respond to the Landlord's case, and/or how they were prejudiced as a result. Moreover, a review of the Form N8 filed with the Board shows that the Form N8 distinguished between rent payments made

for each of the two units. Based upon the submissions made, I am not satisfied the Member erred in failing to dismiss the application summarily.

5. The RTR further submits the Order contains an unreasonable exercise of discretion as the member ultimately granted the Landlord's request for termination of tenancy. The Tenant submits a more "appropriate order" should have been a conditional "pay-on-time" order.
6. The Order shows the member considered both parties' circumstances under section 83 of the Act. While the Order shows the Tenant requested a "pay-on-time" order, the Order also shows the Landlord requested eviction, and the Landlord testified the Tenant has not paid rent in the 5 months following the application filing. The member ultimately found the persistently late breach was especially egregious and the member declined to order a pay-on-time order as it *"would not be effective due to the number of times rent has been late of the last 4.5 years, and the fact the Tenants have been late every month for the last 2 years"*. Although another member may have exercised their discretion differently, the member weighed a range of relevant factors under section 83 and the member's decision to grant a near 2-month delayed eviction (as to oppose to pay-on-time order) falls within a reasonable range of outcomes. The member's exercise of discretion is therefore entitled to deference. As I am not satisfied there is a serious error in the order or the proceedings, the Tenant's RTR must therefore be denied.

It is ordered that:

1. The request to review order LTB-L-088383-25 issued on January 6, 2026 is denied. The order is confirmed and remains unchanged.

January 29, 2026
Date Issued

Peter Nicholson
Member, Landlord and Tenant Board

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