



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

Citation: Xu v Kuo, 2026 ONLTB 11087

Date: 2026-01-30

File Number: LTB-L-054430-24-RV

In the matter of: 35 CHALMERS RD
RICHMOND HILL ON L4B1S3

Between: Jie Xu Landlord

And

Chia Lien Kuo Tenants
Mingjie Luo

Review Order

Jie Xu (the 'Landlord') applied for an order to terminate the tenancy and evict Chia Lien Kuo and Mingjie Luo (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-054430-24, issued on November 28, 2025.

On December 29, 2025, the Landlord 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 a serious error occurred in the proceedings or that there is a serious error in the order.

2. The hearing recordings confirm the parties and their legal representatives attended and participated in the November 21, 2024 and October 10, 2025 proceedings. The parties were aware of the issues to be determined and exercised the right to address those issues.
3. By identifying and summarizing the evidence and submissions introduced during the proceedings that led the presiding Board Member to find that the Landlord does not in good faith require the rental unit for the Landlord's family's use, the November 28, 2025 Board order shows that the Member properly exercised his authority under the Act by considering relevant factors to determine the application.
4. Based on the above, I find the parties were afforded procedural fairness as described in section 183 of the *Residential Tenancies Act, 2006* (the 'Act'). No error occurred in the proceedings.
5. In the order, the Member assesses the Landlord's agent's/witness' credibility. The Member notes inconsistencies in the testimony the Landlord's agent/witness gave on November 21, 2024 and on October 10, 2025 and determines, at paragraph 26, that the witness is not credible. Since the Member considered the Landlord's agent's shifting testimony, the Member's finding of credibility was rational and not arbitrary or capricious. As the finder of fact, the Member's finding of credibility is entitled to deference.
6. If there is an error in paragraph 17 of the order, the error is clerical and not a serious, reviewable error. A plain reading of the order shows that the Member accepted that the Tenant's witness Ms Zhao was an employee at the workplace where the Landlord's agent claimed to also work. The order explains at paragraph 12 why the Member found Ms Zhao to be a credible witness. In the circumstances, the Member was entitled to prefer Ms Zhao's evidence over the Landlord's agent's evidence.
7. Having found that the Landlord's agent/witness was not credible, it was reasonable for the Member to find that the Landlord did not prove, on a balance of probabilities, that the Landlord requires possession of the rental unit for the Landlord's agent's and their children's own residential use. Evidence of the children's academic enrollment was, in the circumstances, of no probative value to show that the Landlord gave the Tenants a notice of termination under subsection 48(1) of the Act in good faith. The Member therefore did not err by omitting to describe the material in the November 28, 2025 Board order.
8. There is therefore no error in the November 28, 2025 Board order.
9. Since the Landlord did not show that a serious error occurred in the proceedings, or that there is a serious error in the Board order, the Landlord's request to review the order must be denied.

It is ordered that:

1. The request to review order LTB-L-054430-24 issued on November 28, 2025 is denied.
The order is confirmed and remains unchanged.

January 30, 2026

Date Issued

Harry Cho

Vice Chair, 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.