



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

File Number: LTB-L-102602-25-RV

In the matter of: UPPER, 1162 AVENUE RD
TORONTO ON M5N2E8

Between: First Derivative Investments Ltd. Landlord

And

Beckett Sullivan-Lorenz Tenants
Gregory John Villarico

Review Order

First Derivative Investments Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Beckett Sullivan-Lorenz and Gregory John Villarico (the 'Tenants') because the Tenants have been persistently late in paying the Tenants' rent.

This application was resolved by order LTB-L-102602-25 issued on February 2, 2026

On February 2, 2026, the Tenants 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. The Tenants' review request is based on the grounds of not being reasonably able to participate in the proceedings and serious error.
2. The hearing recording and the order shows the Tenant Beckett Sullivan-Lorenz attended the January 22, 2026 Board proceedings. The recording shows the Tenant was aware of the issues to be determined and that he exercised his right to address those issues. For example, the Tenant testified, was asked if he had evidence to submit and was afforded the opportunity to question the Landlord. The Tenant was afforded procedural fairness as described in section 183 of the *Residential Tenancies Act, 2006* (the Act) and the ground of not being reasonably able to participate in the hearing is without merit.
3. The remainder of the review request largely restated the arguments made at the hearing and addressed in the order. The order includes several paragraphs explaining why the Member concluded the Tenants have persistently failed to pay the rent on the date it is due and why the Member determined a conditional order was not appropriate under section 83 of the Act.

4. For example, the Member points out the Tenants disagreed with the number of late payments being alleged by the Landlord while submitted no evidence showing payments were actually made on time. The Member also considers the Tenant's own testimony acknowledging multiple late payments. The Member's conclusions are rationally connected to the evidence presented and are entitled to deference. Nothing in the recording or the order shows the Member ignored relevant evidence that had the potential to change the outcome of the proceedings.
5. That the Tenants submit they now have evidence to present is not good cause to rehear the matter. The evidence is not new evidence that was not in existence at the time of the original hearing. Rather it is financial records the Tenants could have introduced had they exercised reasonable diligence in preparing for the January 22, 2026 hearing. The review request also asserts these records show multiple payments were made a short time after the date the rent was due. In other words, this additional evidence proves late payments, which is what the Board found.
6. The review process is not an opportunity to reargue the issues in the hopes of achieving a different outcome. The parties are expected to attend the hearing prepared to put their best foot forward by presenting their evidence. The Board's review process is also not a continuation of the hearing meant to provide the parties a chance to change the way a case was presented or seek a rehearing of a matter so they can submit evidence that could have been provided at the original proceeding.
7. The order under review also shows the Member considered the circumstances of the parties when determining whether to delay or deny eviction under section 83 of the Act. The order shows the Member's decision not to issue a conditional order was based on the Tenants' refusal to accept late payments had been made and not being convinced future payments would be made on time.
8. Decisions under section 83 of the Act granting or denying relief from eviction are discretionary findings. The recording and the order confirms the Member considered relevant factors in reaching the decision he did. The conclusions in the order and the reasons provided for them show they are rationally connected to the evidence and they fall within a reasonable range of outcomes. That a different Member may have exercised their discretion differently is not cause for review.
9. The Tenants concern with maintenance issues throughout the tenancy are not grounds for review.
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-102602-25 issued on February 2, 2026 is denied. The order is confirmed and remains unchanged.

February 3, 2026
Date Issued

John Cashmore
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.