



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

File Number: LTB-L-006929-25-RV

In the matter of: 57 MONTRAVE AVE
OSHAWA ON L1J4R6

Between: Niranjan Sarker Landlord

And

Brittany Marie Muir Tenant
Robert Murray Kennedy

Review Order

Niranjan Sarker (the 'Landlord') applied for an order to terminate the tenancy and evict Brittany Marie Muir and Robert Murray Kennedy (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-006929-25 issued on January 23, 2026.

On February 3, 2026, the Tenant Brittany Muir requested a review of the order.

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

Determinations:

1. The Tenant's review requested ("RTR") alleges the order issued by the Board on January 23, 2026 (the "Order") contains a serious error.
2. In particular, the Tenant alleges the "*conditions in this house is not liveable...due to maintenance issue...as now the roof is caving in...*" While somewhat unclear, the RTR appears to suggest there is now a more serious maintenance concern (i.e. roof is caving in) that has progressed since the October 8, 2025 hearing date, resulting in the property being "unliveable".
3. The Tenant attended the hearing, and the Order shows the Tenant raised maintenance issues under section 82 of the *Residential Tenancies Act, 2006* (the "Act") for the member's consideration. Ultimately, the member declined to order an abatement in respect of the issues raised, on the basis the Tenant had not shown that the Landlord failed to reasonably respond to such issues. In this regard, it was noted that the Tenant was not cooperative in allowing the Landlord's contractors to attend the unit.

4. While I am sympathetic to the Tenant's noted personal circumstances, the purpose of the review process is not to provide parties with an opportunity of relitigating the issues in the hopes of a better outcome.
5. Here, the RTR suggests the Tenant's roofing issues, unfortunately, have progressed since the hearing date. It is somewhat unclear from the RTR., however, if/how the member allegedly erred based upon the evidence before the member at the October 8, 2025 hearing. In the absence of such information, I am not satisfied that there is a serious error in the order or the proceedings or that the Tenant was not reasonably able to participate in the proceeding. The RTR must therefore be denied.

It is ordered that:

1. The request to review order LTB-L-006929-25 issued on January 23, 2026 is denied. The order is confirmed and remains unchanged.

February 5, 2026
Date Issued

Peter Nicholson
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.