



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

File Number: LTB-L-080865-25-RV

In the matter of: 1, 474 8TH ST E
OWEN SOUND ON N4K1L5

Between: Kepler Real Estate Inc. Landlord

And

Kalianna Woikin Tenant

Review Order

Kepler Real Estate Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Kalianna Woikin (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-080865-25 issued on February 4, 2026.

On February 4, 2026, the Tenant requested a review of the order.

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

Determinations:

1. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order.
2. The Tenant submits that the Member unreasonably exercised her discretion regarding relief from eviction under section 83 of the *Residential Tenancies Act, 2006* ('the Act'). The Tenant submits that the Member did not meaningfully account for her disability related limitations and the harm that eviction will have on her.
3. Orders granting relief from eviction involve an exercise of the original hearing Member's discretion and are entitled to deference. The Board will not exercise its discretion to review these types of decisions unless the decision is outside the usual range of remedies or where there are no reasons explaining the result. The order reflects that the Member considered the Tenant's disabilities, and that the termination of the tenancy was postponed because of it. However, under section 83 of the Act, the Member had to consider the circumstances of both parties. The Member concluded that the Tenant cannot afford her ongoing monthly rent. This means that the arrears are going to grow not decrease. In those circumstances it was not an unreasonable exercise of discretion to terminate the tenancy.

4. The Tenant submits that in exercising discretion under section 83, the Board did not have the benefit of considering that several serious issues raised with the Landlord involving an interruption of a vital service and a rat infestation remain unresolved. The Tenant states that she understands that not all her issues were accepted for abatement purposes but says that their ongoing nature is directly relevant to the exercise of discretion and the irreparable harm from eviction.
5. The order reflects that the Member considered the tenant issues that were raised. However, the Member determined that only some of the issues were brought to the Landlord's attention and that remedies could only be granted for the issues that the Landlord had been made aware of. The Member made no serious errors in that regard. In exercising her discretion to delay or deny the eviction the Member indicated that she considered all the disclosed circumstances. I am not satisfied that the Member made any serious errors regarding her analysis of the tenant's issues.

It is ordered that:

1. The request to review order LTB-L-080865-25 issued on February 4, 2026 is denied. The order is confirmed and remains unchanged.

February 5, 2026
Date Issued

Amanda Kovats
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.