



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

Citation: Stockey v Byrd, 2026 ONLTB 11776

Date: 2026-02-06

File Number: LTB-L-030900-25-RV

In the matter of: UPPER UNIT, 1315 GEORGE AVE
WINDSOR ON N8Y2X8

Between:	Robert Stockey	Landlord
	And	
	Desiree Byrd	Tenant

Review Order

Robert Stockey (the 'Landlord') applied for an order to terminate the tenancy and evict Desiree Byrd (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-030900-25 issued on January 16, 2026.

On February 1, 2026, the Tenant 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 Tenant's request to review largely restates the Tenant's position on issues that were raised and addressed at the original hearing and voices their disagreement with the Member's determinations.
2. Interpretation Guideline 8 - Review of an Order states:

A review is not an appeal or an opportunity to change the way a case was presented.

The purpose of the review process is not to provide parties with an opportunity of presenting a better or different case than they did at first instance. There is nothing in the record or in the request for review to support a determination that the Member applied improper principles in assessing the evidence introduced or that there was insufficient evidence before the Board to support its conclusions. I would not interfere with the assessment of the evidence by the Member of first instance, who had the opportunity of observing the witnesses and of hearing the evidence in its totality.

TSL-51694-14-IN-RV (Re), 2015 CanLII 23959 (ON LTB) at para 10

3. The Tenant's disagreement with the Member's determinations is not sufficient grounds for review. There is no indication that the Member applied improper principles in assessing the evidence introduced in this case or that there was insufficient evidence before the Board to support the Member's conclusions.
4. While the order contains sufficient reasons to address the issues raised in the request to review, having listened to the hearing recording and reviewed the file, I think it appropriate to specifically address some of the items raised in the request to review.
5. Although the Tenant alleges that the order contains a serious error because the Tenant alleges to have paid the rent claimed to another individual, the Tenant presented no documentary evidence to support this allegation. I should also note that the ease with which the Tenant agreed to enter into a possible payment plan for the arrears of \$30,375.00 (which the Tenant claims to have already paid), suggests to me that they did not pay the rent to the other individual. I would not expect someone to so easily agree to pay over \$30,000.00 that they had already paid. In these circumstances, it was not an error for the Member to find that the rent had not been paid.
6. The Tenant also makes numerous assertions in relation to the ongoing proceedings before the Superior Court of Justice involving the Tenant, the downstairs tenant, the Landlord, and the owner on title, however, very little information with respect to those proceedings was put before the Board. Having said that, there have been numerous proceedings before the Board in relation to the residential complex which make it abundantly clear that the Landlord is a mortgagee in possession who meets the definition of Landlord under the Act. LTB-T-079622-23 is an application by the downstairs tenant, brought by the same representative representing the Tenant, naming the Landlord as the respondent. This application claimed that the downstairs tenant was a tenant of the owner on title under the Act and that they were unlawfully evicted when the Landlord enforced a writ of possession against the owner on title. The Landlord was ordered to restore the downstairs tenant to possession in that proceeding. The Landlord was also found to be the Landlord in LTB-L-075453-24, an application involving the Tenant who was represented by the Tenant's representative.
7. While the owner on title may have brought proceedings in the Superior Court of Justice against the Landlord, no evidence was put before the Board to contradict the evidence already before the Board (specifically COA-23-CV-0974 in LTB-L-075453-24) that the Landlord is a mortgagee in possession.
8. In these circumstances, it does not lie in the mouth of the Tenant's representative to suggest that the Landlord does not have standing to bring the application.
9. The Tenant's allegation that the application is defective because it does not include the name of the owner on title is similarly without merit as there is no requirement under the Act that all possible landlords be named in a landlord's application. The Act simply requires that such an application be made by a landlord, as it was in this case.
10. The Tenant's allegations regarding the jurisdiction of the Board are wholly without merit as the Landlord's application to the Board was filed before the Landlord filed a

counterclaim in the Superior Court of Justice and the remedies sought before the Board are different from those sought before the Court (e.g. eviction).

11. As a result, based on 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 Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-030900-25 issued on January 16, 2026 is denied. The order is confirmed and remains unchanged.

February 6, 2026
Date Issued

Richard Ferriss
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.