



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

File Number: LTB-L-097242-23-RV

In the matter of: 3605, 125 PETER ST
TORONTO ON M5V0M2

Between: Evie Yimin Tong Landlord
Jian Chen

And

Lily Duong Tenant

Review Order

Evie Yimin Tong and Jian Chen (the 'Landlord') applied for an order to terminate the tenancy and evict Lily Duong (the 'Tenant') 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 Tenant remained in the unit after the termination date.

This application was resolved by order LTB-L-097242-23 issued on December 19, 2025.

On January 2, 2026, 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. The Landlord filed a request to review alleging the Member made several serious errors in the order dated December 19, 2025. These alleged serious errors include:
 1. That the Tenant made false statements under oath at the hearing;
 2. That the Member relied on emails which were not properly disclosed prior to the hearing;
 3. That the Member's "assessment in favour of the Tenant...is arbitrary and irrational misapprehension of evidence....without regard to LTB interpretation guideline 8";

4. That the Member based their decision on the Landlord's failure to disclose a previous N12 notice;
 5. That the Member wrongly based their decision on emails sent September 30, 2023 and December 5, 2023;
 6. That the Member partially based their decision on the Landlord intimidating the Tenant by stating the rent will rise "45-53%" if the Tenant refuses to vacate the rental unit;
 7. That the Member erroneously concluded that the Landlord demanded more rent from the Tenant if they had a guest and/or occupant residing in the rental unit;
 8. That the Member erroneously concluded the Landlord attempted to harass the Tenant about guests in the rental unit;
 9. That the Member failed to consider documents uploaded to the portal both before and after the hearing date;
 10. That the Member considered all emails as evidence despite some of them being "at best hearsay"; and
 11. Other paragraphs of the order in which the Landlord believes the Board's findings are improper based on the evidence before them at the hearing.
2. The Landlord further submits that new evidence has been found since the hearing, which was not available on the hearing date.
 3. The overarching theme of the Landlord's request for review is a fundamental disagreement with the order and the Member's findings. The review process, however, is not intended to provide parties with an opportunity to present a better or different case than the one advanced at first instance (see *TSL-51694-14-IN-RV (Re)*, 2015 CanLII 23959 (ONLTB)). The Member is entitled to determine how much weight to give the evidence presented at the hearing.
 4. There is nothing in the record or in the review request to support a conclusion that the Member applied improper principles in assessing the evidence, nor that the evidence before the Board was insufficient to support the Member's conclusions. An example of this is found in paragraph 76 where the Member found:

"In my opinion, the timing of the service of the N12 notice, coming as it did almost immediately after L.D. asserted her rights under the Act to refuse to pay an illegal rent increase and to object to the Landlords' harassment strongly suggests, on a balance of probabilities, that such assertion was the real motivation for the service of the N12."

5. I will not interfere with the Member's assessment of the evidence. The Member, having had the opportunity to observe the witnesses and consider the evidence in its entirety, is owed deference. The findings made are supported by the evidence and fall squarely within the Member's role as the trier of fact.
6. With respect to the allegations of procedural unfairness, the Landlord submits that the Board failed to consider evidence uploaded to TOP prior to the hearing but not introduced at the hearing itself. The obligation lies with each party to present all of their evidence during the hearing. Uploading material to TOP does not, on its own, bring that evidence before the Board. Likewise, uploading documents to TOP after the hearing is improper and such materials cannot be considered by the Member in rendering a decision.
7. Regarding the alleged new evidence, the Landlord asserts that their circumstances have changed since the hearing. This does not constitute new evidence that was unavailable at the time of the hearing and that could be potentially determinative of the issues in dispute. Post-hearing changes in the Landlord's circumstances would not alter the evidence presented at the hearing or the outcome based on that evidence.
8. None of the issues raised by the Landlord in their review request are serious in nature, nor do the issues go to the heart of the order in a manner that could justify a different outcome.
9. 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.

It is ordered that:

1. The request to review order LTB-L-097242-23 issued on December 19, 2025 is denied. The order is confirmed and remains unchanged.

February 9, 2026
Date Issued

Brett Lockwood
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.