



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

File Number: LTB-L-085889-25-RV

In the matter of: 42 Durham Str
Kingston ON K7L1J1

Between: Adrien Djomo Njepang Landlord

And

Jessica Ann Phillips Tenant

Review Order

Adrien Djomo Njepang (the 'Landlord') applied for an order to terminate the tenancy and evict Jessica Ann Phillips (the 'Tenant') because the Tenant did not pay the rent that the Tenant owe.

This application was resolved by order LTB-L-085889-25 issued on January 9, 2026.

On February 6, 2026, the Landlord requested a review of the order.

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

Determinations:

1. The order under review shows the Board Member consented to the Landlord's request to withdraw their L1 application.
2. The Landlords submits the order contains serious errors because the Member included agreed statements and made determinations that ultimately led to the Landlord requesting to withdraw the matter. The Landlord submits the Members determinations are internally inconsistent and that it was improper to include these determinations when the application was being withdrawn. Lastly, the Landlord submits the withdrawal order prejudices their ability to refile their application for rent arrears.
3. Based on the submissions made in the request and my reading of the order under review, I am not satisfied there is a serious error in the order. The order shows the Member raised a preliminary issue with the parties and based on the submissions made and the Member's conclusion that the N4 was invalid, the Landlord sought to withdraw the application. In my view, the order does not amount to more than the presiding Member providing reasons to support her decision to consent to the Landlord's request to withdraw the application.

4. I do not find this order prejudices the Landlord from filing a future application for rent arrears since it is not clear *res judicata* would apply. Even if the doctrine does apply to such a future application, the Board has residual discretion to not apply the doctrine and hear evidence on the issues.
5. For the reasons stated, I am not convinced the Landlord has established there is a serious error in the order or that a serious error occurred in the proceedings. Accordingly, the request for review is denied.

It is ordered that:

1. The request to review order LTB-L-085889-25 issued on January 9, 2026 is denied. The order is confirmed and remains unchanged.

February 10, 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.