



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

**Citation:** 11922297 Canada Inc. v Dempster, 2026 ONLTB 14181

**Date:** 2026-02-10

**File Number:** LTB-L-082875-25-SA-RV2

**In the matter of:** 1, 4595 MORRISON ST  
NIAGARA FALLS ON L2E2B8

**Between:** 11922297 Canada Inc. Landlord

**And**

Kent Dempster Tenants  
Mercedes Dempster

### **Review Order**

11922297 Canada Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Kent Dempster (KD) and Mercedes Dempster (MD) (the 'Tenants') and for an order to have the Tenant pay the rent they owe because the Tenant failed to meet a condition specified in the order issued by the Board on September 3, 2025 with respect to application LTB-L-049795-25.

This application was resolved by order LTB-L-082875-25 issued on October 10, 2025. The Tenants filed a motion to set aside the order. The Tenants' motion was resolved by order LTB-L-082875-25-SA issued on November 19, 2025. The Tenants requested a review of order LTB-L-082875-25-SA. The Tenants' review request and set aside motion were resolved by order LTB-L-082875-25-SA-RV issued on December 22, 2025.

On February 9, 2026, the Tenant MD requested a review of order LTB-L-082875-25-SA-RV.

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

### **Determinations:**

#### Request to extend time

1. The Tenants' request to extend the deadline to file this review request is granted.

#### Review

2. This is the second review request by the Tenants for the same proceeding. Rule 26.18 of the Board's Rules of Procedure provides that the LTB will not consider a further request to review the same order or to review the review order from the same requesting party.

Rule A4.2 permits the Board to waive the application of any rule. In these circumstances it is appropriate to waive the rule. The Tenants' first review request was made on the basis of being not reasonably able to participate in the proceedings and their first review request was granted. In these circumstances the Tenants should not be prohibited from requesting a second review.

3. This review request is made on the ground of serious error.
4. The review request submits that the Tenants would like a review "due to the changes of circumstances listed in the order, also there should have been an increase in the amounts listed as income." The review request does not state what circumstances have changed or how or when they have changed. If the Tenants' circumstances have changed after the hearing this is not the proper subject of a review. The review request does not state that the Member failed to consider evidence given about the Tenants' income. If the Tenants' income has increased after the hearing this is not the proper subject of a review. A review is not an opportunity to update the LTB on circumstances that have changed since the hearing date.
5. The review request also submits that the Tenants have either filed or attempted to file a T6 application which must be heard before the eviction is enforced. There is no reason that the T6 application must be heard before the eviction is enforced. The T6 application is not relevant to the Tenants' previous review request or motion (which are the matters decided by the order under review).
6. The review request does not identify any serious errors in the order or the proceedings.
7. For the above reasons, 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-082875-25 issued on December 22, 2025 is denied. The order is confirmed and remains unchanged.

**February 10, 2026**  
**Date Issued**

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**Renée Lang**  
Vice Chair, 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.