



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

Citation: Tournay v Walker, 2026 ONLTB 14172

Date: 2026-02-10

File Number: LTB-T-003191-24-RV

In the matter of: Upper unit, 1493 PADDINGTON CRT
BURLINGTON ON L7M1W7

Between: Bruce Tournay
Diane Golding
Courtney Golding

Tenants

And

Elise Walker
Jonathan Walker

Landlords

Review Order

Bruce Tournay, Diane Golding and Courtney Golding (the 'Tenants') applied for an order determining that Elise Walker and Jonathan Walker (the 'Landlords') gave a notice of termination in bad faith.

This application was resolved by order LTB-T-003191-24 issued on January 12, 2026.

On February 9, 2026, the Tenant requested a review of the order.

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

Determinations:

1. The Tenants' review request largely restates the Tenants' position on issues that were raised and addressed at the original hearing and it voices their disagreement with the Member's determinations.
2. Interpretation Guideline – 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. While the Tenants maintain that the N12 notice was served in bad faith, the order under review explains that this is but one of the elements of the application the Tenants must prove in order to be successful. As explained in paragraph 3 of the order, another element the Tenants must prove is that the Landlords did not move into the rental unit within a reasonable time after the Tenants vacated. The order finds the Tenants failed to prove this element of their application.
4. The order provides sufficient reasons explaining the Member's findings that the Landlords did move into the unit within a reasonable time and did so once renovations were completed. The Member also finds the renovations done to the unit were not simple and Paragraph 37 of the order provides adequate reasons explaining why the Member determined it was reasonable for the Landlords to not occupy the unit while renovations were being conducted.
5. The Tenants' 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. The Board's review process is not an opportunity to re-argue a matter in the hopes of achieving a different outcome.
6. 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-T-003191-24 issued on January 12, 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
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.