



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

File Number: LTB-L-085267-25-RV

In the matter of: 412, 275 WATER ST
PRESCOTT ON K0E1T0

Between: United Counties of Leeds and Grenville Landlord

And

Lee-Ann Guenter Tenant

Review Order

United Counties of Leeds and Grenville (the 'Landlord') applied for an order to terminate the tenancy and evict Lee-Ann Guenter (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant failed to meet a condition specified in the mediated settlement signed by the parties on December 20, 2024 with respect to application LTB-L-054629-24.

The Landlord's application was resolved by order LTB-L-085267-25, issued on November 3, 2025.

The Tenant filed a motion to set aside order LTB-L-085267-25. The Tenant's set aside motion was resolved by order LTB-L-085267-25-SA issued on February 5, 2026.

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

Determinations:

1. The Tenant's set aside motion was granted. The Landlord submits the order contains a serious error. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order.
2. The Landlord submits that the Board's finding that the Tenant has arranged for ODSP to pay the arrears is incorrect and not supported by the evidence. The order reflects that the Tenant provided evidence of their disability which led to the breach, that they have fixed a paperwork issue with the Ontario Disability Support Program ('ODSP') and that the Tenant provided supporting documentation in the form of emails to prove that. It was open to the Board Member to accept the Tenant's evidence. The Board Member's findings of fact are entitled to considerable deference. As the finding was rationally connected to the evidence led at the hearing and there are reasons explaining the result I am not satisfied that the finding of fact constitutes a serious error.

3. The Landlord also submits that the order contains an error because it does not require payment of the outstanding arrears to the Landlord by a specified date. Order LTB-L-085267-25, issued on November 3, 2025 ('the exparte order') canceled order LTB-L-054629-24 issued on December 20, 2024 ('the payment plan order'). However, order LTB-L-085267-25-SA issued on February 5, 2026 ('the motion order') set aside the exparte order. The impact of which is that the payment plan order is now back into effect. As such the Landlord has an order for the payment of arrears and has recourse for continued breaches of that order. I am therefore not satisfied that the motion order contains a serious error by not duplicating the requirement to pay the arrears.
4. The Landlord also submits that their evidence of breaches of the repayment terms, accommodation attempts, and evidence that the Tenant regularly communicates in writing was not considered by the Board. The Supreme Court in *Construction Labour Relations v. Driver Iron Inc.*, 2012 SCC 65, at para. 3 affirms that administrative tribunals do not have to consider and comment upon every issue raised by the parties in their reasons. The order need only provide sufficient reasons. I find that it did. The order reflects that the Board Member considered the relevant issues and reasons have been provided regarding all of those issues.
5. The Landlord also says that fairness requires consideration of the prejudice to both parties. I agree. The order reflects that the Board Member considered the circumstances of both parties. That the Tenant has taken steps to remedy the breach and thus remedy prejudice to the Landlord is a central factor in the order. The Board Member's exercise of discretion to grant the motion is entitled to deference. I'm not satisfied that the Member exercised their discretion unreasonably.
6. The Landlord's review request is largely an attempt to reargue an application that has been finally determined. That is not the purpose of a review request. The Divisional Court in *Browne v. Henley Crescent*, 2026 ONSC 455 recently concluded that the Board made an error in law in conducting a review in the absence of a serious error. As in that case, the decision the Landlord seeks to review has the hallmarks of a reasonable decision. Disagreeing with a result is not sufficient to make a decision irrational. As the Supreme Court of Canada has pointed out, reasonable people can disagree; the fact that they do is not sufficient to make a decision unreasonable: see *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, at para. 83.)

It is ordered that:

1. The request to review order LTB-L-085267-25 issued on February 5, 2026 is denied. The order is confirmed and remains unchanged.

February 11, 2026
Date Issued

Amanda Kovats
Member, Landlord and Tenant Board

Toronto ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.