



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

Citation: Tomas v Sawicka, 2026 ONLTB 15228

Date: 2026-02-18

File Number: LTB-L-030776-25-RV

In the matter of: 3253 Aubrey Road
Mississauga ON L5L5C9

Between: Alfredo Tomas Landlords
Isabel Tomas

And

Izabela Sawicka Tenants
Arkadiusz Sawicki

Review Order

Alfredo Tomas and Isabel Tomas (the 'Landlords') applied for an order to terminate the tenancy and evict Izabela Sawicka and Arkadiusz Sawicki (the 'Tenants') because the Landlords, in good faith, require possession of the rental unit for the purpose of their own 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-030776-25 issued on October 8, 2025.

On October 23, 2025, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved.

On October 24, 2025, interim order LTB-L-030776-25-RV-IN was issued, staying the order issued on October 8, 2025.

This request was heard by videoconference on November 19, 2025.

The Landlords, the Landlords' legal representative, R. Banguera, the Tenant, I. Sawicka, and the Tenants' legal representative, R. Andrzejewski, attended the hearing. The Landlords' granddaughter, K. Therrien-Thomas also attended the hearing to assist her grandparents.

Determinations:

1. The Tenants did not attend the merits hearing held on May 27, 2025. After that hearing, the Member issued an eviction order on the basis of the Landlords' uncontested evidence. The hearing took place before the termination date, which was June 30, 2025. In the merits hearing order, the Member ordered eviction of the Tenant, provided that the Landlords pay the Tenants the required one month's rent compensation pursuant to sections 48.1 and 55.1 of the Residential Tenancies Act, 2006 (the 'Act'), prior to June 30, 2025.
2. The Tenants requested a review alleging that they were not reasonably able to participate in the hearing held on May 27, 2025. They also allege that the Landlords failed to pay the one month of rent compensation prior to June 30, 2025.
3. At the review hearing, the Landlords' own evidence was that they had not paid compensation until July 8, 2025. It is undisputed. Therefore, they had not paid prior to June 30, 2025. This is new evidence, unavailable at the time of the hearing, and which is determinative of the central issue in dispute. The central issue in dispute is that the Landlords failed to comply with the legal requirement to pay one month compensation to the Tenants prior to the termination date. That constitutes a serious error.
4. Since a serious error has been found in the proceeding, I find that the Tenants' request for review should be granted.
5. The Landlords' application will be dismissed, because they have failed to meet the requirements of sections 48.1 and 55.1 of the Act.

It is ordered that:

1. The request to review order LTB-L-030776-25 issued on October 8, 2025, is granted.
2. Order LTB-L-030776-25 issued on October 8, 2025, and interim order LTB-L-030776-25-RV-IN issued on October 24, 2025, are both cancelled. They are replaced by the following order.
3. The Landlords' application is dismissed.
4. The Tenants shall return the cheque issued to them by the Landlords on July 8, 2025, or if cashed, they shall reimburse the Landlords an amount equivalent to one month of rent, on or before March 1, 2026.
5. The Tenants shall return the cheque or reimburse the Landlords pursuant to paragraph #4 above, on or before March 1, 2026, or interest will start to accrue. The interest shall be simple interest, commencing on March 2, 2026, at a rate of 4.00% on the remaining balance owing by the Tenants.

February 18, 2026
Date Issued

Nancy Morris
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.