



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

Citation: Stam v Walicht, 2026 ONLTB 14770

Date: 2026-02-12

File Number: LTB-T-093025-25-RV

In the matter of: 9, 35/37 WEST AVE N
HAMILTON ON L8L5B9

Between:	Esther Stam	Tenant
And		
	Maciek Walicht	Landlord

Review Order

Esther Stam (the 'Tenant') applied for an order determining that Maciek Walicht (the 'Landlord') **(T2 Application)**:

- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.
- withheld or interfered with their vital services or care services and meals in a care home.

The Tenant also applied for an order determining that the Landlord failed to meet the Landlord's maintenance obligations under the Residential Tenancies Act, 2006 (the 'Act') or failed to comply with health, safety, housing or maintenance standards **(T6 Application)**.

This application was resolved by order LTB-T-093025-25 issued on February 5, 2026.

On February 3, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing. In determining this request, I reviewed the materials in the LTB's file.

Determinations:

1. 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.
2. The review request submits that the Board Member erred by ordering an inappropriate remedy because the Landlord continues to breach their obligations.

3. The review request further submits that the order contains a serious error because:
 - a) the wrong Landlord was named on the application;
 - b) the Landlord committed perjury by providing false information; and
 - c) as a result of the application being scheduled on an urgent basis, the Tenant was unable to properly collect or present evidence.
4. On review of the Board order, the order demonstrates that the Board Member considered relevant evidence and factors as a whole in reaching the appropriate remedy. As noted in paragraph 50 of the order, the Tenant retains the right to pursue a second application if the Landlord continues to breach their obligations after the date of the hearing.
5. Although the Board Member could have ordered an on-going rent abatement, the presiding Member's ordered remedies are entitled to considerable deference. I am not satisfied that the Board Member's exercise of discretion was clearly wrong and unreasonable. The Board Member determined that it was reasonable to grant remedies up to the date of the hearing and provided sufficient reasons for his findings.
6. With respect to the wrong Landlord being named on the application, paragraph 1 of the order states that the Landlord raised this issue on a preliminary basis and requested the application be amended to include the correct legal entity. The Tenant was opposed to the amendment and the presiding Member was not satisfied that the application needed an amendment, therefore, it was reasonable for the Member to proceed on that basis. Even if it is an error to only name Maciek Walicht as a Landlord, it is not a serious error. The fact that the entity is not named is not sufficient to determine that the order contains a serious error.
7. The review request submits that if given the ability to do so, the Tenant can prove that the Landlord provided misleading information. The opportunity to raise all issues and rely on evidence was at the hearing stage not at the review stage of the proceedings. The purpose of the review process is not to provide parties with an opportunity of relitigating the issues in hopes of a better outcome.
8. With respect to requesting a review on the basis of new evidence, Interpretation Guideline 8 - Review of an Order states:

Parties are expected to make every effort to produce all relevant evidence in support of their positions in the original hearing. The review will be dismissed unless the LTB is satisfied the new evidence could not have been produced at the original hearing, is material to the issues in dispute and its consideration could change the result. *First Homes Society v Henry*, [2002] O.J. No. 1754, (Div Ct.); NOL-16865-14- RV(Re), 2014 CanLII 78539 (ON LTB).
9. The Tenant has not provided any details as to what the new alleged documentary evidence is that they seek to present. In addition, the Tenant has not established that the alleged new evidence could not have been produced at the original hearing. As a result, it is not clear that the alleged new evidence would even be relevant to the proceedings.

10. With respect to the Tenant's allegation that the urgent hearing prevented him from adequately preparing for the hearing, there is no evidence before me to suggest that the Tenant requested an adjournment to adequately prepare for his case. As stated in paragraph 7 of this order, the purpose of the review process is not to provide parties with an opportunity of relitigating the issues in hopes of a better outcome.
11. The remainder of the allegations in the request are the Tenant's attempt to reargue his position. Absent a serious error, a review is not an opportunity to reargue your case in hopes of a more favourable outcome.
12. Although the Tenant disagrees with the January 5, 2026 order, the Board's review process is not an opportunity for a party to re-argue a matter that has been finally determined in the hopes of a different outcome.
13. Accordingly, 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-093025-25 issued on February 5, 2026 is denied. The order is confirmed and remains unchanged.

February 13, 2026
Date Issued

Mayra Sawicki
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.