



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

Citation: Guentner v Pacey, 2026 ONLTB 15363

Date: 2026-02-17

File Number: LTB-L-065327-25-RV

In the matter of: 7701 BADGER RD
NIAGARA FALLS ON L2H1H8

Between: Margaret Guentner Landlord

And

Susan Pacey Tenants
Kiana Pacey
Brittany Ruskowski
Maxwell Pacey

Review Order

Margaret Guentner (the 'Landlord') applied for an order to terminate the tenancy and evict Susan Pacey (SP), Kiana Pacey (KP), Brittany Ruskowski (BR) and Maxwell Pacey (MP) (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was resolved by order LTB-L-065327-25 issued on January 8, 2026.

On February 12, 2026, the Tenants 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:

Request to extend time

1. Tenants' request to extend time is granted.

Review request

2. The review request submits that the Member seriously erred by proceeding with the hearing on November 3, 2025 despite being aware that the Tenant was unable to upload evidence and suffered from a long-term brain injury.
3. Only the Tenant MP attended the hearing and so I interpret "the Tenant" to mean MP.

4. The review request acknowledges that the Tenant did not disclose to the Member or to the LTB that they suffered from a long-term brain injury or had any relevant disability. The review request asserts that the Tenant stated in the hearing that they were unable to upload documents to the Tribunals Ontario Portal (the 'portal') and that this statement should have triggered an inquiry into whether the Tenant has a disability. This is not a reasonable submission. Technical difficulties arise in many circumstances that have nothing to do with a disability.
5. There is no indication in the order, review request, or LTB file that the Tenant requested that this hearing be rescheduled or adjourned.
6. The Tenant MP or any of the other Tenants could have submitted evidence in a number of ways other than uploading to the portal, by email for example. In fact, the LTB's records show that on October 17, 2025 the Tenant MP filed a document by email; this was uploaded to the portal by LTB staff. Also I note that the Tenant uploaded nine documents to the portal after 9:00 pm on the date of the hearing and then uploaded five documents to the portal on December 1, 2025.
7. The review request does not give any information as to how or if the Tenant's disability affected: the Tenant's participation in the hearing, the Tenant's ability to upload or otherwise file documents with the LTB, or the Tenant's ability to request that the matter be adjourned or rescheduled.
8. 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 or that the Tenants were not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-065327-25 issued on January 8, 2026 is denied. The order is confirmed and remains unchanged.

February 17, 2026
Date Issued

Renée Lang
Vice Chair, 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.