



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

File Number: LTB-L-073338-25-SA-RV

In the matter of: 12, 1367 COMMISSIONERS RD W
LONDON ON N6K1E2

Between: Pam Gardens Non-Profit Housing Inc. Landlord

And

Sandra Baddams-Smith Tenant

Review Order

Pam Gardens Non-Profit Housing Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Sandra Baddams-Smith (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 order issued by the Board on August 29, 2025 with respect to application LTB-L-034474-25-SA.

This application was resolved by order LTB-L-073338-25, issued on September 10, 2025.

The Tenant filed a motion to set aside the September 10, 2025 order.

The Tenant's motion was resolved by order LTB-L-073338-25-SA, issued on January 15, 2026.

On February 14, 2026, the Tenant requested a review of the January 15, 2026 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 as well as the audio recording for this hearing.

Determinations:

1. The Tenant submits she was not reasonably able to participate in the October 22, 2025 hearing of her set aside motion and that the order under review contains a serious error.

Not Reasonably Able to Participate

2. The hearing recording shows the Tenant attended the October 22, 2025 hearing and was aware of the issues to be determined. She fully participated in the hearing by providing details of her circumstances and making submissions. The Tenant's responses were consistent with the questions asked of her and she nothing in the recording suggests she was not capable of participating. The Tenant was afforded procedural fairness as required by section 183 of the Residential Tenancies Act, 2006 (the Act) and this ground for review has no merit.

Serious Error

3. The Tenant submits she never acknowledged breaching order LTB-L-034474-25-SA, issued on August 29, 2025. The order under review finds the Tenant did acknowledge this and the Tenant submits this is a serious error.
4. Order LTB-L-034474-25-SA requires the Tenant to pay the monthly rent for September 2025 in full on September 1, 2025.
5. Order LTB-L-073338-25, issued on September 10, 2025 finds the Tenant breached the August 29, 2025 order by not paying the rent for September 2025 on September 1, 2025.
6. At the October 22, 2025 hearing for the Tenant's motion to set aside order LTB-L-073338-25, the hearing recording clearly shows the Member asked the Tenant if she had paid the rent for September 2025 on September 1, 2025. The Tenant responded that she had not paid September's rent as of the October 22, 2025 hearing date. She explained it was not paid because she did not know if September 2025 was going to be her last month in the unit.
7. As stated, the recording clearly shows the Tenant did acknowledge the nonpayment of rent on September 1, 2025. While the Tenant may have had an explanation for why she did not pay the rent for September 2025 on the day it was due, her nonpayment was still a breach of the August 29, 2025 order and it was not an error for the Member to conclude the Tenant, despite her explanation, acknowledged the breach that took place on September 1, 2025 when the rent was not paid.
8. The Tenant also submits the Member erred in finding the Tenant was attempting to obtain a loan from the Salvation Army to pay the outstanding rent arrears. The hearing recording confirms the Member inquired about the funds the Tenant had access to on the hearing date. The recording shows the Tenant was unable to state when the Salvation Army would pay money to the Landlord. Since the Tenant did not have the funds available to her on the hearing date and since the Tenant did not know when the funds would be available, I do not find the Member's characterization of the Tenant attempting to obtain a loan is in error. Even if it is, I am not convinced this error is a serious error that would have changed the outcome of the proceedings when all of the circumstances detailed in the order are considered together.
9. The remainder of the Tenant's review largely restates the Tenant's position at the hearing. The hearing recording and the order show the presiding Member considered the Tenant's submissions including her circumstances, her offer to pay the outstanding arrears and the history of the matter before the Board. The Member provides detailed reasons in paragraph 6 of the order explaining why she finds it would be prejudicial to the Landlord to set aside the September 10, 2025 order. This includes a finding that the tenancy is no longer viable, particularly since no payments had been made by the Tenant since August 2025.

10. The Tenant's 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 circumstances of this case when deciding the issues. The Board's review process is not an opportunity for a party to present new arguments or to reargue their case in the hopes of achieving a different outcome.
11. 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 Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-073338-25-SA, issued on January 15, 2026 is denied. The order is confirmed and remains unchanged.

February 17, 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.