



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

File Number: LTB-T-085879-25-RV

In the matter of: Rear bedroom, 2nd floor, 76 Homewood Avenue
Toronto Ontario M4Y2K1

Between: Michael Shmelev Tenant

And

Wayne O'Brien Landlord

Review Order

Michael Shmelev (the 'Tenant') applied for an order to determine whether the *Residential Tenancies Act, 2006* (the 'Act') applies.

This application was resolved by order LTB-T-085879-25 issued on November 7, 2025.

On November 18, 2025, the Landlord requested a review of the order and that the order be stayed until the request to review the order is resolved. The Landlord alleged that they were not reasonably able to participate in the proceeding.

On November 20, 2025, interim order LTB-T-085879-25-RV-IN was issued, staying the order issued on November 7, 2025.

Following a hearing on December 8, 2025, order LTB-T-085879-25-RV-IN2 was issued on December 19, 2025, granting the Landlord's request. The application was adjourned for a new hearing to be held at a future date.

This application was heard by videoconference on February 5, 2026. The Landlord and the Tenant attended the hearing. The Landlord's witnesses, N. Cruz, S. Huang, S. Berry, G.P, and C. Evans were also present.

At the hearing, the Tenant sought to withdraw the application, and I granted the request.

It is ordered that:

1. The Tenant's application is dismissed.

February 20, 2026
Date Issued

Jitewa Edu
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

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