



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

Citation: Domicile Commercial Management Inc. v Moore, 2026 ONLTB 16857

Date: 2026-02-20

File Number: LTB-L-072402-25-RV

In the matter of: 16, 216 METCALFE ST
OTTAWA ON K2P1R1

Between: Domicile Commercial Management Inc. Landlord

And

Arthur Moore Tenant

Review Order

Domicile Commercial Management Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Arthur Moore (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant

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-072402-25 issued on February 9, 2026.

On February 19, 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 request for review does not specify where in the order the Member erred. Instead, the request makes further submissions and disputes the Member's findings and exercise of discretion. The Member's findings are entitled to considerable deference. I will not interfere with the assessment of the evidence by the Member of first instance, who had the opportunity of hearing the evidence in its totality. There is no indication that the

Member applied improper principles in assessing the evidence introduced in this case or that there was insufficient evidence before the Board to support the Member's conclusions.

3. The review request suggests that the Tenant is now prepared to reduce the quantity of books in the rental unit as required by the Landlord. However, paragraph 21 of the original order states that the Tenant refused to remove any of his books to facilitate pest control treatment.
4. Although the Tenant disagrees with the February 9, 2026 order, the Board's review process is not an opportunity for a party to reargue a matter that has been finally determined in the hopes of a different outcome.
5. In my view, the Member made no error in accepting the Tenant's testimony. If the Tenant made an error in the presentation of his case, this does not constitute a serious error in the order or in the proceedings.
6. It was entirely within the Tenant's control to provide evidence or submissions regarding a possible conditional order at the original hearing. The opportunity to do so was afforded. At the hearing, the Tenant expressly stated that he refused to remove any of his books.
7. As stated by the Supreme Court of Canada in *Barendregt v. Grebliunas*, 2022 SCC 22, at paragraph 60, parties cannot benefit from their own inaction when the existence of facts was partially or entirely within their control and that litigants must put their best foot forward at trial.
8. LTB decisions are final and binding. A review is not a continuation of a hearing at a different stage, nor is it an opportunity to alter the manner in which a case was presented or to supplement the evidentiary record after a final order has been issued. .
9. As a result, 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-L-072402-25 issued on February 9, 2026 is denied. The order is confirmed and remains unchanged.

February 20, 2026
Date Issued

Mayra Sawicki
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.