



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

Citation: McCormick v Roberts, 2026 ONLTB 17391

Date: 2026-02-23

File Number: LTB-L-054950-25-RV

In the matter of: 437, 79 JAMES ST S
HAMILTON ON L8P2Z1

Between: YMCA Hamilton Brantford Burlington Landlord

And

Jeffrey Roberts Tenant

Review Order

YMCA Hamilton Brantford Burlington (the 'Landlord') applied for an order to terminate the tenancy and evict Jeffrey Roberts (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex.
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has willfully caused undue damage to the premises.
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex used the rental unit or the residential complex in a manner that is inconsistent with use as a residential premises and that has caused or can be expected to cause significant damage.

The Landlord also applied for an order requiring the Tenant to pay the Landlord's reasonable out-of-pocket costs the Landlord has incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex.

This application was resolved by order LTB-L-054950-25 issued on February 20, 2026.

On February 21, 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. The Tenant submits that paragraphs 6 and 7 of the order incorrectly determine that on June 16, 2025 the Landlord served an N7 notice of termination alleging that the Tenant seriously impaired the safety of persons at the residential complex on December 27, 2024. The Tenant submits that a different notice was served on this date.
2. The Landlord has filed a Certificate of Service indicating that the N7 notice referred to at paragraphs 6 and 7 of the order was served on June 16, 2025. It is possible that another notice was served on this date, but in any event, the COS is a contemporaneous document indicating this document was served on June 16, 2025. I am therefore not satisfied that the order incorrectly determines that the N7 notice in question was served on this date.
3. The Tenant appears to submit that the Member's findings of fact that the Tenant knifed another tenant's door and that the Tenant made various threats against that tenant were unreasonable because they were based on the Landlord's opinions. The Member's findings of fact with respect to the incident of December 27, 2024 are based on a video. Paragraphs 9 and 10 of the order describe what the Member saw and heard in the video. I have also viewed the video. The Member's description of the video in the order is accurate. I am therefore not satisfied that the Member erred by making unreasonable findings of fact as alleged by the Tenant. The video is sufficient evidence upon which to base these findings of fact.
4. The Tenant submits that the Member's finding of fact that the Tenant has threatened the Landlord's staff is based on hearsay evidence. One of the Landlord's witnesses, GH, testified that after the incident on December 27, 2024 the Tenant's aggression and threats toward staff and other residents escalated. This was hearsay because it was based on statements made outside of the hearing and the people who uttered these statements were not available for cross-examination. However, another employee of the Landlord, LM, testified that the Tenant has threatened them on multiple occasions. This statement was made in the hearing and the witness who uttered it was available for cross-examination. This was not hearsay evidence; it was direct evidence.
5. I note that LM did not give evidence that the Tenant's aggression and threats had escalated. However, the Member's findings of fact regarding the December 27 incident were well founded and supported the grounds for termination. The evidence about the Tenant's other conduct are circumstances that the Member was required to consider pursuant to subs. 83(2) of the *Residential Tenancies Act, 2006*. Based on LM's direct evidence, the Member's decision not to postpone eviction was reasonable. The Member's decision not to deny eviction and make a conditional order was based on the Tenant's lack of acknowledgement of his conduct. This decision was also reasonable.
6. The remainder of the review request asserts or re-asserts facts about which the Tenant either testified or should have testified at the hearing. A review is not an opportunity to re-litigate a matter in the hopes of achieving a more favourable outcome.
7. 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.

It is ordered that:

1. The request to review order LTB-L-054950-25 issued on February 20, 2026 is denied.
The order is confirmed and remains unchanged.

February 23, 2026
Date Issued

Renée Lang

Vice Chair, 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.