



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

Citation: Mahiny v Myers, 2026 ONLTB 17472

Date: 2026-02-24

File Number: LTB-L-020140-25-RV2

In the matter of: BASEMENT, 102 Timber Valley Ave
Richmond Hill ON L4E4Z9

Between:	Atena Mahiny	Landlord
	And	
	Scott Myers	Tenant

Review Order

Atena Mahiny (the 'Landlord') applied for an order to terminate the tenancy and evict Scott Myers (the 'Tenant') because the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

The application was resolved by order LTB-L-020140 issued December 11, 2025.

On January 12, 2026, the Tenant requested a first review of the order. The first review was resolved by order LTB-L-020140-25-RV issued on February 17, 2026.

On February 23, 2026, the Tenant requested a second review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

Second Review Denied

1. This is the second review request by the Tenant for the same proceeding. The original order for this matter was issued on December 11, 2025. The Tenant requested a review of that order on January 12, 2025. The Tenant's request was preliminary considered and denied on February 17, 2026 in order LTB-L-020140-25-RV.
2. Rule 26.18 of the Board's Rules of Procedure provides as follows: The LTB will not consider a further request to review the same order or to review the review order from the same requesting party.

3. Rule A4.2 permits the Board to waive the application of any rule. The Board will only do so in extraordinary circumstances.
4. The circumstances in this case are not sufficiently extraordinary to warrant waiving Rule 26.18. The Tenant's second request repeats his submission about unpaid compensation from first request and raises information that is iterative of the previous hearing, not information that is material to, but not available at, the previous hearing. Board hearings are not intended to be trial-and-error over repeated appeals. The purpose of the rule 26.18 is that there be finality in the proceedings between the parties.
5. Accordingly, the Board will not consider the Tenant's second request to review order LTB-L-020140-25 December 11, 2025.

Compensation Issue in First Review Order

6. The Tenant raises the issue that the Vice Chair did not consider the issue of unpaid compensation in the review order LTB-L-020140-25 issued February 17, 2026.
7. The Tenant did not raise the issue of unpaid compensation in his first request for review. Instead he attempts to relitigate the original issue at page 21 of his first review request. The reviewing Vice Chair addressed the issue of compensation at paragraph 13 of the review order, determining that the decision to extend compensation payment to December 31, 2025 was reasonable, and whether the Tenant cashed the check or not was irrelevant.
8. That the Tenant now claims he has not received that compensation, does not mean there is a serious error in either of the previous orders. It is not a serious error of the review order to not address an issue that was not raised. Lack of compliance with an order is not a reviewable error, serious or otherwise.
9. The Tenant was offered and repeatedly did not cash or deposit statutory compensation according to the original order and documents filed by the Tenant. The Tenant is entitled to bring a T1 application with the Board for nonpayment of compensation.
10. Accordingly, the Tennat's request to review LTB-L-020140-25-RV is denied.

It is ordered that:

1. The request to review order LTB-L-020140-25 issued on February 17, 2026 is denied. The order is confirmed and remains unchanged.

February 24, 2026

Date Issued

Julie Broderick

Member, Landlord and Tenant Board

Toronto ON M7A 2G6

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