



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

File Number: LTB-L-089926-25-RV

In the matter of: 315, 20 GRAYDON HALL DR
NORTH YORK ON M3A2Z9

Between: DEVONSHIRE PROPERTIES INC Landlord

And

HANS FELIX Tenant

Review Order

DEVONSHIRE PROPERTIES INC (the 'Landlord') applied for an order to terminate the tenancy and evict HANS FELIX (the 'Tenant') because the Tenant has been persistently late in paying the Tenant's rent.

This application was resolved by order LTB-L-089926-25 issued on January 21, 2026.

On February 24, 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 audio recording for this hearing.

Determinations:

1. The Tenant alleges that LTB order issued on January 21, 2026 (the "Order") contains a serious error.
2. By way of background, the Landlord's L2/N8 application alleges the Tenant has persistently paid rent late.
3. While the Order was not made on consent of the parties due to a disagreement as to the payment of the application filing fee, the hearing recording shows the Tenant did not dispute he persistently paid the rent late and that the Tenant was agreeable to a section 78 conditional payment plan (as requested by the Landlord).
4. The Tenant's request for review (RTR) claims it was agreed with the Landlord's representative in a breakout room that a "warning by email" would be given to the Tenant prior to filing for eviction. While the Tenant may have had discussions with the Landlord's representative prior to the hearing, the Order was not made on consent and in any event, such a condition was not brought to the member's attention. Accordingly, I do not find the member erred in failing to include such a term in the Order.

5. The RTR also alleges the member failed to consider the Tenant's evidence that he received approval from an agent of the Landlord to pay rent late due to the Landlord's office hours which conflict with the Tenant's availability; and, that the Tenant would normally advise the Landlord in advance when rent would be paid late. The RTR also states the Landlord's representative uploaded a "prejudicial" file to the portal for which the Tenant did not have opportunity to review and that the Landlord's representative failed to prove that other tenants paid rent on the 1st of the month. The Tenant thus submits "*there is potential prejudice, bias, and discrimination*" as against the Tenant.
6. The hearing recording shows the Landlord's documentary evidence uploaded prior to the hearing was not considered by the member. The member, in fact, advised the parties that due to lack of service, only the parties' viva voce evidence would be considered. While the Tenant alleges the member failed to adequately consider the surrounding circumstances concerning the late payments, the Order shows the member considered the Tenant's submissions regarding the Landlord's office hours. I am also not satisfied that any alleged omission would have resulted in a different outcome. In this regard, the hearing recording shows that the Tenant acknowledged paying rent late and that the parties were both in agreement with a section 78 conditional payment plan. While in hindsight the Tenant may wish to revisit the key terms and facts agreed upon at the hearing, the purpose of the review process is not to provide parties with an opportunity of relitigating the issues in the hopes of a better outcome. As I do not find that the hearing recording supports an objective finding that a serious error occurred in the order or the proceeding, the Tenant's RTR must be denied.

It is ordered that:

1. The request to review order LTB-L-089926-25 issued on January 21, 2026 is denied. The order is confirmed and remains unchanged.

February 25, 2026

Date Issued

Peter Nicholson

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.