



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

File Number: LTB-L-058047-25-RV

In the matter of: 412 CASERTA CRES
Lakeshore ON N8L0A5

Between: Taras Kiriliak Landlord
Natalia Kiriliak

And

Ricky SIMPSON Tenant

Review Order

Taras Kiriliak and Natalia Kiriliak (the 'Landlord') applied for an order to terminate the tenancy and evict Ricky SIMPSON (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.

This application was resolved by order LTB-L-058047-25 issued on February 26, 2026.

On February 26, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing. I have listened to the recording of this matter.

Determinations:

1. The Tenant alleges that Board order issued on February 26, 2026 contains a serious error (The "Order").
2. By way of background, the Landlords served a Form N12 upon the Tenant on the basis the Landlords in good faith require possession of the rental unit for the purpose of residential occupation for at least one year. While the Form N12 refers to both Landlords moving into the rental unit, only the Landlord Natalia Kiriliak ("NK") filed a declaration and only the Landlord NK was in attendance at the hearing.
3. The Tenant's review request (RTR") claims that the failure to include a declaration of the Landlord Taras Kiriliak ("TK") – one of the other proposed occupants - is a breach of the *Residential Tenancies Act*, 2006 (the "Act"). In particular, the RTR claims the Landlord's application should have been summarily dismissed by the member due to non-compliance with section 72(1) of the *Residential Tenancies Act*, 2006 (the "Act") which provides as follows:

The Board shall not make an order terminating a tenancy and evicting the tenant in an application under section 69 based on ...(a) a notice of termination given under section 48 ...unless the landlord has filed with the Board an affidavit sworn by the person who personally requires the rental unit certifying that the person in good faith requires the rental unit for his or her own personal use for a period of at least one year

4. Here, it is not disputed that the Landlord NK provided a declaration as to her intent to reside in the rental unit for a period of at least one year. In the circumstances, I do not find that the member erred in finding the Act's statutory declaration requirement was met as a result. In this regard, the Act does not provide that each and every occupant must file an accompanying declaration or that they be in attendance at the hearing. In my view, the purpose of the declaration requirement is to ensure that a responding tenant has been provided sufficient particulars of a landlord's application, so as to properly respond and know the case to be met. I find that to be the case here and accordingly, I find no serious error in the member's refusal to summarily dismiss the Landlord's application.
5. The RTR further claims the hearing process was procedurally unfair, as the member purportedly did not allow the Tenant's legal representative to question the Landlord NK as to the Landlord TK's *"intention, including whether they owned other properties"*, on the basis such questioning *"was hearsay because TK was not present"*.
6. While there is no statutory requirement that each intended occupant attend the hearing, ideally all intended occupants would be able to testify at the hearing; the hearing recording shows the member correctly reminded the parties that TK's failure to attend the hearing would go to "weight". Moreover, the hearing recording also shows the Tenant's legal representative asked the Landlord NK questions – and for which answers were provided – concerning the Landlord TK's property interests, retirement plans and health. While the member at one point allowed an objection from opposing counsel concerning the Tenant's representative's commentary/further questioning regarding the Landlord's NK's whereabouts and health, I am satisfied such interruption was due to the matter having already been sufficiently addressed and canvassed, and for the purpose of keeping the parties focused on the relevant issues at hand. In other words, I am satisfied that the direction given by the Member was to ensure a fair and efficient hearing and I find no procedural unfairness as a result.
7. Lastly, the RTR states the member erred in finding there was no last month's rent deposit. As the member made no such order concerning the LMR, I am not satisfied that a serious error has been identified.
8. As I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings, the RTR must therefore be denied.

It is ordered that:

1. The request to review order LTB-L-058047-25 issued on February 26, 2026 is denied.
The order is confirmed and remains unchanged.

March 2, 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.