



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

File Number: LTB-L-033659-23-RV

In the matter of: 303, 191 ST. GEORGE ST
Toronto ON M5R2M6

Between: Aplomb Properties Inc. Landlord

And

Richard Pizale Tenant

Review Order

Aplomb Properties Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Richard Pizale (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-033659-23 issued on February 20, 2026.

On February 28, 2026, the Tenant requested a review of the order.

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

Determinations:

1. The Tenant's review request (RTR) claims that Board order issued on February 20, 2026 (the "Order") contains a serious error.
2. By way of background, the Landlord's L1 Application was filed as a result of the Tenant not paying the rent that the Tenant owes. At the hearing of the Landlord's application, the Tenant was partially successful in raising section 82 maintenance issues. As a result, an abatement of rent was granted, therefore partially offsetting the outstanding rent owing. A voidable eviction order was subsequently granted after a consideration of the parties' circumstances under section 83 of the *Residential Tenancies Act*, 2006 (the "Act").
3. The Tenant claims the member seriously erred in failing to deny eviction under section 83(3(a)) of the *Act*, which provides:

...the Board shall refuse to grant the application where satisfied that, (a) the landlord is in serious breach of the landlord's responsibilities under this Act or of any material covenant in the tenancy agreement;

4. The Order shows the member considered section 83(3) of the Act but ultimately granted the Landlord's application for eviction. As correctly noted in paragraph 53 of the Order, *"the Tenant bears the burden of proving that the breach was serious and ongoing at the time of the hearing"* (emphasis added).
5. As identified by the member, section 83(3)(a) speaks to the present tense and in the absence of evidence showing the Landlord was in serious breach at the time of the hearing, the member was under no obligation to deny eviction. Here, the Tenant does not dispute that the repairs were completed in April 2025. Moreover, the outstanding rent arrears were significant (approximately \$30,000) and the member found the tenancy to no longer be viable. In the circumstances, I find no error in the member's identification and application of the relevant legal principles under section 83 of the Act to the situation at hand.
6. As I am not satisfied there is a serious error in the order or the proceedings, the RTR must therefore be denied.

It is ordered that:

1. The request to review order LTB-L-033659-23 issued on February 20, 2026 is denied. The order is confirmed and remains unchanged.

March 3, 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.