



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

Citation: Van mol v Donaldson, 2026 ONLTB 19467

Date: 2026-03-03

File Numbers: LTB-L-080094-23-RV
LTB-L-052212-24-RV
LTB-T-021402-24-RV

In the matter of: B, 451 KRUG ST
KITCHENER ON N2B1K9

Between: Barbara Van mol Landlords
Robert Van mol

And

Ella Donaldson Tenant

Review Order

Barbara Van mol and Robert Van mol (the 'Landlords') applied for an order to terminate the tenancy and evict Ella Donaldson (the 'Tenant') because the Landlords in good faith require possession of the rental unit for the purpose of residential occupation for at least one year. (LTB-L-080094-23 L2 application)

The Landlords also applied for an order requiring the Tenant to pay the rent that the Tenant owes. (LTB-L-052212-24 L9 application).

The Tenant applied for an order determining that the Landlords:

- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.
- withheld or interfered with their vital services or care services and meals in a care home. (LTB-T-021402-24 T2 application)

These applications were resolved by order LTB-L-052212-24 issued on November 7, 2025

On November 27, 2025, the 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 as well as the audio recording for this hearing.

Determinations:

1. 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.
2. The Landlords submit that the Tenant's address is stated incorrectly on the order. The only address on the order is the rental unit address. I note that the rental unit address appears on the order as the same address given in the Landlords' applications. In any event, if the rental unit address is incorrectly stated this is a clerical error, not a serious error, and the Landlords may file a request to amend the order to rectify the clerical error.
3. The Landlords submit that there is new evidence. Nothing listed by the Landlords in this section constitutes new evidence that would form the basis of a review. New evidence is only a ground for review in situations where the new evidence was material to the issues in the hearing and where it was not available on the date of the hearing with the exercise of due diligence.
4. The Landlords submit that the Member failed to consider that the issue regarding the hole in the floor was resolved prior to the City's deadline to resolve it. The order notes that the Landlord RVM testified that this issue was resolved on October 19, 2024. In the review request the Landlords do not state what date the City's deadline was and so I am not satisfied that the Member failed to consider that the issue was resolved before this deadline.
5. The Landlords point out that the order mentions that the Tenant requested a second handrail and that the order does not state how the handrail would violate the Fire Code. The Landlords have not explained why it would be necessary to mention this in the order, which does not make any determinations or directions respecting any handrail.
6. The Landlords submit that they gave evidence and submissions at the hearing in July 2025 that the rental unit door was open for 20 minutes on a date that coincided with the temperature readings upon which the Tenant relied and that this evidence was not reflected in the order. I listened to the recording for the hearing on July 25, 2025. The Landlord RVM testified that a photograph in the Landlords' evidence showed the door open and that it had been open for 20 minutes. The photograph is date stamped January 6, 2025, which is not one of the dates of the Tenant's temperature readings set out at paragraph 117 of the order. The Landlords' evidence about the door being open for 20 minutes was not considered because it was not relevant to the Tenant's temperature readings.
7. The Landlords submit that the Member failed to consider evidence that they gave about the dishwasher being functional. The order makes no determination that the dishwasher was in disrepair and also does not direct any remedy for this issue and so even if the Member did err by failing to consider this evidence, this error did not affect the outcome of these proceedings.
8. The Landlords submit that the order ignored "structural mitigation measures built to KW building code" but they do not claim to have given any evidence about these measures and so I am not satisfied that the Member ignored evidence about these measures.

9. The Landlords submit that the Tenant's legal representative was permitted to give an extensive closing submission and the Landlords were not given the same opportunity. The Landlords' legal representative gave closing submissions first. He was permitted to speak for as long as he wished. He was not interrupted or cut off. If the Tenant's legal representative then spoke for a longer time this is not an error of the LTB nor is it procedurally unfair.
10. The Landlords submit that the Member did not request input from the Landlord BVM or the upstairs tenant. There is no indication in the order or the review request that the Member refused to hear evidence from either BVM or the upstairs tenant. If the Landlords failed to call BVM or the upstairs tenant as witnesses this is not an error of the LTB.
11. The Landlords submit that they were given only two days in July 2025 to respond to the Tenant's documentary disclosure, which was made some time prior to the July 25, 2025 hearing. At the outset of the hearing on July 25, 2025, the Landlord BVM stated that the Landlord RVM would take carriage of a portion of the Landlords' case because the Landlords' legal representative had given the Landlords "a huge quote" to review this evidence, which was over 200 pages long. The Landlords did not, either themselves or through their legal representative, request an adjournment of the hearing or submit that the Tenant had failed to comply with the LTB's disclosure rules.
12. The Landlords submit that the order relies on an incomplete version of the email correspondence between the parties. However, the Landlords do not submit that they attempted to adduce further email correspondence as evidence and so I am not satisfied that the Member failed to consider relevant evidence. The Member relied on the evidence that was presented.
13. The Landlords submit that there was an appearance of bias. The facts upon which the Landlords rely do not identify any basis upon which a reasonable person, aware of all of the relevant facts, could conclude that the Member would not make an impartial decision. For example, one of the facts upon which the Landlords rely for their allegation of bias is that they were underrepresented. Under the heading of bias the Landlords also assert that their testimony is largely absent from the order but do not identify any specific evidence that was allegedly ignored (other than submissions already addressed in this order).
14. The Landlords submit that the order does not reflect the lack of proper LTB mediation. Although mediation is offered to parties it is not guaranteed. Parties who wish to ensure that they undergo LTB mediation may arrange for it through the Tribunals Ontario Portal prior to the hearing. If the Landlords failed to arrange for mediation this is not an error of the LTB.
15. The Landlords submit that the declaration made by their daughter was not acknowledged. It is difficult to ascertain what the alleged error is here. The Landlords' daughter did not attend the hearing and so she could not be cross-examined on her declaration. Her declaration was therefore hearsay evidence. There is no indication that it

was necessary for the Landlords to rely on this hearsay evidence (i.e., no indication that their daughter was not available to testify) and so it was appropriate for the Member to give this evidence very little weight.

16. The Landlords submit that the order ignores the retaliatory timing of the filing of the T2. This is because this alleged retaliatory timing was not mentioned in the hearing. In any event, the T2 application was adjudicated on its merits.

17. The remainder of the review request states information or submissions that either should have been given at the hearing or were given at the hearing. No part of the remainder of the review request identifies any serious errors in the order or the proceedings.

It is ordered that:

1. The request to review order LTB-L-052212-24 issued on November 7, 2025 is denied. The order is confirmed and remains unchanged.

March 3, 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.