



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

Citation: 1174739 Ontario LTD v Sherman, 2026 ONLTB 19588

Date: 2026-03-03

File Numbers: LTB-T-092260-25-RV
LTB-L-099062-25-RV

In the matter of: Main A, 4541 CRYSLER AVE
NIAGARA FALLS ON L2E3V5

Between: 1174739 Ontario LTD Landlord

And

Randy Sherman Tenant

Review Order

Randall P Sherman (the 'Tenant') applied for an order determining that 1174739 Ontario Ltd (the 'Landlord') failed to meet the Landlord's maintenance obligations under the *Residential Tenancies Act, 2006* (the 'Act') or failed to comply with health, safety, housing or maintenance standards and because the Landlord:

- 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

The Landlord applied for an order to terminate the tenancy and evict the Tenant because the Tenant did not pay the rent that the Tenant owes.

These applications were resolved by order LTB-T-092260-25/LTB-L-099062-25 issued on December 12, 2025.

On March 2, 2026, the Legal Representative requested a review of the order.

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

Determinations:

Request to extend time

1. The Tenant's request to extend time is granted.

Review request

2. This review request is made on the ground of being not reasonably able to participate in the proceedings. The hearing that gave rise to the order under review took place on November 27, 2025 after the parties engaged in mediation. The Tenant attended and was legally represented.
3. At the hearing the parties consented to the order under review. The review request does not assert that the order under review fails to reflect the terms to which the parties agreed. The Tenant submits that they (and presumably their legal representative) did not understand the implications and legal consequences of consenting to this order. The Tenant submits that at the hearing (and/or at the mediation; the review request is not clear on this) they and their legal representative failed to fully canvas ongoing maintenance issues that the Tenant considered to be material to their decision-making.
4. The Divisional Court has stated that “parties ought not to be easily able to revisit Board orders that have been made on consent. The effective resolution of matters that come before the Board will be greatly impaired if parties can continually seek to revisit issues that they have earlier agreed to resolve.” (*Trust Construction Corporation v. McKie*, 2017 ONSC 4702)
5. The Divisional Court also stated that “The policy of the courts is to promote settlement. The discretion to refuse to enforce a settlement should be exercised rarely...agreements, and joint submissions, are serious and they should not be easy to simply overturn. To allow parties, after the fact, to raise claims they could have or allow second thoughts after an agreement is struck would cause unnecessary waste on our Tribunals and Courts. No one, even with an order, would feel safe to rely on what has been agreed to. This would not be a just result.” (*Gent v. IMH Pool III LP*, 2017 ONSC 7230 CanLII)
6. The review request does not provide a sufficient reason to revisit the consent order.
7. 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 or that the Tenant was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-T-092260-25/LTB-L-099062-25 issued on December 12, 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
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.