



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

File Number: LTB-T-066171-24-RV

In the matter of: 102, 209 OAKLAND DR
HAMILTON ON L8E1B8

Between: Sharon Benke Behnke Tenant
Maurice Hadida

And

EIWO Landlord

Review Order

Sharon Benke Behnke and Maurice Hadida (the 'Tenant') applied for an order determining that EIWO (the 'Landlord') :

- entered the rental unit illegally.
- 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.
- failed to meet the landlord's maintenance obligations under the residential tenancies act or failed to comply with health safety housing or maintenance standards

This application was resolved by order LTB-T-066171-24 issued on February 2, 2026 as a result of a hearing that took place on November 26, 2025 where all parties were in attendance.

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

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

Determinations:

1. For the reasons that follow the request to review is denied and the order remains unchanged.

Request to Review

2. The Tenant's request to review alleges the Tenant was not reasonably able to participate and goes on to dispute the findings of fact made by the Member.

3. With respect to the allegation of not reasonably able to participate at the hearing, I find that this is not true. The Tenant was present, was represented by a licensee and made submissions on the preliminary issue raised at the hearing – the sufficiency of particulars in the application. There is no record of this concern raised at the hearing to the presiding adjudicator or a request to adjourn the hearing put forth by the Tenant if they felt ill-prepared.
4. With respect to the assertion of serious errors – I am also not satisfied this is the case. I say this because it appears the Tenant takes issue with the presiding adjudicator's finding of fact that there was no compliance with the interim order and that the presiding adjudicator failed to consider the evidence that was filed which rectified the issue of lacking particulars.
5. The problem with the Tenant's position is twofold – first, the particulars contained on an application do not equate to evidence. The former are detailed facts that form the basis of the legal claim (and which allow the Board to consider a remedy) whereas the latter consists of documents, testimony, etc. to prove those facts.
6. Second, the Tenant was provided the opportunity to amend their application and rectify this deficiency five months before the hearing date, at the adjudicative case conference. The interim order set a deadline for this amendment to be July 18, 2025. This is considered in the Member's decision at paragraphs 5 and 6 of the order that is the subject of this review.
7. On this review, the question before me is whether it was unreasonable for the Member to dismiss an application that lacked particulars? I find it was not.
8. In the face of an application that did not have dates or times or sufficient particulars to allow the respondent to put forth their defence, and where the applicant was already provided an opportunity to rectify the same concern raised at an adjudicative case conference, I find the dismissal to be within the appropriate range of expected outcomes.
9. The purpose of the review process is not to provide parties with an opportunity of presenting a better or different case than they did at first instance. There is nothing in the record or in the request for review to support a determination that the Member applied improper principles in assessing the submissions or that there was insufficient evidence before the Board to support its conclusions. I would not interfere with the assessment of the evidence by the Member of first instance, who had the opportunity of hearing the submissions in its totality.
10. 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 and the request to review is denied.
11. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The request to review order LTB-T-066171-24 issued on February 2, 2026 is denied. The order is confirmed and remains unchanged.

March 5, 2026
Date Issued

Sonia Anwar-Ali
Member, 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.